



MIGRANT WOMEN IN THE UNITED STATES

ADDRESSING SERVICE GAPS



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Introduction

The United States (U.S.) has seen an unprecedented influx of migration and asylum seekers in the past year due to increased violence and volatility in countries across the globe.[1] Under international law pursuant to the principle of non-refoulement, countries receiving asylum seekers are forbidden from returning them to a country in which they would be in probable danger of persecution.[2] Despite this obligation, the U.S. has allowed its immigration system to fall into dysfunction and continues to deport millions of migrants seeking refuge back to their home countries.[3] The latest available data shows that the number of asylum seekers awaiting hearings in the U.S. has reached at least 1,565,966.[4] About half are awaiting hearings before judges in the Immigration Courts at the Department of Justice, and the other half await their fate before the U.S. Citizenship and Immigration Services, housed in the Department of Homeland Security.[5] These asylum services are scheduling backlogged cases dating all the way back to 2016.[6] In the meantime, deportations to areas of extreme violence persist, stoking fear in those seeking refuge in the U.S.[7]

Multiple factors contribute to the current immigration and refugee crisis. When President Biden came into office, the refugee system in the U.S. was already on life support due to severe budget cuts under the Trump Administration and public health policies halting migration.[8] Because of the pandemic era statute, Title 42, migrants have been turned away at the U.S. border, 1.7 million times since Biden took office.[9] Revitalizing the refugee program in the U.S. requires a significant influx of funding to make up for the budgetary deficit and recent increase in migration.[10] In 2022, the Department of Justice requested \$177 million to add one hundred judges and support staff members, stating that “the historic backlog is not sustainable and requires additional resources so that justice may be done.”[11] Yet, nothing is being done to remediate the situation, and the refugee crisis persists.[12] Migrants are filtering in to the U.S. undocumented, fearing for their lives. Despite seeking refuge, they are met with more fear and uncertainty.

The Biden-Harris administration pledged to expand the number of refugees allowed in the U.S. during Biden's presidency.[13] In 2022, one million migrants were admitted to await an asylum hearing.[14] Yet, the average time before a decision on an asylum case is close to five years.[15] And, once in the U.S., it takes about a year before the federal government grants asylum seekers permission to work, no designated funding to help support them in the meantime exists.[16] Migrants who do not already have a sponsor in the country must rely on whatever public assistance is available.[17] Crossing the border illegally without documentation is often the only option for those fleeing violence and economic despair, and without documentation, federal assistance and supportive services are hard to come by. Often, when released from government custody to await immigration court hearings, migrants disappear, never showing up for their court dates or required check-ins, struggling to comply with the reporting requirements in a system that is overloaded, unorganized, and plagued with barriers to accessibility.[18]

A bloated refugee system leaves those fleeing unimaginable violence at the mercy of this unforgiving system. Particularly vulnerable are migrant women, who often are subject to violence and abuse while migrating into the U.S. and are primarily responsible for providing care to their children.[19] A study analyzing the health of migrant women after settlement in a new country found that they typically have high rates of post-traumatic stress disorder, which is only exacerbated when they land in unfamiliar territory, lacking language skills and social networks.[20]

Furthermore, as this report will highlight, migrant women often end up experiencing homelessness due to lack of shelter services and barriers to obtaining public assistance.[21] However, social support for migrant women is difficult to maintain due to access barriers, communication challenges, cultural differences, and a lack of health literacy.[22]

This report will serve to expose existing gaps in the services provided to migrant women seeking asylum in the U.S. and provide recommendations to address these gaps, using an international human rights framework. The United Nations (UN) Human Rights Council (UNHCR) has set forth a “basic needs approach” to enable migrants to meet their basic survival needs and achieve long-term well-being through services based on their socio-economic vulnerabilities and capacities.[23] The basic needs discussed in this report are adequate shelter and housing, safety and health needs, access to counsel, and education and employment.

First, the report will introduce the international human rights system. Second, it will highlight the current needs of migrant women including the corresponding rights. Third, the report will discuss the current gaps and deficiencies in the services available. Lastly, the report will conclude with recommendations to address these gaps.

