

July 12, 2023

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
301 7th Street SW
Washington, DC 20520
U.S. Department of Homeland Security

CC

Troy Miller, Senior Official Performing the Duties of Commissioner, U.S. Customs and Border Protection (CBP)
Deanne Criswell, Administrator, Federal Emergency Management Agency (FEMA)

Re: NGOs Express Concern Over Disregard for Key Shelter Needs in Initial Distribution of Shelter and Services Program Funding, Call for Improved Coordination and Partnership

Dear President Biden and Secretary Mayorkas,

The undersigned **72** local, state, and national organizations write to express deep concern with the Department's failure to invest crucial Shelter and Services Program (SSP) funds in a manner that is responsive to those on the front lines of the effort to welcome arriving asylum seekers. The June 12 distribution left many recipients surprised and unprepared to make use of large sums, and others – primarily humanitarian reception shelters at the border – left without vital and planned-for relief.

The undersigned organizations call for improved coordination, transparency, and accessibility in future SSP distributions that recognize and uplift the vital partnership between DHS and NGOs in the humane and dignified processing of arriving migrants.

In recent years, an increasingly coordinated and effective network of humanitarian reception shelters, respite centers, and community groups has grown to play a critical role in the border management response. These shelters often work in close collaboration with Department of Homeland Security (DHS) officials to ensure that migrants have access to basic services and a safe place to go after they are processed and released from DHS custody. Operational under the Federal Emergency Management Agency (FEMA) since 2019, the Emergency Food and Shelter Program-Humanitarian (EFSP-H) has become a crucial financial support mechanism for shelters and local communities welcoming new arrivals. For many shelters, these funds are a lifeline that allow them to provide food, clothing, basic medical aid, legal information, and transportation support, including onward to their final destination where people seeking asylum can reunite with friends and family and connect to legal and case management services.

Under the Fiscal Year 2023 Consolidated Appropriations Act, EFSP-H funding was transitioned to a new program under CBP called the Shelter and Services Program.¹ The explanatory text justifying the change noted the newly created SSP would be designed to “facilitate more effective support of CBP efforts to efficiently process and humanely treat noncitizens. It also acknowledges the existing vital partnership between CBP and NGOs.”² SSP was created to “support CBP in effectively managing noncitizen processing and preventing the overcrowding of short-term CBP holding facilities.”³

During the transition to SSP, FEMA and CBP conducted a series of listening sessions and collected feedback regarding the construction of the new program.⁴⁵ Shelter partners engaged meaningfully and thoroughly in these sessions, seeking to work with the administration and DHS to create a more flexible, accessible program that can support more shelters, reception sites, and local communities of welcome at the border and across the country to continue this close coordination with DHS sub-agencies at and around the border. Organizations specifically called for the creation of a program that was more responsive to the needs of NGO partners, ensured sustainable reception practices, and met crucial humanitarian needs.⁶

In the initial SSP distribution of \$261,040,000 announced publicly on June 12, FEMA and CBP appeared to ignore these recommendations, allocating the funds without even providing potential recipients an opportunity to demonstrate need via a Notice of Funding Opportunity (NOFO). Instead, the investment significantly altered previous allocations under EFSP and delivered a disproportionate amount of the funds (approximately 55%) to city governments in the interior of the United States. The New York City Office of Management and Budget alone received over \$100 million and accounted for 36% of the entire distribution.

Many shelters and communities around the country that continue to rely heavily on this funding to provide dignified reception were either provided far less than planned for or did not receive funding at all.

The decision to disregard extensive input from NGOs and shelters and distribute this critical, life-saving support without even offering them the chance to apply diminishes the “vital partnership between CBP and NGOs” and will reduce the country’s ability to “efficiently process and humanely treat noncitizens.” In this way, the distribution fails to respond to congressional intent.

¹ United States, Congress, Public Law 117-328, Consolidated Appropriations Act, 2023, congress.gov, 2022. Congress.gov, <https://www.congress.gov/bill/117th-congress/house-bill/2617>

²United States, Congress, DHS Joint Explanatory Statement FY23, U.S. Senate Appropriations Committee, 2022. Office of Senator Kyrsten Sinema,

https://www.sinema.senate.gov/sites/default/files/2023-06/DHS_%20Joint%20Explanatory%20Statement_FY23.pdf

³ Ibid.

