

Office for Civil Rights and Civil Liberties

Newsletter Vol. 13, #9 | May 2023

The Office for Civil Rights and Civil Liberties (CRCL) supports the U.S. Department of Homeland Security (DHS) as it secures the nation while preserving individual liberty, fairness, and equality under the law.



CRCL Operations During COVID-19 Response

Per guidance from the U.S. Office of Personnel Management in response to COVID-19, CRCL is operating under telework flexibilities while continuing to serve and support the public. As a result, mail operations may be impacted and our response to mailed letters may be delayed. If you wish to file a complaint, the best method of submission at this time is via email to: <u>CRCLCompliance@hq.dhs.gov</u>. CRCL staff will continue to monitor this email address, and our toll-free hotline for your questions at: 1-866-644-8360, TTY: 1-866-644-8361. For additional details on how to file a civil rights complaint, visit: https://www.dhs.gov/file-civilrights-complaint.

DHS Contributes to First-Ever U.S. National Plan to End Gender-Based Violence

The White House has released the first-ever U.S. National Plan to End Gender-Based Violence: Strategies for Action. When President Biden issued the Executive Order establishing the first-ever White House Gender Policy Council, he called on the Gender Policy Council to develop the first U.S. government-wide plan to prevent and address sexual violence, intimate partner violence, stalking, and other forms of gender-based violence (referred to collectively as GBV).

Gender-based violence is a public safety and public health crisis, affecting urban, suburban, rural, and Tribal communities in the United States. It is experienced by individuals of all backgrounds and can occur across the life course. The National Plan provides a comprehensive, government-wide approach to preventing and addressing GBV in the United States, and is guided by the lessons learned and progress made as the result of tireless and courageous leadership from GBV survivors, advocates, researchers, and policymakers, as well as other dedicated professionals and community members who lead prevention and response efforts. While the Plan is focused specifically on federal action, it is designed to be accessible and useful to public and private stakeholders across the United States for adaptation and expansion—because all communities are vital to ending GBV.

The Department's efforts to end GBV are led by the DHS Council on

Combating Gender-Based Violence, which is co-chaired by CRCL and the DHS Office of Partnership and Engagement. On May 25, the White House hosted a launch event to release the National Plan, which featured a roundtable of federal officials that detailed their agency's efforts to combat GBV. CRCL Officer Shoba Sivaprasad Wadhia gave remarks where she highlighted the Department's survivors-centered approach to addressing and preventing GBV, which includes providing resources and training to DHS personnel, diverse communities, and the public.

Inside

DHS Contributes to U.S. National Plan to End Gender-Based Violence

CRCL Participates in National Fusion Center Association Conference

Migration Borders: Expanding Lawful Pathways and Enhanced Enforcement

CRCL Meets with AMEMSA Stakeholders in Chicago

Environmental Justice Strategy and Scorecard

DHS Announces Upcoming Reparole Process for Afghan Nationals

CRCL on the Road

Contact Us

CRCL Participates in National Fusion Center Association Conference and Training Event

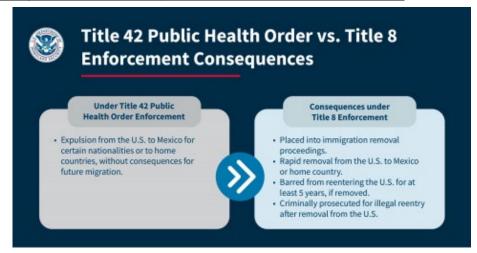
Last month, the National Fusion Center Association held its annual Conference and Training Event. The event was attended by fusion center directors, analysts, civil liberties and privacy officers, other fusion center staff, DHS staff and subject matter experts, and a wide range of technology venders. CRCL leadership and staff attended and participated in trainings and spoke on a panel discussion and townhall focused on privacy and civil rights/civil liberties matters. CRCL Officer Shoba Sivaprasad Wadhia also presented Privacy and Civil Liberties Awards for Excellence and Innovation to staff recipients from the Florida Fusion Center and the Southern Nevada Counter-Terrorism Center.



Migration and Borders: Expanding Lawful Pathways and Enhanced Enforcement

When the CDC's Title 42 public health Order lifted at 11:59 p.m. ET on May 11, the United States returned to fully enforcing Title 8 immigration authorities to expeditiously process and remove individuals who arrive at the U.S. border unlawfully and do not have a legal basis to stay.