I. The International Human Rights System

Under the international human rights system, all migrants, regardless of their status, are entitled to basic human rights. In addition to the fundamental right to non-discrimination and equality, international human rights law establishes a right to asylum. This analysis draws on enshrined in the Universal Declaration of Human Rights (UDHR), the foundational document of the international human rights system, which the U.S. played a critical role in drafting.[24] Although a declaration, many of its provisions are recognized as binding customary international law.[25] Moreover, this analysis relies on five binding treaties the U.S. has ratified: the International Covenant on Civil and Political Rights (ICCPR),[26] the International Convention on Elimination of All Forms of Racial Discrimination, (ICERD),[27] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),[28] and the 1951 UN Refugee Convention and its 1967 Protocol.[29] While these treaties are non-self-executing and cannot serve as a cause of action in their own in court,[30] U.S. courts have an obligation to construe statutes in a manner consistent with their international obligations when possible, [31] and they are binding on the legislative and executive branches of government. Additionally, this analysis relies on important normative standards set out by three treaties the U.S. has signed, but not yet ratified: the International Covenant on Economic, Social, and Cultural Rights (ICESCR), Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC).[32] As only a signatory, while the U.S. has no obligation to take affirmative steps to implement the treaty's provisions, it must not undermine the treaty's "object and purpose." [33] However, in many cases, even under these bare minimum standards, the U.S. is failing to meet its obligations. Notably, the U.S. is the only country in the world to not ratify the CRC.[34]

Non-discrimination and equality before the law are fundamental principles of the international human rights framework and are enshrined in the UDHR, ICCPR, ICESCR, and the CRC. ICERD and CEDAW further focus on addressing racial and gender discrimination. For instance, under Article 26 of the ICCPR, “all persons are equal before the law and are entitled without any discrimination to the equal protection of the law.”[35] [TE1] According to the UN Special Rapporteur on Human Rights of Migrants, States are obliged to respect, protect, and fulfill the rights of everyone in their jurisdiction, including migrants, without discrimination.[36] Migration is never a gender-neutral phenomenon. Women account for approximately half of all international migrants and suffer unique trauma when leaving their country of origin.[37] As such, it is imperative that the specific challenges faced by migrant women are considered when realizing the rights of migrants. [38]

The right to seek asylum is enshrined in the UDHR,[39] and 1951 UN Refugee Convention and its 1967 Protocol. Asylum is a form of protection allowing an individual to remain in the U.S. instead of being removed to a country where they fear persecution or harm.[40] This is known as the principle of non-refoulement, protecting refugees from being returned to countries where they risk facing persecution.[41] An asylum seeker has the burden of proving that he or she meets the definition of a refugee, providing evidence demonstrating either that (1) they have suffered persecution on account of a protected ground in the past, or (2) that they have a well-founded fear of future persecution in their home country.[42] Individuals who fail to apply for asylum within one year of entering the U.S., who are found to pose a danger to the U.S., who have committed a “particularly serious crime,” or who persecuted others themselves are barred from asylum.[43]

Additionally, the prohibition against torture and cruel, inhuman, and degrading treatment requires non-refoulement as a necessary corollary to this provision, as returning an individual to a country where they are likely to be subject to such treatment would entail a violation. Article 7 of the ICCPR sets out the right to freedom from torture and cruel, inhuman, and degrading treatment.[44] The Human Rights Committee, the treaty body charged with monitoring the implementation of the ICCPR, explicitly linked this provision to a prohibition on exposing “individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement,” requiring states to report on measures they have taken to end this practice.[45] In a similar vein, the CAT specifically addresses the principle of non-refoulement in Article 3.[46] This article prohibits states from expelling or returning individuals to a country where there are substantial grounds for believing they would be in danger of being subjected to torture. Pursuant to CAT, “No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that they would be in danger of being subjected to torture.”[47]

II. Migrant Needs

All the needs discussed in the following section are interconnected. The fear of deportation and lack of access to social services permeates every aspect of migrant women's lives. This fear makes migrant women less likely to seek out social services such as housing and healthcare and less likely to file law enforcement reports or access legal counsel. Furthermore, without access to education and gainful employment, finding adequate housing becomes almost impossible. At the same time, without a place to live, applying for and keeping a job becomes more difficult. Besides the fact that most jobs require an address and identification to apply, without a steady place to sleep, shower, eat, and get dressed every morning, in addition to access to high-quality childcare for their children, retaining a job is challenging. And, without housing, migrant women are especially vulnerable to violence.