⁴ Webster, Elizabeth. *FEMA’s Emergency Food and Shelter Program - Humanitarian Relief (EFSP-H) and the New Shelter and Services Program (SSP)*. Congressional Research Service, 16, May 2023. *CRS Reports*, <https://crsreports.congress.gov/product/pdf/IN/IN12132>

⁵ *Listening Session on Shelter and Services Grant Program Framing Paper*. Federal Emergency Management Agency (FEMA), https://www.fema.gov/sites/default/files/documents/fema_listening-session-shelter-services-grant-program-framing-paper.pdf

⁶ *Sustainable, Orderly, and Safe Reception at the US-Mexico Border: Recommendations for the Shelter and Services Program*. Border Servant Corps, International Rescue Committee, Jewish Family Service of San Diego et. al., April 19, 2023. *Women’s Refugee Commission*, <https://www.womensrefugeecommission.org/research-resources/sustainable-orderly-and-safe-reception-at-the-us-mexico-border-recommendations-for-the-shelter-and-services-program/>

In the Notice of Funding Opportunity published on June 12, DHS appears to double down on this allocation of funding by restricting eligible applicants to future rounds of funding to those that received a grant in the initial distribution. The NOFO states only that “eligible applicants may change with the second tranche of funding” and encourages other prospective recipients to apply only as subapplicants.⁷ This construction raises serious accessibility concerns and may ultimately prevent shelters that have and continue to rely on this funding to provide critical reception services from receiving support. Moreover, under the new SSP funding structure, fiscal agents are responsible for the distribution of funds, some of whom also would receive funding. Other concerns from the NOFO include: funding restrictions on travel; reporting requirements of A-Numbers and other personal identifiable information; and lack of clarity around future eligible applicants.

The EFSP-H program delivered vital support, but the program was not perfect. The transition to SSP continues to provide an opportunity to improve, refine, and grow efforts to support asylum seekers released by DHS at the border and across the country. Ultimately, the Biden administration and Congress should support funding and programs beyond SSP to meet the moment and support longer-term reception needs of people seeking asylum in their destination cities.

The undersigned organizations urge the administration to work in partnership with NGOs to receive people seeking asylum in a humane and orderly manner. We call on the administration to improve coordination with NGOs in future distributions of SSP funds – including by expanding eligibility to additional organizations to submit SSP applications in the second round of funding – to ensure shelter networks have the resources they need to continue to provide critical services to asylum seekers.

Sincerely,

ACLU of Missouri
ACLU of San Diego & Imperial Counties
African Communities Together (ACT)
African Human Rights Coalition
Al Otro Lado
Alianza Americas
Asian Americans Advancing Justice | AAJC
Asylum Seeker Advocacy Project (ASAP)
Border Kindness
Border Network for Human Rights
Catholic Community Services of Southern Arizona - Casa Alitas
Catholic Legal Immigration Network, Inc.
Center for Victims of Torture
CHIRLA - Coalition for Humane Immigrant Rights
Church World Service

⁷ *The Department of Homeland Security (DHS) Notice of Funding Opportunity (NOFO) Fiscal Year 2023 Shelter and Services Program*. FEMA, June 12, 2023. [FEMA.gov, https://www.fema.gov/grants/preparedness/shelter-services-program/fy-23-nofo](https://www.fema.gov/grants/preparedness/shelter-services-program/fy-23-nofo)

Coalition on Human Needs
Communities United for Shelter and Protection (CUSP)
Community for Children, Inc.
Dignity Health - St. Joseph's Hospital and Medical Center
Diocesan Migrant and Refugee Services Inc
Dorothy Day Catholic Worker, Washington, DC
Esperanza Immigrant Rights Project
Florence Immigrant & Refugee Rights Project
Franciscan Action Network
Freedom for Immigrants
Friends Committee on National Legislation
Frontera de Cristo
HIAS
Human Rights First
Immigrant Defenders Law Center
Immigration Equality
Immigration Hub
Immigration Law and Justice New York
Interfaith Welcome Coalition - San Antonio
International Refugee Assistance Project (IRAP)
International Rescue Committee
IRUSA
Jewish Activists for Immigration Justice of Western MA
Jewish Family Service of San Diego
Justice For Our Neighbors North Central Texas
Kino Border Initiative
Las Americas Immigrant Advocacy Center
Latin America Working Group
LifeWise StL
Maryknoll Office for Global Concerns
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project (NIPNLG)
National Network for Immigrant and Refugee Rights (NNIRR)
National Partnership for New Americans
NETWORK Lobby for Catholic Social Justice
Oasis Legal Services
Presbyterian Church USA
Refugees International
Save the Children
Sisters of Mercy of the Americas Justice Team
Southern Border Communities Coalition
Southern California Immigration Project
St. Columban Mission for Justice, Peace and Ecology
Student Clinic for Immigrant Justice

Tahirih Justice Center
Team Brownsville Inc
UC San Diego
UndocuBlack Network
Unitarian Universalists for Social Justice
United Church of Christ, Justice and Local Church Ministries
Washington Office on Latin America
We Are All America
Wind of the Spirit Immigrant Resource Center
Witness at the Border
Women's Refugee Commission
Young Center for Immigrant Children's Rights