

January 18, 2023

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Biden,

The undersigned 292 civil, human rights, and immigrant rights groups write to express our tremendous alarm and condemnation of your administration's [recent announcement](#) of your plan to issue a Notice of Proposed Rulemaking (NPRM) to resurrect Trump-era asylum bans. This announcement marks a full-throated embrace of policies initiated by the prior administration, which by [your own description](#) "contravened our values and caused needless human suffering." **We call on you not to break your [campaign promise](#) to end restrictions on asylum seekers traveling through other countries. The Biden administration must adjust course immediately and abandon the misguided pursuit of an asylum ban. We urge you not to issue the NPRM on the asylum ban.**

Your administration's [announcement](#) of plans to establish a presumption of asylum ineligibility for individuals who do not use "established pathways to lawful migration" and do not apply for protection in countries of transit advances the agenda of the Trump administration, which repeatedly sought to impose similar [asylum bans](#). Word-smithing, tweaks and spin do not change this reality. These bans were [repeatedly struck down](#) by federal courts for violating U.S. law. They also violated international treaty [obligations](#), which uphold the principle of non-refoulement and generally prohibit the imposition of penalties based on manner of entry into the country of refuge. The United Nations Refugee Agency (UNHCR) [repeatedly condemned](#) attempts to impose such bans.

President Trump's unlawful asylum transit ban [led to](#) asylum denials and prolonged detention for many with *bona fide* claims, as well as family separations, permanent limbo, and elimination of a pathway to citizenship for refugees barred from asylum and granted only the inadequate protection of [withholding of removal](#). For example, the asylum transit ban led the United States to deny asylum to a Cuban political activist persecuted for supporting an opposition movement, a Venezuelan journalist and her child, a student activist shot during a protest against the Nicaraguan government, and LGBTQ asylum seekers who had fled various countries where they are at risk of harm. Indigenous asylum seekers fleeing gender-based and other persecution in Guatemala, including a woman who had been sexually assaulted because of her ethnicity, were summarily deported through expedited removal without an asylum hearing due to the transit ban. The ban's many family separations included a Cameroonian torture survivor and a Cuban critic of his government who were prevented from bringing their spouses and children to safety in the United States. The ban also caused skyrocketing asylum [denial rates](#) for many Black, Brown, and Indigenous asylum seekers, including those from Cameroon, Cuba, Guatemala, Eritrea and Venezuela.

Asylum bans are entirely inconsistent with the rights-respecting commitments the United States made just six months ago, as well as the administration’s professed commitments to racial equity. By signing the [Los Angeles Declaration](#) on Migration and Protection, the United States committed “to promote access to protection and complementary pathways for asylum seekers, refugees, and stateless persons in accordance with national legislation and with respect for the principle of non-refoulement.” The prohibition against return to persecution and the right to seek asylum have long been enshrined in U.S. refugee law, the Universal Declaration of Human Rights and the Refugee Convention.

Our organizations have repeatedly urged your administration to create and support safe pathways for migration to the United States, but we have always [stressed](#) that such pathways should not and cannot be misused to deny access to asylum—as have [UNHCR and other international authorities](#). While we welcome the limited, [temporary legal pathways](#) for some nationals from Cuba, Haiti, Nicaragua and Venezuela, such pathways are neither asylum nor a substitute for asylum, and they do not excuse the legal damage and human suffering that has and will be inflicted by asylum bans or other policies that seek to impose harmful consequences on people seeking this country’s protection. UNHCR, IOM, and UNICEF have repeatedly and [publicly criticized](#) your administration for its improper and highly damaging attempts to link the creation of safe pathways with the denial of access to asylum, warning that “such initiatives...cannot come at the expense of the fundamental human right to seek asylum.”

You were right in your [remarks](#) that seeking asylum is legal and a human right, and that people deserve a fair and humane way to do so. Yet your plans to issue an asylum ban to impose “[consequences](#)” on asylum seekers who “circumvent” pathways to migration are highly damaging. An asylum ban is unlawful, unfair, and inhumane. We urge you to immediately abandon plans to issue an NPRM on an asylum ban. We further urge you to direct your administration to end its broader efforts to punish people seeking refugee protection. Rather than subverting human rights and refugee law, the United States should be leading by example, encouraging other countries to host refugees by upholding at home the laws we ask other countries to respect at their borders.