A. Shelter and Housing

There is a clear need for housing services and trauma-informed shelter in times of transition that are safe and accessible to refugee women, who are largely excluded from traditional housing programs. Due to their uncertain status, undocumented immigrants are more vulnerable to experiencing homelessness. Often, they may forgo housing assistance rather than risk detention or deportation. As such, migrants lack safe, affordable housing.[48] Moreover, many migrants take low-wage jobs or are unemployed or underemployed when they first arrive in the U.S., presenting an obstacle to accessing housing.[49]

Adequate housing is a fundamental human right as set out by several human rights treaties.[50] Pursuant to Article 11 of the ICESCR, everyone has the right to an adequate standard of living for himself and his family, including the right to adequate housing. The components of the right to adequate housing are set forth in General Comment 4 of the Committee on Economic, Social, and Cultural Rights (CESCR).[51] One of the components, accessibility, is especially relevant here. “Disadvantaged groups must be accorded full and sustainable access to adequate housing resources...housing law and policy should fully take into account the special housing needs of these groups.”[52] Migrant women fleeing violence are particularly vulnerable, and thus their needs must be taken into account to fulfill this fundamental human right.[53] Furthermore, ICERD Article 5 sets forth that states to guarantee “the right of everyone, without discrimination as to race, colour, or national or ethnic origin, to equality before the law” with regards to right to housing.[54] CEDAW also addresses this right regarding women specifically, stating that women have the right “to enjoy adequate living conditions, particularly in relation to housing, sanitation, and electricity.”[55]

B. Safety and Healthcare

Migrant women bring a range of safety and health concerns. Many female refugees face physical and sexual assault, exploitation, and sexual harassment on their journey.[56] Reports estimate that 1 in 5 women refugees experience sexual violence.[57] Moreover, women may be forced to use the same bathroom and shower facilities as men, with some men watching, forcing women to not eat or drink in order to avoid having to use the restrooms.[58] Article 3 of the UDHR[59] and Article 9 of the ICCPR[60] establish a fundamental right to safety and security of person. Thus, it is vital to provide migrant women with secure and gender-sensitive accommodations, prioritizing privacy, safety, and the provision of basic amenities.[61]

Migrant women often face acute mental health needs. Migrant women who have experienced trauma related to migration, such as separation from family members or exposure to violence and abuse, are at increased risk of developing mental health issues.[62] Many women report experiencing feelings of anxiety, sadness, and hopelessness.[63] Migrant women may also face social isolation and a lack of social support, which can exacerbate mental health issues such as anxiety, depression, and stress.[64] Article 12 of the ICESCR recognizes “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”[65] In interpreting this provision, the Committee on Economic, Social and Cultural Rights (CESCR), which monitors implementation of ICESCR, explained that the right to health includes a right to health care that is available, accessible, acceptable, and of good quality. [66] The accessibility component requires that “health facilities, goods and services must be accessible to all, especially the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination.”[67] Migrant women need tailored mental health support services, including trauma-informed care that acknowledges the impact of migration-related trauma on their mental well-being.[68]

C. Access to Counsel

To ensure fair treatment and non-discrimination before the law, there is a need for a right to counsel for asylum seekers and migrants undergoing deportation. The immigration system is vast and complex, virtually impossible to navigate without guidance.[69] Article 14 of the ICCPR sets forth that everyone should be “entitled to a fair and public hearing.” Further, the ICCPR prohibits non-discrimination, and thus migrants are just as entitled to a fair hearing as anyone else on U.S. soil.[70] This notion of non-discrimination is further enshrined in the ICERD, which ensures “the right to equal treatment before tribunals and other organs administering justice.”[71]

