

June 8, 2022

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

Hon. Alejandro N. Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue, SE
Washington, DC 20528

Dr. Rochelle Walensky
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, Georgia 30328

Dear President Biden, Secretary Mayorkas, and Director Walensky:

The right to seek asylum in the United States is in peril. In spite of conflicting court decisions, the White House and federal agencies maintain vast authority to uphold this fundamental right. We commend the [April 2022 decision](#) to lift the Title 42 order and the immediate action taken to appeal the May 20 [ruling](#) in *Louisiana v. Centers for Disease Control and Prevention*. But you must not stop with these actions alone. The undersigned civil society organizations write to urge immediate action to preserve asylum and refugee law at the United States' borders to the fullest extent, consistent with current court decisions concerning the use of Title 42.

Specifically, we urge the administration to:

- 1) immediately commence rulemaking to rescind the Centers for Disease Control and Prevention (CDC)'s Title 42 order (even though such a process should not be legally required);
- 2) publicly and proudly defend your plans to restore access to asylum and forcefully oppose legislative efforts to codify or extend the Title 42 order; and
- 3) do all that is within your power to restore asylum access and mitigate the harms of Title 42 while it remains in effect.

The CDC's initial Title 42 orders were used to permit the mass expulsions of migrants arriving at U.S. borders without a basic screening for asylum. Even at its inception, the Title 42 policy lacked a [legitimate public health rationale](#) but was put in place when then-Vice President Pence

[overruled experts](#) at the CDC. Expulsions overwhelmingly target people seeking asylum who are Black, Brown and Indigenous, in sharp contrast to the administration's commitment to racial equity. Human rights groups have tracked [at least 10,250 reports](#) of murder, kidnapping, rape, torture, and other violent attacks against people blocked in or expelled to Mexico due to Title 42, just since this administration took office. Thousands of Haitians seeking refuge in the United States have been expelled to escalating violence and acute food insecurity in Haiti under the policy. Title 42 expulsions [exacerbate chaos at the border](#) by forcing people to attempt [multiple border crossings](#) to seek safety or reunite with family, fueling smuggling networks and inflating border crossing statistics, and can lead to family separation.

Every day that expulsions under Title 42 continue, the United States' domestic and legal refugee obligations are further undermined. [United States law](#) requires that all people arriving at our borders and ports be permitted full and fair access to seek asylum. The United States is also legally obligated, under federal law and [international treaty obligations](#), to never return people to a country where they will be persecuted because of a characteristic they cannot or should not have to change or be subjected to torture.

We urge you to use all available authority to comply with these obligations—to the greatest extent permissible under existing [court orders](#)—in order to ameliorate the harms caused by Title 42 and ensure access to asylum. As noted above, this should begin first and foremost with an immediate rulemaking to rescind the CDC's Title 42 order. The administration should also, as is consistent with the *Louisiana* decision, utilize exceptions to Title 42 to ensure people at risk of return to harm are able to seek safety. To comply with our [non-refoulement](#) obligations and, consistent with the [ruling](#) of the Court of Appeals for the D.C. Circuit in *Huisha-Huisha v. Mayorkas*, the United States must affirmatively ensure that it does not return refugees to a country where they would be persecuted or tortured. Border officers must ask the basic, long-standing questions about fear of return in a language the person speaks fluently. Expecting arriving refugees, many of whom recently fled violence and do not speak English, to spontaneously, loudly and clearly articulate a fear of return to [border patrol personnel](#) means *many* in need of safety will be sent back to harm or death.

These steps must be undertaken on a non-discriminatory basis at and between ports of entry for people of all races and nationalities, and for families as well as adults seeking refuge.

In 1980, the U.S. Congress unanimously passed the Refugee Act, codifying in U.S. law the Refugee Convention protections drafted by the international community in the wake of World War II's atrocities. Today, forty years later, those protections are at grave risk. The U.S. failure to uphold refugee law and human rights sets a terrible example for other countries, which host the vast majority of the world's refugees, and subverts respect for international law globally. We implore you to urgently take all steps within your authority to protect the United States' standing as a haven for those seeking refuge.