Sincerely,

The undersigned organizations

cc: Hon. Kamala D. Harris, Vice President of the United States
Secretary Alejandro N. Mayorkas, Department of Homeland Security
Attorney General Merrick Garland, Department of Justice
Secretary Antony Blinken, Department of State
Advisor Jake Sullivan, National Security Council
Ambassador Susan Rice, Domestic Policy Council
Mr. Ron Klain, White House Chief of Staff

Signatories:

#WelcomeWithDignity
32BJ SEIU
Advocates for Basic Legal Equality
Afghans For a Better Tomorrow
African Advocacy Network
African Communities Together (ACT)
African Human Rights Coalition
Al Otro Lado
Aldea - The People's Justice Center
Alianza Americas
Alianza Sacramento
America's Voice
American Civil Liberties Union
American Friends Service Committee (AFSC)
American Gateways
American Immigration Council
American Immigration Lawyers Assoc.- MN/DAK Chapter
American-Arab Anti-Discrimination Committee (ADC)
Americans for Immigrant Justice
Amigos de Guadalupe Center for Justice and Empowerment
Amnesty International USA
Arkansas United
ArtSpace
Asian Americans Advancing Justice | AAJC
Asian Americans Advancing Justice | Atlanta
Asian Americans Advancing Justice | Southern California
Asian Community and Cultural Center
Asian Pacific Institute on Gender-Based Violence
ASISTA Immigration Assistance
Asylum Seeker Advocacy Project (ASAP)
AVAN Immigration Services
Ayuda
Ayudando Latinos A Soñar
AZ Immigration Alliance
Beacon Unitarian Universalist Congregation in Summit NJ
Border Kindness
Border Network for Human Rights
Bridges Faith Initiative
Cabrini Immigrant Services of NYC, Inc.
CARECEN DC

Carroll Gardens Association (CGA)
Casa Freehold
CASA, Inc
CATA - The Farmworker Support Committee
Catholic Legal Immigration Network, Inc.
Center for Constitutional Rights
Center for Economic and Policy Research
Center for Gender & Refugee Studies
Center for Law and Social Policy
Center for Popular Democracy
Center for Victims of Torture
Central American Refugee Center (CARECEN - NY)
Central American Resource Center (CARECEN) of California
Central American Resource Center (CARECEN) of Northern California
Centro Comunitario CEUS
Children at Risk
Children's HealthWatch
Children's Defense Fund - Texas
Chinese-American Planning Council, Inc
Church Women United in New York State
Church World Service
Civil Rights Education and Enforcement Center
Cleveland Jobs with Justice
Coalition for Humane Immigrant Rights (CHIRLA)
Coalition on Human Needs
Columbia Law School Immigrants' Rights Clinic
Committee of Interns and Residents/SEIU
Communities United for Status & Protection (CUSP)
Community Asylum Seekers Project
Community Change Action
Community Justice Alliance
Community Legal Services in East Palo Alto
Community Refugee & Immigration Services
Comunidad Maya Pixan Ixim
Congo American Bridge
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
CSA San Diego County Fair Housing
Delaware-Maryland Synod, ELCA
Detention Watch Network
Dolores Street Community Services
Dominican Sisters of Mission San Jose
Dominican Sisters of Peace

Dorothy Day Catholic Worker, Washington DC
DRUM - Desis Rising Up & Moving
ECDC
Emerald Isle Immigration Center
End Streamline Coalition
Equality California
Esperanza Immigrant Rights Project, CCLA Inc.
Exodus Refugee Immigration Inc.
Faith in New Jersey
Faith in Public Life
Faith in New York
Faithful Friends/Amigos Fieles
FIRM Action
First Focus on Children
Florence Immigrant & Refugee Rights Project
Florida Immigrant Coalition
Forward Latino
Franciscan Action Network
Freedom for Immigrants (FFI)
Freedom Network USA
Futures Without Violence
Galveston-Houston Immigrant Representation Project
Georgia Immigration Collaborative
Grassroots Leadership
Greater Milwaukee Synod, Evangelical Lutheran Church in America
Haitian Bridge Alliance
Hartford Deportation Defense
Harvard Immigration and Refugee Clinical Program
HIAS
Hispanic Federation
Hope Border Institute
Houston Immigration Legal Services Collaborative
Human Rights First
Human Rights Initiative of North Texas
Humane Borders Inc.
Illinois Workers in Action
Immigrant Alliance for Justice and Equity
Immigrant ARC
Immigrant Defenders Law Center
Immigrant Health Equity and Legal Partnerships (ImmHELP)
Immigrant Justice Network
Immigrant Law Center of Minnesota

Immigrant Legal Advocacy Project
Immigrant Legal Resource Center
Immigration Center for Women and Children
Immigration Equality
Immigration Hub
Immigration Law and Justice Network
Indivisible
Indivisible Nation BK
Inland Coalition for Immigrant Justice
Inland Empire Immigrant Youth Collective
Innovation Law Lab
Institute for Justice & Democracy in Haiti
Instituto de Educación Popular del Sur de California
Interfaith Movement for Human Integrity
Interfaith Welcome Coalition - San Antonio
International Mayan League
International Refugee Assistance Project (IRAP)
International Rescue Committee
Iowa Migrant Movement for Justice
Japanese American Citizens League
Jesuit Refugee Service/USA
Jewish Activists for Immigration Justice, Western MA
Jewish Family Service of San Diego
Journey's End Refugee Services
Justice Action Center
Justice for Migrant Women
Justice in Motion
Kids in Need of Defense
Kino Border Initiative
La Raza Community Resource Center
Labor Council for Latin American Advancement
Las Americas Immigrant Advocacy Center
Latin Advocacy Network (LATINAN)
Latin American Working Group (LAWG)
Latino Community Fund (LCF Georgia)
Law Office of Harry Salzberg
Lawyers for Good Government
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
League of Women Voters of the United States
Legal Aid at Work
Legal Aid Justice Center
Life of Hope