Representation greatly increases the odds of winning asylum or other relief. [72] Data from 2020 shows that the odds of success if unrepresented were much lower (17.7%) than for represented asylum seekers (31.1%). However, this figure does not include those immigrants who wanted to seek asylum but did not because they were either unable to find attorneys or unable to fill out the necessary paperwork to even apply for asylum.[73]

Additionally, translation and gender-sensitive procedures are needed to ensure due process and a fair hearing. As people who are the most in need of these services for the most part speak English as their second language or not at all, the requisite forms needed to apply for refugee or citizenship status should be widely accessible and translated into different languages. Translators further need to be accessible for adequate case management.[74] [TE2] Moreover, migration is not a gender-neutral phenomenon, and female migrants are often traumatized from their journey. There is a need for gender-sensitive asylum procedures, such as ensuring the interpreters and interviewers are female, if possible, to foster trust in the process.[75]

D. Education and Employment

Migrant women face challenges in accessing education and employment due to a variety of intersecting factors including their gender, migrant status, language proficiency, lack of documentation, limited access to networks, and cultural barriers.

Migrant women face numerous barriers that hinder their access to education, which in turn limit employment opportunities. The right to education is recognized in Article 26 of the UDHR, and Article 13 of ICESCR.[76] Language barriers pose a major challenge as migrants may not be proficient in the language of their destination country, making it difficult to participate fully in educational programs. [77] Moreover, limited financial resources can also hinder their ability to afford educational expenses, such as tuition fees and learning materials.[78] Thus, migrant women need language acquisition programs, financial assistance, and targeted educational programs tailored to their specific needs.

Migrant mental health further impacts migrant women's education, requiring support to ensure academic success. Mental health issues such as anxiety, depression, trauma, and stress can make it difficult for migrant students to concentrate on their studies, retain information, and participate in class.[79] If migrant students do not receive the necessary mental health support and resources, they may be more likely to drop out of school or struggle to adapt to a new academic environment. Providing resources such as counseling services, mental health support groups, and language classes can help alleviate some of the challenges that migrant students face and support their overall well-being.[80]

Additionally, migrant women further face challenges in obtaining meaningful employment due to language barriers, lack of permits, lack of quality childcare, displacement, and in some cases lack of health care to address urgent needs. The UDHR and ICESCR both recognize the right to work. Under UDHR, Article 23, "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment." [81] ICESCR, Article 6 requires states to "recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts" and to "take appropriate steps to safeguard this right." [82] However, asylum seekers cannot obtain a work permit for a year or more after arrival, and even then, there are language and transportation barriers to acquiring the right forms to obtain meaningful work.[83]

Furthermore, migrant women often face difficulties in identifying employment opportunities that match their skills and experience.[84] With no address or documentation, finding gainful employment is next to impossible.[85] Accordingly, providing language support would empower migrant women to navigate the job market, access educational opportunities, and engage with employers and colleagues. Furthermore, providing migrant women with opportunities like resume writing, interview skills, and networking, would equip them with the necessary tools and knowledge to navigate the job market successfully. Lastly, targeted training and skill development programs can enhance the employability of migrant women.[86]

Moreover, inadequate childcare support services impede migrant women's rights to education and employment. Without proper support services in place, migrant women often have to balance childcare responsibilities with work and education, forcing women to make a difficult choice between pursuing their education and caring for their children.[87] Article 11 of CEDAW requires states to "take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: (a) The right to work as an inalienable right of all human beings." In interpreting this provision, the CEDAW Committee notes that "childcare responsibilities frequently prevent women from establishing a path to paid employment. . . ."[88] Women often bear the burden of unpaid care work for their children, and their job opportunities narrow further.[89] Women are thus often forced to work low-paying jobs that get paid under the table.[90]

III. Service Gaps

Service providers are facing a myriad of challenges as they work to support migrant women in accessing housing, health services, education, and employment, as well as in navigating immigration proceedings. Challenges facing this vulnerable population include issues related to language barriers, cultural differences, legal barriers, lack of health insurance, and funding.[91] Additionally, many service providers lack proper trauma care training.[92] Fundamentally, there is a gap in resources and services.[93] COVID-19 exacerbated the challenges facing service providers for migrant women.[94] Many organizations have experienced challenges related to funding, staffing, and the ability to provide services to their clients in a safe and effective manner.[95]



