

June 30, 2021

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

Dear President Biden:

We, the 109 undersigned organizations, write to express our alarm and disappointment that your administration is [reportedly](#) considering plans to continue to use the unlawful Title 42 expulsion policy to block and expel adult asylum seekers for at least two more months and may use punitive measures such as ankle monitors and expedited removal in processing families. Not only does the Title 42 policy violate U.S. refugee law and treaties, but it also endangers people seeking U.S. protection, with over [3,250](#) kidnappings, rapes, and other attacks on people expelled or blocked at the U.S.-Mexico border since you took office. This number rises every day your administration fails to end this policy. We [urge](#) your administration to fully rescind this policy for all populations, comply with U.S. refugee law, and ensure that Black, LGBTQ and other [adult](#) asylum seekers, many of whom have been turned back or expelled at ports of entry, as well as families and children, have swift access to the U.S. asylum system.

Many of our organizations have repeatedly [called on](#) your administration to end the Title 42 expulsion policy and restart asylum processing for people seeking refuge. Rational, science-based [measures](#), recommended by public health experts exist to mitigate COVID-19 concerns and safely process asylum seekers at the border. The use of Title 42 – described as a “[Stephen Miller special](#)” by a former Trump administration official – was implemented over the [objections](#) of senior Centers for Disease Control and Prevention (CDC) experts and has been widely [discredited](#) by epidemiologists and public health experts who have confirmed it has “no scientific basis as a public health measure.” These experts provided detailed [recommendations](#) for the safe processing of asylum seekers to your transition team, the CDC, and other officials in your administration. In May 2021, medical experts for the Department of Homeland Security (DHS) filed a whistleblower [disclosure](#) condemning the policy for lacking a public health justification and for fueling widespread family separation and detention of children. Medical professionals providing care in encampments and shelters in Tijuana have also [decried](#) the expulsion policy as threatening the health and safety of migrants.

Human rights organizations and the media have [documented](#) the [escalating](#) dangers faced by asylum seekers and migrants subjected to the Title 42 policy, many of whom have been forced into squalid and dangerous conditions in several new [camps](#) near the border. Legal and humanitarian staff who work with migrants subjected to the policy have also faced serious [risks](#) to their safety. The Title 42 policy has also driven family separations as it presents families with the impossible choice of keeping children in danger or sending them alone [across](#) the border for their safety. As a result, many of the single adults who are now stuck in Mexico are desperately trying to reunite with their children in Office of Refugee Resettlement custody or with family in the United States.

The expulsion policy has [disproportionately affected](#) asylum seekers from Africa, the Caribbean, and elsewhere, who were not placed in the Migrant Protection Protocols (MPP) and are not eligible for processing into the United States under Phase 1 or Phase 2 of its winddown. Black and LGBTQ asylum seekers blocked in Mexico under the expulsion policy and unable to request protection at a port of entry [continue](#) to experience targeted discrimination and violence. [Recent reports](#) indicate that while your administration may end the policy in July for families, it may continue to subject adult asylum seekers to the policy for at least two months – an unacceptable delay that would prolong disparities in access to protection and disproportionately impact Black asylum seekers from African and Caribbean countries, as well as LGBTQ refugees and others who are not traveling with children. Such an approach would be completely indefensible. Public health safeguards in no way require or justify disparate treatment between families and adults arriving alone. Moreover, such an approach is contrary to U.S. asylum law and the non-discrimination provisions of the Refugee Convention.

We are concerned that this administration continues to look to deterrence as a strategy to address processing of asylum seekers at the border. Ankle monitors, budget requests for expansive detention, and expedited removal are part of a deterrence strategy that is inhumane and ineffective. Such a cruel strategy is the physical manifestation of the statement “Don't come.” Electronic monitoring devices are a particularly intrusive measure that causes physical and emotional harm without a positive impact on appearance rates as compared to [appropriate, community-based case management](#) services. With respect to expedited removal, many of our [organizations](#), as well as the bipartisan [U.S. Commission on International Religious Freedom](#), have long [noted failures](#) by Customs and Border Protection officers and Border Patrol agents to follow basic required [procedures](#) to [identify](#) individuals who must be referred for credible fear interviews, as well as intimidation and coercion of asylum seekers to withdraw requests for protection.

While we greatly appreciate your administration’s ongoing [efforts](#) to process into safety certain asylum seekers subjected to MPP, we remain gravely concerned that the Biden administration continues to block and expel asylum seekers to the same dangers under the Title 42 policy. In a rare public [statement](#) calling on this country to uphold its legal obligations, the U.N. High Commissioner for Refugees recently urged the United States to swiftly end this policy and “restore access to asylum for the people whose lives depend on it, in line with international legal and human rights obligations.”

