

Hon. Joseph R. Biden, Jr.
President of the United States
1600 Pennsylvania Avenue, NW
Washington, DC 20500

February 2, 2021

Dear President Biden:

We write to urge your administration to immediately end the misuse of Title 42 public health authority to illegally and inhumanely expel asylum seekers and migrants at the border. As faith-based, legal services, humanitarian and human rights organizations that assist and advocate for asylum seekers and immigrant children, we are gravely concerned about the families, children, and adults seeking U.S. humanitarian protections at the U.S.-Mexico border.

Since March 2020, the Department of Homeland Security (DHS) has blocked and turned away people at the southern border, including asylum seekers and children, without access to the U.S. asylum system or preliminary protection screenings, sending them to persecution, torture and other serious danger in violation of U.S. refugee and anti-trafficking laws and treaty obligations. The Trump administration, for instance, [expelled](#) prominent Nicaraguan dissidents who had attempted to seek asylum in the United States, returning them to Nicaragua where [authorities](#) had detained and beaten them for their political activism. Your administration [continues](#) to block and expel people, including families with children, under the same policy.

These expulsions are being carried out under orders that Trump Administration officials pressured the Centers for Disease Control and Prevention (CDC) to issue despite [objections](#) by senior [CDC](#) medical [experts](#). Last week, public health and medical experts at leading public health schools, medical schools, hospitals and other institutions issued a new [letter](#) calling on the CDC to rescind the current [order](#), which the experts concluded has “no scientific basis as a public health measure,” and to adopt rational, science-based [measures](#) to safeguard public health while processing asylum seekers and children at the border during the COVID-19 pandemic. Leading public health experts have repeatedly [called](#) on the Trump administration to end these [specious](#) bans and expulsions, explaining that public health measures can protect both public health and the lives of people seeking asylum.

On January 29, 2021, a federal appeals court [stayed](#) a ruling that had enjoined the summary expulsion of unaccompanied children. It is now all the more urgent for your administration to immediately end the use of the CDC order to block and expel people – children and adults – seeking U.S. humanitarian protections. U.S. legal experts, including a former DHS official, have [condemned](#) this “shadow immigration expulsion regime,” characterizing it as “medical gerrymandering . . . crafted to override critical legal rights and safeguards.” International legal scholars have further [explained](#) that “COVID-19 does not grant States carte blanche to trample on well-established principles of international refugee law.” [Members](#) of [Congress](#) have repeatedly [called](#) for an end to the expulsions policy.

Even while DHS was [enjoined](#) from expelling unaccompanied children – in a ruling that found that U.S. public health laws likely do not authorize DHS to carry out such expulsions – the Trump administration continued to expel asylum-seeking families and adults to persecution and torture in the countries they fled and to turnback asylum seekers to extremely dangerous border regions in Mexico, including many [African asylum seekers](#) who have faced violence and discrimination there.

The U.N. Refugee Agency (UNHCR) explained in its March 2020 [legal guidance](#) on the COVID-19 response that state entry measures should not prevent people from seeking asylum from persecution and that states may not deny entry to people at risk of refoulement. In November 2020, the UNHCR Assistant High Commissioner for Protection [warned](#) that “measures restricting access to asylum must not be allowed to become entrenched under the guise of public health.” Just last week, UNHCR [condemned](#) expulsions of refugees and asylum seekers at borders in a statement focused on pushbacks from Europe, [explaining](#) that “[t]he right to seek asylum is a fundamental human right. The COVID-19 pandemic provides no exception.”

During the presidential campaign, you [committed](#) to end inhumane Trump administration border policies, uphold U.S. laws and treaty obligations to protect refugees and immigrant children, and adopt COVID-19 measures based in science. For your actions to reflect those promises, your administration must end the misuse of Title 42 public health authority at the border, stop blocking and expelling people seeking U.S. humanitarian protections, ensure appropriate infrastructure and support for shelters and other border groups to assist asylum seekers, and allow these families, children and adults to pursue their requests while in safety, inside the United States.