A. Shelter and Housing

There is a critical gap in resources to enable shelter and housing for migrant women. While women's shelters may serve as a stop-gap measure to help migrant women get back on their feet, they are a shorter-term solution, and migrant women are too often at risk of ending up back on the street.[96] Although the migrant women who are victims of abuse or trafficking qualify for federal rental assistance payments and affordable housing programs, [97] many lack the knowledge to access these services.[98] Without the requisite knowledge, it is difficult to determine the services available to them and the ones that they can trust, especially where xenophobic sentiments run rampant in society. Locating the appropriate forms and finding the appropriate government agency is difficult when there is a language barrier and distrust in government agencies. Furthermore, even if migrants do feel comfortable seeking assistance from a shelter, shelters are overcrowded, underfunded, and often must turn them away.[99] Hence, access to robust supportive service in addition to shelter is vital to their success.

Some states have adopted refugee assistance programs for housing, but these programs are few and far between.[100] In Maine for example, what nonprofits and state and local governments are doing to help them is unmatched anywhere else in the country. Southern Maine has welcomed refugees with months of free housing and other assistance, "to fill a void left by a federal system that lets them stay in the country temporarily but provides neither financial help nor swift permission to work." [101] As such, the program in Maine allows most refugee families to stay in free housing for a year, receiving assistance for housing, food, medical care, and their immigration cases from case managers and volunteers.[102] The state also pledged to provide asylum seekers in the Portland area with rental assistance for 175 housing units for two years, or until they receive authorization to work. [103] Governor Janet Mills allowed the state's general assistance program to be used to assist asylum seekers, which is a key reason that the state has been able to help so many refugees for an extended period.[104]

Although Maine illustrates a beacon of hope, there is a growing reluctance to spend local money to house non-citizens. Some local communities are demanding the Federal government step forward and providing the financial assistance needed to shelter and house migrants, recognizing this issue is national in scope and beyond their local resources. For example, the chairman of Miami-Dade County's homeless board has recently taken an "extremely hard line" against spending local money to house recent migrants in the Miami area, claiming that the responsibility falls on the federal government.[105] Miami's shelter programs and social services continue to serve migrants arriving in Miami given the humanitarian implications of not doing so, and are making their pleas to the Federal government for needed financial resources. Still, migrants are at risk of being denied housing assistance.[106] At the state level, Florida has taken a particularly punishing approach, transporting hundreds of migrants out of Florida to other states, trying to find family or friends with whom they could live.[107] This is not a unique phenomenon. Governor Greg Abbott of Texas and Governor Doug Ducey of Arizona have sent thousands of newly arrived migrants on busses to Washington and New York.[108] Both cities were not prepared to assist so many people and scrambled to help shelter them and get them to their desired destinations. [109]At the same time, it should be acknowledged that addressing the influx and needs of migrants has become a political firestorm on national, state, and local landscapes, impeding the development of meaningful solutions.

There are significant gaps in housing services for refugees fleeing violence. Migrant women are particularly vulnerable to violence and abuse. For them to get back on their feet, there needs to be funding set aside for shelter and housing support for refugee providers at all levels of government. More programs like the one in Maine should be put in place by states, and the actions by governors in places like Texas, Arizona, and Florida should cease. [110] Denying refugees shelter and housing who are legally entitled to be in the U.S. pursuant to principles of non-refoulement and transporting them to other states or cities violates the fundamental human rights principles set forth above.[111]

B. Safety and Healthcare

A major gap with regards to access to health care is the inability of many migrant women to obtain health insurance. The U.S. Department of Health and Human Services requires refugees to undergo mandatory medical exams pre-departure and upon arrival in the U.S. to become eligible for Refugee Medical Assistance (RMA).[112] RMA is a short-term health insurance, providing health insurance for refugees for up to 8 months.[113] Afterwards, refugees must obtain public or private healthcare insurance to pay for care. Currently, approximately 23% of lawfully present immigrants lack health insurance.[114]