With the [70<sup>th</sup> anniversary](#) of the Refugee Convention approaching in July, we urge your administration to end its misuse of Title 42 public health authority immediately, restore asylum processing in line with U.S. refugee laws and treaties for all asylum seekers – including at U.S. ports of entry – and set an example for the rest of the world by welcoming refugees with dignity.

Respectfully,  
The Advocates for Human Rights  
Al Otro Lado  
Aldea - The People’s Justice Center  
Alianza Americas  
American Friends Service Committee  
American Immigration Council

American Immigration Lawyers Association  
American Gateways  
America's Voice  
Amnesty International USA  
Angry Tias and Abuelas of the RGV  
Asylum Access  
Asylum Access México (AAMX) A.C.  
Asylum Seeker Advocacy Project (ASAP)  
Austin Border Relief  
Bay Area Border Relief  
Bellevue Program for Survivors of Torture  
Black Alliance for Just Immigration (BAJI)  
BORDER ANGELS  
Border Kindness  
California Collaborative for Immigrant Justice  
Catholic Legal Immigration Network, Inc.  
Center for Gender & Refugee Studies  
Center of Excellence for Immigrant Child Health and Wellbeing, UCSF Benioff Children's  
Hospitals  
Children's Defense Fund  
Christian Reformed Church, Office of Social Justice  
Church World Service  
Coalition on Human Needs  
Columbia Law School Immigrants' Rights Clinic  
Comunidad Maya Pixan Ixim  
Cooperative Baptist Fellowship  
Desert Support for Asylum Seekers  
Detention Watch Network  
Diocesan Migrant & Refugee Services, Inc.  
Disciples Immigration Legal Counsel  
Fellowship Southwest  
First Focus on Children  
Florence Immigrant & Refugee Rights Project  
Freedom For Immigrants  
Geopaz. Instituto de Geografía para la paz AC (IGP) / Geopaz. Institute of Geography for Peace  
Grassroots Leadership  
Haitian Bridge Alliance  
Harvard Immigration and Refugee Clinical Program  
HIAS  
Hope Border Institute  
Houston Immigration Legal Services Collaborative  
Human Impact Partners  
Human Rights First  
Human Rights Initiative of North Texas

Human Rights Watch  
Immigrant Allies of Marshalltown  
Immigrant Defenders Law Center  
Immigrant Legal Defense  
Immigration Equality  
Innovation Law Lab  
Instituto para las Mujeres en la Migración (IMUMI)  
International Refugee Assistance Project (IRAP)  
International Rescue Committee  
Jesuit Refugee Service/USA  
Jewish Family Service of San Diego  
Justice for Our Neighbors Austin  
Justice for Our Neighbors El Paso  
Justice for Our Neighbors Michigan  
Kids in Need of Defense  
Kino Border Initiative  
Laredo Immigrant Alliance  
Latin America Working Group (LAWG)  
Law Office of Jodi Goodwin  
LUCHA Ministries, Inc.  
Lutheran Immigration and Refugee Service  
Migrant Center for Human Rights  
Migration Matters  
National Center for Lesbian Rights  
National Immigrant Justice Center  
National Immigration Law Center  
National Justice for Our Neighbors  
National Network for Immigrant & Refugee Rights  
NETWORK Lobby for Catholic Social Justice  
New York Justice for Our Neighbors, Inc.  
NM Comunidades en Acción y de Fe (CAFe)  
Physicians for Human Rights  
Project Blueprint  
Project Corazon, Lawyers for Good Government  
Project Dignity Legal Team  
Project Lifeline  
Proyecto de Ayuda para Solicitantes de Asilo (PASA)  
Public Counsel  
Rainbow Beginnings  
Rainbow Bridge Asylum Seekers  
Refugee Congress  
Refugees International  
San Diego Immigrant Rights Consortium  
Sanctuary for Families

Save the Children  
Seguimos Adelante  
Sin Fronteras Nuevo Mexico  
Sisters of Mercy of the AmericasJustice Team  
Southern Border Communities Coalition  
Southern Poverty Law Center  
Tahirih Justice Center  
The Advocates for Human Rights  
The Legal Clinic / HI Coalition for Immigrant Rights  
The Sidewalk School  
UndocuBlack Network  
United Stateless  
VECINA  
Wind of the Spirit Immigrant Resource Center  
Witness at the Border  
Women's Refugee Commission