

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,

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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