Furthermore, migrant women and girls have difficulties accessing sexual and gender-based violence protection and response services.[115] Access to sexual and gender-based violence protection and response services is challenging “as women face structural and systemic discrimination, and multiple barriers prevent them from seeking help through both formal and informal channels.”[116] Moreover, a common gap in addressing the needs of migrant women is language barriers. Migrant women and service providers often “lack full and clear information on where to seek help.”[117] Furthermore, migrant women and children frequently lack required documentation, such as proof of residency.[118] This can affect service access, specifically in the U.S., where being undocumented can lead to arrest and deportation.[119]

Additionally, mental health services are inadequate.[120] There is a need to address language barriers, improve provider-patient communication, and provide appropriate medical and mental health screenings, as well as trauma-informed care.[121]

C. Access to Counsel

The U.S. suffers from a severe lack of adequate representation in immigration proceedings, particularly in refugee hearings, as well as a lack of accessible information to non-native English speakers. Currently, the immigration system does not provide court-appointed counsel to immigrants facing deportation who are unable to afford a lawyer.[122] Only 37% of all immigrants and 14% of detained immigrants go to court represented by counsel.[123] In 2019, just 15.6% of asylum seekers were unable to find attorneys, but this increased to 20% in 2020.[124] As such, immigrants with little or no English proficiency and understanding of the complex immigration system are forced to argue their cases in court without representation.[125] No person should be required to navigate incredibly complex, hyper-technical immigration laws described as “second in complexity only to the Internal Revenue Code,” without legal representation.[126]

Moreover, the immigration system is English based, even though the people who are the most in need of these services for the most part speak English as their second language or not at all.[127] Finding translated forms or interpreters to help them speak to the necessary agencies and attorneys is time-consuming and difficult. Migrants also have a lack of trust in authority figures, so making the trip to an unfamiliar government agency is daunting. Further, the language gap in legal representation poses a significant issue. [128]Not only can migrant women not articulate their story clearly through an interpreter, but it is also more difficult for them to grasp the legal process.

Additionally, a growing backlog in immigration cases coupled with a shortage of judges and interpreters, has led to delays as long as five years for asylum seekers and other immigrants to have their first hearing.[129]

“Our immigration system operates as a conveyor belt of mass deportations, rather than a system that upholds justice and due process.”
-ACLU[130]

Moreover, the legal process needs to be more trauma-informed and gender sensitive. Migrant women often distrust authority, meaning they are less likely to report crimes committed against them. Particularly, the lack of women in law enforcement, women translators, and interviewees must be addressed to make the process of reporting domestic violence and abuse easier for migrant women.
[131]



D. Education and Employment

Education and employment services currently available to migrant women are insufficient to address the multiple hurdles they face in accessing education and employment opportunities. Migrant women often struggle to overcome differences in educational systems and qualifications.[132] Limited access to job training and networking opportunities can also hinder migrant women's ability to find a job.[133] They may not have the resources or connections to access job training programs or may lack the necessary social networks to learn about job opportunities. This can make it difficult for them to advance in their careers and secure stable employment.[134] Furthermore, discrimination is a significant challenge that many migrant women face in the job market. Migrant women may face discrimination based on their ethnicity, race, gender, or immigration status, leading to exclusion from job opportunities and unequal treatment in the workplace.[135] This can make it difficult for migrant women to find a job that matches their skills and qualifications, thus, forcing them to accept low-paying jobs.[136]

Local organizations can play a crucial role in providing education and employment services for migrant women by offering resources and support to overcome the unique challenges and barriers they face in accessing these opportunities.[137] The Family Action Network Movement (FANM) provides a citizenship class and know your rights presentations to assist immigrants with citizenship procedures and provides childcare, afterschool programs, and summer camps.[138] Additionally, the Lotus House Women's Shelter, the largest women's homeless shelter in the United States, offers a wide range of job readiness training programs, internships, employment coaching, job fairs, and resume-building opportunities, allowing migrant women to develop skills and secure employment.[139]