Living Hope Wheelchair Association
Long Island Immigration Clinic/Sisters of St. Joseph
Los Angeles Center for Law and Justice
Louisiana Organization for Refugees and Immigrants
Loyola Immigrant Justice Clinic
Loyola University New Orleans College of Law
Legal Services of New Jersey (LSNJ)
LULAC OHIO
Lutheran Immigration and Refugee Service
Make the Road New Jersey
Make the Road New York
Mariposa Legal, program of COMMON Foundation
Maryknoll Office for Global Concerns
Massachusetts Immigrant and Refugee Advocacy Coalition
Mennonite Central Committee U.S.
Migrant Center for Human Rights
Minnesota Freedom Fund
MomsRising/MamásConPoder
MoveOn
MPower Change
Muslim Advocates
National Advocacy Center of the Sisters of the Good Shepherd
National Center for Lesbian Rights
National Council of Jewish Women
National Employment Law Project
National Immigrant Justice Center
National Immigration Law Center
National Immigration Litigation Alliance
National Immigration Project (NIPNLG)
National Latina Institute for Reproductive Justice
National Lawyers Guild San Francisco Bay Area Chapter
National Network for Arab American Communities
National Network for Immigrant and Refugee Rights
National Partnership for New Americans
Neighbors Link
NETWORK Lobby for Catholic Social Justice
New Immigrant Community Empowerment (NICE)
New Mexico Immigrant Law Center
New York Immigration Coalition
North Carolina Justice Center
Northwest Coalition for Responsible Investment
Northwest Immigrant Rights Project

Oasis Legal Services
Office of Peace, Justice, and Ecological Integrity, Sisters of Charity of Saint Elizabeth
OLA of Eastern Long Island
OneJustice
Open Immigration Legal Services
Opening Doors, Inc.
Our Children Oregon
Oxfam America
Pax Christi New Jersey
Pennsylvania Immigration & Citizenship Coalition
PFLAG National
Physicians for Human Rights
Presentation Sisters USA Unit
Presente.org
Project ANAR
Public Advocacy for Kids
Public Counsel
Public Law Center
Quixote Center
RAICES
Reformed Church of Huguenot Park
Refugee Advocacy Lab
Refugee Congress
Refugee Council USA
Refugees International
Robert F. Kennedy Human Rights
ROC United
Rockland Immigration Coalition
Rocky Mountain Immigrant Advocacy Network
Rural Women's Health Project
Sanctuary and Resistance to Injustice
Save the Children
School Sisters of Notre Dame, Central Pacific Province
Services, Immigrant Rights and Education Network (SIREN)
Sisters of Charity of Seton Hill
Sisters of Mercy of the Americas Justice Team
Sisters of Notre Dame de Namur USA
Sisters of St. Joseph of Carondelet, LA
Sisters of St. Joseph of Rochester
Sisters of the Divine Savior
Sisters, Home Visitors of Mary
Social Justice Collaborative

Sonoma Immigrant Services
South Bay People Power
Southeast Asia Resource Action Center
Southern Border Communities Coalition
Southern Poverty Law Center
Strangers No Longer (Michigan)
Sunita Jain Anti-Trafficking Initiative
Tennessee Immigrant & Refugee Rights Coalition
Texas Civil Rights Project
The Advocates for Human Rights
The Black Alliance for Just Immigration
The Bronx Defenders
The Episcopal Church
The Leadership Conference on Civil and Human Rights
The Living Hope Wheelchair Organization
The Workers Circle
U.S. Committee for Refugees and Immigrants (USCRI)
UndocuBlack Network
UnidosUS
Unitarian Universalist Service Committee
UNITE-LA
United Church of Christ Justice and Local Church Ministries
United Food and Commercial Workers Local 1445
United Stateless
United We Dream
Universidad Popular
Urban Justice Center/Street Vendor Project
VECINA
Violence Intervention Program
Virginia Coalition for Immigrant Rights
Voice for Refuge Action Fund
Washington Office on Latin America (WOLA)
We Are All America
Welcoming America
Wind of the Spirit Immigrant Resource Center
Witness at the Border
Women's Empowerment Coalition of NYC
Women's Refugee Commission
Worker Justice Center of New York
World Education Services
World Relief
Young Center for Immigrant Children's Rights