These decades-old authorities carry steep consequences for unlawful entry or irregular entry, including at least a five-year bar on admission and potential criminal prosecution for



repeat violators. Individuals who cross into the United States at the Southwest Border without authorization or having used a lawful pathway, and without having scheduled a time to arrive at a port of entry, would be presumed ineligible for asylum under a new proposed regulation, absent an applicable exception.

Enforcement of immigration laws under Title 8 is expected to reduce the number of repeat border crossings over time, which increased significantly under the Title 42 public health Order, since it did not allow for legal consequences. Visit Migration and Borders: Expanding Lawful Pathways + Enhanced Enforcement for audio/visual resources, fact sheets, official statements, and videos of press briefings and remarks from Secretary Mayorkas.

CRCL Meets with AMEMSA Community Stakeholders in Chicago

This month, CRCL hosted a joint Traveler Redress engagement in Chicago with representatives from TSA and CBP. This engagement was held to directly respond to concerns from local Arab, Middle Eastern, Muslim and South Asian (AMEMSA) community leaders.

Topics discussed included the distinction between TSA and CBP during interactions at airport ports of entry, secondary screening processes, traveler redress options both in person and online, questions about watchlist usage, and civil rights and civil liberties oversight and customer rights. Regional representatives from TSA and CBP also answered questions, discussed pathways to redress, shared updated resources, and clarified their different roles and responsibilities.

Stakeholders appreciated CRCL's responsiveness to their concerns. DHS partners valued hearing direct feedback and plan to integrate those insights into policies and tools to ensure equitable traveler experiences.

Emergency Food and Shelter Program National Board Allocates Over \$300 Million to Local Communities for Humanitarian Support

The Emergency Food and Shelter Program's National Board has announced the allocation of \$332.5 million to assist communities receiving noncitizens released from custody as they await the outcome of their immigration proceedings. This allocation, through the Emergency Food and Shelter Program-Humanitarian program, will go to 35 local governments and service organizations. This is just one component of the Department's comprehensive, multi-agency plan to manage increased encounters at the Southern Border and support communities when the Title 42 public health Order lifts.

This first round of funding was focused primarily on the needs of border communities due to the urgencies they are confronting. Several interior cities also received funding. The City of New York received the most of any interior city by a significant margin given its challenges. Later this Fiscal Year, DHS will award approximately \$360 million in additional funds through the new Shelter and Services Grant Program. Absent a change of circumstances, this next round of funding will be focused on the needs of interior cities, in addition to border communities. It is anticipated that New York will again receive a significant share in that round.

Read more here: Emergency Food and Shelter Program National Board Allocates Over \$300 Million to Local Communities for Humanitarian Support.

Environmental Justice Strategy and Scorecard

On April 21, President Biden signed the historic new Executive Order 14096 to *Revitalize Our Nation's Commitment to Environmental Justice for All.* The new executive order expands existing environmental justice initiatives to better protect overburdened communities from pollution and environmental harms and ensure that all people – regardless of race, background, income, ability, Tribal affiliation, or zip code – can benefit from the safeguards of environmental and civil rights laws. Following many years of advocacy, the new executive order includes multiple explicit references to Title VI, civil rights law and compliance, disability, and increasing accessible community engagement.

As referenced in the executive order, the Administration also published the first-ever <u>Environmental Justice Scorecard</u>, a government-wide assessment of federal agencies' efforts. This Phase One scorecard focuses on three areas: the <u>Justice40 Initiative</u>; Environmental and Civil Rights Protection; and Institutionalizing Environmental Justice.

The Administration also announced the White House Campaign for Environmental Justice to support its efforts to focus agency resources better and draw attention to the needs of marginalized and overburdened communities. DHS is working closely with the White House to align its outreach and community engagement efforts to ensure they reach impacted communities and stakeholders, including individuals with disabilities, diverse racial and ethnic communities, and individuals with limited English proficiency.

The Department's environmental justice program is co-led by CRCL and the DHS Office of the Chief Readiness Support Officer. These offices work collaboratively with DHS Components and Headquarters, and in coordination with our federal partners, to provide policy and guidance, internal and external training, and subject matter expertise to fulfill the obligations of Executive Order 14096 and related authorities. For more information, visit the DHS Environmental Justice Strategy webpage.

<u>DHS Issues National Terrorism Advisory System Bulletin</u> Lone Offenders and Small Groups Continue to Post a Persistent Threat to the Homeland

On May 25, Secretary of Homeland Security Alejandro N. Mayorkas issued a National Terrorism Advisory System (NTAS) Bulletin regarding the continued heightened threat environment across the United States. This is the eighth NTAS Bulletin issued by DHS since January 2021 and it replaces the Bulletin that expired on May 25 at 2:00 PM ET.