Respectfully,

ACLU
Advancement Project, National Office
Advocating Opportunity
African American Ministers In Action
African Communities Together
American Immigration Lawyers Associations
Ajo Samaritans
Al Otro Lado
Aldea - The People's Justice Center
Alianza Americas
Alianza Nacional de Campesinas
America's Voice
American Friends Service Committee
Angry Tias and Abuelas
Anti-Defamation League
Asylum Seeker Advocacy Project (ASAP)
AsylumWorks
Bellevue Program for Survivors of Torture
Bend the Arc Jewish Action

Bethany Christian Services
Black Alliance for Just Immigration (BAJI)
Border Kindness
Bridges Faith Initiative
Capital Area Immigrants' Rights (CAIR) Coalition
CASA
Center for Gender & Refugee Studies
Center for Justice and International Law - CEJIL
Center for Victims of Torture
Central American Resource Center
Central Washington Justice For Our Neighbors
Children's Defense Fund of Texas
Christian Reformed Church Office of Social Justice
Church World Service
Coalition for Humane Immigrant Rights (CHIRLA)
Colorado Asylum Center
Columbia Law School Immigrants' Rights Clinic
Committee in Solidarity with the People of El Salvador (CISPES)
Community Change Action
Congregation Action Network
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
Detention Watch Network
Disciples Refugee & Immigration Ministries
Don't Separate Families
Evangelical Lutheran Church in America
Fair Immigration Reform Movement (FIRM)
Faith in Public Life
Families Belong Together
First Focus on Children
Florence Immigrant & Refugee Rights Project
Franciscan Action Network
Freedom for Immigrants
Freedom Network USA
Haitian Bridge Alliance
HIAS
Hope Border Institute
Human Rights Initiative of North Texas
Human Rights First
Immigration & Human Rights Clinic, University of the District of Columbia School of Law
Immigration Equality
Immigration Hub
Institute for Justice & Democracy in Haiti (IJDH)
International Refugee Assistance Project
International Rescue Committee

International Tribunal of Conscience of Peoples in Movement
Jesuit Refugee Service/USA
Jewish Council for Public Affairs
Justice Action Center
Justice For Our Neighbors - North Central Texas
Kids in Need of Defense (KIND)
Kino Border Initiative
La Unión del Pueblo Entero (LUPE)
Laredo Immigrant Alliance
Las Americas Immigrant Advocacy Center
Latin America Working Group (LAWG)
Lawyers for Good Government (L4GG)
Make the Road New York
Maryknoll Office for Global Concerns
Mississippi Center for Justice
National Advocacy Center of the Sisters of the Good Shepherd
National Day Laborer Organizing Network (NDLON)
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project (NIPNLG)
National Network for Immigrant & Refugee Rights
Network in Solidarity with the People of Guatemala (NISGUA)"
NETWORK Lobby For Catholic Social Justice
Next100
Northern Illinois Justice for Our Neighbors
Office of Justice, Peace and Integrity of Creation, Society of the Sacred Heart USC
Oxfam America
Pax Christi New Jersey
Presbyterian Church (U.S.A.)
Quixote Center
Refugee Council USA (RCUSA)
Refugees International
Rocky Mountain Immigrant Advocacy Network
San Antonio Region Justice for Our Neighbors
Santa Fe Dreamers Project
Save the Children Action Network
Service Employees International Union (SEIU)
Services, Immigrant Rights & Education Network (SIREN)
Sisters of Mercy of the Americas Justice Team
South Asian Americans Leading Together (SAALT)
South West Asylum & Migration Institute (SAMI)
Southern Poverty Law Center
T'ruah: The Rabbinic Call for Human Rights
Tsuru for Solidarity

Unitarian Universalist Service Committee
Union for Reform Judaism
United Methodist General Board of Church and Society
UNITED SIKHS
United Stateless
United We Dream
U.S. Committee for Refugees and Immigrants
Washington Office on Latin America
Wind of the Spirit Immigrant Resource Center
Witness at the Border
Women's Refugee Commission
World Relief
Young Center for Immigrant Children's Rights

CC:

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