Sincerely,

Adhikaar
African Communities Together
Aldea - The People's Justice Center
Al Otro Lado
America's Voice
American Civil Liberties Union
American Friends Service Committee (AFSC)
American Immigration Lawyers Association
Amnesty International USA
Asian Americans Advancing Justice | AAJC
Asylum Seeker Advocacy Project (ASAP)
Bellevue Program for Survivors of Torture
Bend the Arc: Jewish Action
Border Kindness
Border Organizing Project
Bridges Faith Initiative
Catholic Legal Immigration Network, Inc. (CLINIC)
Center for Constitutional Rights
Center for Gender & Refugee Studies (CGRS)
Center for Justice and International Law CEJIL
Center for Victims of Torture
Christian Reformed Church Office of Social Justice
Church of the Brethren, Office of Peacebuilding and Policy
Church World Service
Columbia Law School Immigrants' Rights Clinic
Communities United for Status & Protection (CUSP)
Comunidad Maya Pixan Ixim
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
Disciples Immigration Legal Counsel
Doctors for Camp Closure
Empowering Pacific Islander Communities (EPIC)
Faithful America
Familia: Trans Queer Liberation Movement
Fellowship Southwest
First Focus on Children
Florence Immigrant & Refugee Rights Project
Fordham Law School Feerick Center for Social Justice
Government Accountability Project
Haitian Bridge Alliance

HIAS

Hispanic Federation

Human Impact Partners

Human Rights First

Immigrant Defenders Law Center

Immigrant Legal Advocacy Project

Immigrant Legal Resource Center

Immigration Equality

Indivisible

Institute for Justice & Democracy in Haiti

International Mayan League

International Refugee Assistance Project (IRAP)

Japanese American Citizens League

Jesuit Refugee Service/USA

Jewish Activists for Immigration Justice Western Massachusetts

Jewish Family Service of San Diego

Justice Action Center

Justice for Our Neighbors El Paso

Justice in Motion

Kids in Need of Defense

Kino Border Initiative

Latin America Working Group (LAWG)

Lawyers for Good Government (L4GG)

Leadership Conference of Women Religious

Legal Aid Justice Center

Lutheran Immigration and Refugee Service

Lutheran Social Services of the National Capital Area (LSSNCA)

Mariposa Legal, program of COMMON Foundation

Maryknoll Office for Global Concerns

MomsRising/MamásConPoder

Mujeres Unidas y Activas

National Advocacy Center of the Sisters of the Good Shepherd

National Council of Asian Pacific Americans (NCAPA)

National Council of Jewish Women

National Immigrant Justice Center

National Immigration Law Center

National Network for Arab American Communities

National Network for Immigrant and Refugee Rights

National Partnership for New Americans

NETWORK Lobby for Catholic Social Justice

New York Immigration Coalition

North Carolina Justice Center
Northwest Immigrant Rights Project
Oasis Legal Services
OCA-Asian Pacific American Advocates
Oxfam America
Physicians for Human Rights
Project Lifeline
Public Counsel
Refugee Health Alliance
Refugees International
Robert F. Kennedy Human Rights
Rocky Mountain Immigrant Advocacy Network
Save the Children
Sisters of Mercy of the Americas Justice Team
Student Clinic for Immigrant Justice
The Advocates for Human Rights
The Black Alliance for Just Immigration (BAJI)
The General Board of Church and Society of the United Methodist Church
UndocuBlack Network
Unitarian Universalist Refugee & Immigrant Services & Education
U.S. Committee for Refugees and Immigrants
Voice for Refuge Action Fund
Washington Office on Latin America
Westchester Jewish Council for Immigration
Win Without War
Wind of the Spirit Immigrant Resource Center
Witness at the Border
Women's Refugee Commission
World Relief
Young Center for Immigrant Children's Rights