However, local organizations that provide support services for migrant women face multiple challenges in meeting the needs of this population, including gaps in resources, a lack of cultural competency, and difficulties in reaching migrant women. One of the primary challenges faced by local organizations in delivering services to migrant women is a lack of funding and resources.[140] Many organizations that provide support services for migrant women operate on limited budgets, which can limit their capacity to provide comprehensive services that address the complex needs of this population.[141] Additionally, service providers may lack the necessary training, resources, and cultural competency to engage effectively with migrant women, particularly those who come from diverse cultural and linguistic backgrounds as well as lack of cultural competency.[142] Service providers who are not familiar with the cultural norms, values, and beliefs of migrant women may struggle to provide culturally sensitive and appropriate services that meet the unique needs of this population.[143] This can lead to a lack of trust and engagement among migrant women and may result in the underutilization of available services.[144] Lastly, challenges in reaching and engaging with migrant women can also contribute to service delivery gaps.[145] Migrant women may face social isolation and a lack of social support, which can make it difficult for them to access available services. Moreover, migrant women who are undocumented or have uncertain immigration status may fear reporting abuse or seeking support, out of fear of retaliation or deportation.[146]

Legislation to secure the rights of migrant women is needed. It would help ensure services and programs tailored to their needs and provide service providers with a framework for addressing the unique challenges faced by migrant women, such as language barriers and discrimination. It would further help secure the funding and resources needed for these programs and services.[147] Without legislation to protect the rights of migrant women, service providers may struggle to provide adequate support, leaving this population at greater risk of exploitation and abuse. [148]

General Recommendations for the Federal Government

- Funding currently spent on the border patrol police force should be reallocated to make sure immigration agencies and federal courts have enough employees and judges to adjudicate asylum claims in a fair and orderly manner, and to ensure that people are supported in their efforts to join their family members and sponsors.
- The 150-day period to obtain a work permit should be shortened. The sooner people can integrate into the U.S. and be issued work permits, the sooner they will be able to support themselves and their families.
- The federal government should provide funding for trauma-informed shelter and supportive services in addition to housing for refugees, providing special consideration to the plight of migrant women.
- The Special Rapporteur on the human rights of migrants recommends that states adopt human rights-based, gender-responsive, and child-sensitive migration policies that “recognize the independence and agency of migrant women and girls and promote their empowerment and leadership. Considering that migrant women and men face different challenges, such policies should address the specific needs and challenges of all migrants, including migrant women and girls.”[149] The U.S. government should:
 - Involve migrant women and girls, in addition to on-the-ground service providers and civil society organizations, in migration policymaking processes and decision-making;
 - Improve understanding of the different realities faced by migrant women, men, girls, and boys, as well as their specific needs, through actively engaging with migrants and the providers struggling to meet their needs;
 - Lift gender-specific barriers to the labor market, for example by providing migrant women with legal status, independent of their families, spouses, and employers.[150]

Recommendations for State and Local Governments

Access to Housing

- State governments should allocate funding towards refugee shelters, services and housing to help migrant women make their initial transition into the U.S. Using Maine as an example, states and local governments should allocate some of their general assistance program funding to house and support refugees until they are able to work.[151]

Healthcare Services

- Ensure access to health services, including comprehensive sexual and reproductive health services and mental health services.
- Create clear separation between health services and immigration authorities to ensure that migrant women and girls are not deterred from effectively accessing healthcare services.

Access to Counsel

- Provide court-appointed counsel to immigrants faced with deportation hearings. Legal counsel not only ensures that immigrants receive meaningful hearings but makes immigration court proceedings more efficient and could help decrease the immigration court backlog.
- Incentivize the employment of migrant service providers that can speak different languages and people who understand the cultural norms of the groups and families that they're working with. Particularly, it would be helpful if refugee women were paired with women service providers, to help facilitate trust.

Education and Employment

- Provide language classes to enable migrants to communicate effectively and navigate the education and employment systems.
- Provide job readiness training and career guidance services to help migrants understand their employment options and identify appropriate career paths.
- Ensure access to affordable and high-quality childcare for migrants to pursue education and employment opportunities.
- Collaborate with employers to create opportunities for migrant women to gain work experience, access employment opportunities, and provide valuable insights into the skills and qualifications required for specific job roles.

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