

March 30, 2021

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

Dear President Biden,

The United States led efforts to draft the Refugee Convention in the wake of World War II and, in the Refugee Act of 1980, enshrined into law its commitment to protect people fleeing persecution and ensure that they can seek asylum. Our humanitarian, human rights, faith-based, legal and community-based organizations and clinics write to urge you and your administration to uphold U.S. refugee laws and treaty obligations and to end policies and statements that contravene those laws and our humanitarian values.

We welcome your recent [affirmation](#) making “no apologies for ending programs that did not exist before Trump became President that have an incredibly negative impact on the law, international law, as well as on human dignity.” But we are deeply concerned by statements indicating or implying that people seeking asylum will be expelled, “[should all be going back](#),” or should “[make their case from their home countries](#).” This rhetoric not only undermines U.S. compliance with our own human rights and refugee obligations, but also risks bolstering the inhumane messaging of the prior administration and sets the wrong example for other countries seeking to slam their doors to those fleeing persecution.

The Trump administration purposefully subverted and evaded U.S. refugee law, turning families, children and adults seeking asylum back to face [kidnappings](#), brutal assaults, and other dangers through the Migrant Protection Protocols (MPP), metering, various bans, agreements, policies, and Title 42 expulsions. We welcomed your February 2nd [Executive Order](#), the strong prioritization of strategies to address root causes of migration, and your commitment to review and end MPP and other disastrous Trump administration policies and mistaken legal interpretations and restore U.S. asylum processing. We also recognize that your administration faces significant challenges due to the Trump administration’s policies and its failure to plan and prepare. We appreciate your administration’s decision not to restart expulsions of unaccompanied children to danger and instead to comply with safeguards afforded to children in the bipartisan U.S. anti-trafficking law, the Trafficking Victims Protection Reauthorization Act, designed to protect children from harm.

However, more than two months after you took office, your administration is expelling asylum seekers to danger in Mexico and in many cases directly to their countries of persecution. Though a limited number of those placed into MPP have finally been permitted to find safety in the U.S., which we greatly appreciate, many more remain stranded – including African, [Haitian](#) and other asylum seekers who have been waiting for many months or years at ports of entry due to metering and Title 42 policies. While asylum processing should be conducted safely, and we have shared [recommendations](#) from public health experts for doing so, we are deeply concerned that both administration statements and actions by the Department of Homeland Security – such as holding asylum seekers in congregate facilities for days or weeks before expulsion and putting them on planes to distant locations – confirm that Title 42 authority continues to be misused in an attempt to achieve migration management, deterrence and/or political

objectives. Additionally, we are gravely concerned that the continuation of expulsions, combined with the lack of access to U.S. ports of entry for people seeking asylum, may be unnecessarily [driving](#) asylum seekers to cross the border between ports. This has already had [tragic](#) and [preventable consequences](#) that will only continue until expulsions end, harms resulting from Trump-era policies are redressed, and access to asylum is restored.

We urge your administration to take the steps to uphold American values and U.S. anti-trafficking and refugee law and treaties. These recommendations include: ending [Title 42 expulsions](#), protecting children, restarting asylum at the border – including at ports of entry, ending Trump policies, supporting case management, ensuring fair asylum adjudications, addressing root causes of migration, and promoting refugee protections regionally. (See, for example, the attached set of recommendations.)

We also urge steps to increase – not decrease or curtail – fairness and due process in asylum adjudications. Existing backlogs and delays are the direct result of the failures, across many administrations and Congresses, to adequately fund asylum and immigration court adjudications, despite skyrocketing increases in enforcement funding, and decisions to impose flawed rocket dockets and other policies that have undermined due process and exacerbated backlogs. Adjustments to immigration court management will result in increased efficiencies and more accurate adjudications.

We firmly believe that the United States has the ability to manage the capacity and logistical challenges stemming from the Trump administration’s policies and actions. America has long been a beacon to people fleeing persecution and violence. Many Americans, across the country, are helping to welcome and assist asylum seekers, a powerful reflection of this country’s values. We urge your administration to move forward to uphold its promise to adhere to these values and laws.

Sincerely,

Adelante Pro Bono Project
Aldea - The People’s Justice Center
Al Otro Lado
American Friends Service Committee
Arab Community Center for Economic and Social Services (ACCESS)
Asylum Seeker Advocacy Project (ASAP)
AsylumWorks
Bellevue Program for Survivors of Torture
Black LGBTQIA Migrant Project (BLMP)
Border Kindness
Bridges Faith Initiative
Brooklyn Community Bail Fund (BCBF)
Capital Area Immigrants Rights (CAIR) Coalition
Casa del Migrante en Tijuana, A.C.
Casa Ruby
Catholic Charities of Southern New Mexico
Catholic Legal Immigration Network, Inc.
Center for Gender & Refugee Studies

Center for Victims of Torture
Church World Service
Colorado Asylum Center
Community Asylum Seekers Project
Esperanza Immigrant Rights Project
Familia: Trans Queer Liberation Movement
First Focus on Children
Florence Immigrant & Refugee Rights Project
Fordham Law School Feerick Center for Social Justice
Haitian Bridge Alliance
Hope Border Institute
Human Rights First
Human Rights Initiative of North Texas
Immigrant Defenders Law Center
Immigration Equality
Instituto para las Mujeres en la Migración A.C. (IMUMI)
International Refugee Assistance Project
International Rescue Committee
Jesuit Refugee Service/USA
Kids in Need of Defense
Kino Border Initiative / Iniciativa Kino para la Frontera
Latin America Working Group (LAWG)
Mennonite Central Committee - Central States
Mennonite Central Committee U.S. Washington Office
Migrant Center for Human Rights
Mississippi Center for Justice
National Immigration Law Center
National Immigrant Justice Center
National Network for Immigrant & Refugee Rights
NETWORK Lobby For Catholic Social Justice
Oxfam America
Physicians for Human Rights
Project Blueprint
Project Lifeline
Project On Government Oversight
RAICES
Refugees International
Rocky Mountain Immigrant Advocacy Network
Santa Fe Dreamers Project
Save the Children Action Network
Southwest Asylum & Migration Institute
SPLC Action Fund
Tahirih Justice Center
The Advocates for Human Rights

UndocuBlack Network

VECINA

Washington Office on Latin America

Wind of the Spirit Immigrant Resource Center

Witness at the Border

Women's Refugee Commission

Young Center for Immigrant Children's Rights