"Recent tragic events highlight the continued heightened threat environment our nation faces, and these threats are driven by violent extremists who seek to further their ideological beliefs and personal grievances," said Secretary Alejandro N. Mayorkas. "We are working with partners across every level of government, within the private sector, and in local communities to keep Americans safe. We will continue to share information and intelligence, equip communities with training and resources, and fund security enhancement and prevention efforts through millions of dollars of grant funding."

Read more here: DHS Issues National Terrorism Advisory System (NTAS) Bulletin (in multiple languages)

DHS Announces Upcoming Re-parole Process for Afghan Nationals

DHS has announced it is establishing a process to re-parole eligible Afghan nationals so they can continue living and working legally in the United States. Beginning in June, Afghan nationals who arrived in the United States under humanitarian parole through Operation Allies Welcome (OAW) will be able to request a re-parole through online and paper filing. As with any parole request, these requests will be considered on a case-by-case basis for urgent humanitarian reasons and significant public benefit. Additional details regarding the process will be available soon.

The Biden-Harris Administration is committed to the continued safety, security, and well-being of the thousands of Afghan nationals who arrived in the United States through OAW and continue to through Enduring Welcome (EW). The Administration has repeatedly put forward an adjustment act and publicly called on Congress to support a bipartisan adjustment act that would provide a durable, more streamlined immigration pathway for those currently in parole.

Afghan nationals are encouraged to pursue a permanent status in the United States for which they may be eligible, including through the Special Immigrant and Asylum processes, and should create or update online accounts on myUSCIS. Starting on May 17, DHS began hosting Afghan Support Centers across the country – the first will be held in Phoenix, Arizona. U.S. government personnel and nongovernmental organizations at the centers will provide information regarding immigration and social services available for those who arrived through OAW and EW. Additional dates and locations for Afghan Support Centers will be announced in the coming weeks.

CRCL on the Road, March - May

* CRCL's Community Engagement team has resumed and expanded in-person engagement with diverse communities. We are also continuing virtual, hybrid, and in-person meetings with federal, state, local, and civil society stakeholders across the country. We remain available to respond to any stakeholder questions or concerns via email at: CommunityEngagement@hq.dhs.gov. Thank you for your continued flexibility and partnership during this time.

March 13 – Dearborn, Michigan

CRCL participated in a TSA redress and civil rights engagement with Arab and Muslim community leaders.

May 1-3 – Boston, Massachusetts

CRCL met with stakeholders to resume outreach and engagement since the onset of the COVID-19 pandemic.

May 23-24 – Cincinnati, Ohio and Louisville, Kentucky CRCL met with civil society leaders from AMEMSA communities and immigration organizations.

April 6 – Southwest Border (virtual)

CRCL engaged with civil society stakeholders to hear feedback and concerns on the use of the CBP One app.

May 17-19 - Seattle, Washington

CRCL met with civil society and city officials, along with local/regional USCIS, CBP, and ICE leadership.

May 30 – Miami, Florida (virtual)

CRCL engaged with local stakeholders regarding the new online complaints portal.

Additional information, and contacting us

The goal of this periodic newsletter is to inform members of the public about the activities of the DHS Office for Civil Rights and Civil Liberties, including: how to file complaints; ongoing and upcoming projects; opportunities to offer comments and feedback; etc. We distribute our newsletters via our stakeholder email list and make them available to community groups for redistribution. Issues of the newsletter can be accessed online at: www.dhs.gov/crcl-newsletter.

If you would like to receive this newsletter via email, want to request back issues, or have other comments or questions, please let us know by emailing crcloutreach@dhs.gov. For more information, including how to make a civil rights or civil liberties complaint about DHS activities, visit: www.dhs.gov/crcl.

CRCL Phone: 202-401-1474 • Toll Free: 866-644-8360 • TTY: 202-401-0470 • Toll Free TTY: 866-644-8361

DISCLAIMER: The Department of Homeland Security (DHS) provides links to non-government websites for convenience and informational purposes only. These websites may contain information that is copyrighted with restrictions on reuse. Permission to use copyrighted materials must be obtained from the original source and cannot be obtained from DHS. DHS is not responsible for the content of external websites linked to or referenced from the DHS web server. DHS neither endorses the information or content of external websites, nor guarantees the accuracy of the information contained on external websites. When you select a link to an external website, you are leaving the DHS site.

Follow the Office for Civil Rights and Civil Liberties on Facebook at: facebook.com/CivilRightsandCivilLiberties.