May 27, 2020

Chad F. Wolf Acting Secretary Department of Homeland Security 301 7th Street, S.W. Washington, D.C. 20528 Robert R. Redfield, MD Director Centers for Disease Control and Prevention 1600 Clifton Road Atlanta, GA 30329

Re: Indefinite Suspension of Protections for Asylum Seekers and Unaccompanied Children Under May 19, 2020 Order by the Centers for Disease Control and Prevention

Dear Acting Secretary Wolf and Director Redfield:

Our 258 legal, faith-based, humanitarian, human rights, and community organizations, many of which advocate on behalf of asylum seekers, immigrants, unaccompanied children, and survivors of domestic violence and sexual assault, write to strenuously object to the administration's exploitation of the COVID-19 pandemic as a pretext to implement indefinite, illegal and life-threatening restrictions on humanitarian protections at the southern U.S. border.

Public health experts have concluded that the March 20 <u>order</u> from the Centers for Disease Control and Prevention ("CDC"), which the Department of Homeland Security ("DHS") is using to eviscerate Congressionally mandated and treaty-based protections for children, families, and adults seeking safety at the border, "is based on <u>specious justifications</u> and fails to protect public health." On May 19, CDC recklessly extended the <u>much-criticized</u> order <u>indefinitely</u> - fulfilling the administration's long-<u>sought</u> goal of eliminating these life-saving protections.

In just six weeks, DHS used the CDC order to block and remove at least <u>21,000</u> people including likely <u>thousands</u> of asylum-seekers and over <u>1,000</u> <u>unaccompanied children</u> - expelling them to places where they face risk of kidnapping, rape, and murder, without the legally required opportunity to seek protection in the United States. Under the CDC order, border officers are expelling some Central American <u>children</u> and asylum seekers to Mexico, refusing to accept protection requests from Cameroonian, Cuban, Eritrean, Venezuelan and other asylum seekers, and blocking <u>screenings</u> for asylum seekers returned to Mexico under the so-called Migrant Protection Protocols, including those <u>kidnapped and tortured</u> there. People expelled to their home countries face not only the dangers they initially fled but also increasing levels of domestic violence that may drive more women and children to seek asylum and <u>repressive enforcement</u> of public health measures by governments and armed non-state forces.

These expulsions blatantly <u>violate</u> U.S. law and treaty obligations to protect those seeking humanitarian protection. Members of Congress have written that the administration's legal <u>justification</u> is "<u>deeply flawed</u>" and "raises serious questions about ... the Administration's respect for the rule of law." The U.N. Refugee Agency has made clear in legal <u>guidance on COVID-19</u> that states cannot impose "blanket measure[s]" to block asylum seekers. The administration's sham attempt to show it meets its legal obligations to refugees by offering fear of torture screenings is absurd. Internal <u>guidance reportedly</u> circulated by DHS indicates that Border Patrol agents are instructed to refer for interviews only those asylum seekers who make an "affirmative, spontaneous" request for protection that is "believable." As a result, only 59 of the thousands of asylum seekers subject to the CDC order have reportedly even been referred for

limited torture screenings; the results are equally farcical - <u>only two</u> people have passed. DHS border officers are not trained in, and should not be, making decisions about asylum. It is also not reasonable to expect <u>survivors</u> of persecution or torture to communicate their fears effectively without prompting to armed, uniformed border officers.

The administration cannot disregard federal laws that explicitly recognize the vulnerability of unaccompanied children arriving at the border seeking protection, many of whom are fleeing trafficking or fear persecution. In April, DHS expelled more than 90 percent of children found at the border without a parent or guardian, transferring only <u>58</u> to the authority of the Office of Refugee Resettlement ("ORR"). Expelling these children puts them at risk of being returned to trafficking, abuse, or other violence and <u>violates</u> the <u>Trafficking Victims Protection</u> <u>Reauthorization Act</u>, which mandates that children arriving alone must be transferred to ORR, provided appropriate care and protection, and given an opportunity to have their protection requests considered. During this global pandemic, this legal framework is especially important.

For women and children fleeing domestic violence the administration's effective elimination of asylum during the pandemic could not have come at a worse time. Danger is <u>rising</u> for abused women and children sheltering at home when home is not safe, including a <u>surge</u> in violence against girls and women in Latin America and the Caribbean. While few women and children suffering from domestic violence will likely reach the U.S. border given pandemic-related restrictions on movement in many countries, we are concerned that those seeking asylum in the United States are now being promptly returned to this danger with no effective legal process.

Last month, <u>hundreds</u> of our <u>organizations warned</u> the administration that these illegal expulsions put the lives of unaccompanied children and asylum seekers in peril. Instead of heeding those warnings, the administration has instead chosen to extend this dangerous injustice indefinitely. We urge DHS to immediately halt expulsions of unaccompanied children and those seeking humanitarian protection and restore the rule of law at our borders. We call on the CDC to rescind its order and allow for the entry and processing of people seeking refuge in the United States.

As <u>public health experts</u> have explained, U.S. agencies can effectively <u>respond</u> to the needs of asylum seekers and unaccompanied children at the border during the pandemic while safeguarding the health of border officers, those seeking protection, and the general public, and upholding U.S. law and treaty obligations. Decisions relating to COVID-19 should be aimed at saving, not endangering lives, and should be driven by evidence-based public health measures and respect for human rights.

Sincerely,

Abolish ICE Denver ADL (Anti-Defamation League) Advocating Opportunity African American Ministers In Action African Human Rights Coalition Al Otro Lado Alianza Americas Alianza Nacional de Campesinas

All Our Kin America's Voice American Association of People with Disabilities American Immigration Council American Immigration Lawyers Association Amnesty International USA Asian Americans Advancing Justice-Atlanta Asian Pacific Institute on Gender-Based Violence Asian Pacific Islander Legal Outreach ASISTA Asylum Access Global Asylum and Human Rights Clinic at the University of Connecticut School of Law Asylum Seeker Advocacy Project Asylum Seeker Assistance Project Autistic Self Advocacy Network Autistic Women and Nonbinary Network **Bayard Rustin Liberation Initiative Bethany Christian Services** Bet Tzedek Legal Services Black Alliance for Just Immigration (BAJI) **Border Kindness Border Patrol Victims Network** California Collaborative for Immigrant Justice (CCIJ) California Partnership to End Domestic Violence Campaign for Youth Justice CARECEN of Northern CA Casa Cornelia Law Center Casa de Esperanza: National Latin@ Network for Healthy Families and Communities Center for Gender & Refugee Studies Center for International Environmental Law (CIEL) Center for Law and Social Policy (CLASP) Center for Victims of Torture (CVT) Center for Victims of Torture Georgia Center Global, a program of the DC Center for the LGBT Community CenterLink Central American Resource Center- CARECEN- of California **Central West Justice Center** Centro Legal de la Raza **Chester Community Coalition** Chicago Religious Leadership Network on Latin America - CRLN Children's Advocacy Institute Children's Defense Fund-California The Children's Partnership Children's Rights Church World Service CivicGeorgia

Clarion Franciscan Coalición de Derechos Humanos Coalition for Humane Immigrant Rights (CHIRLA) Coalition of Refugee Service Agencies, Georgia Colectiva Legal del Pueblo Colibri Center for Human Rights Colorado Children's Campaign Columban Center for Advocacy and Outreach Columbia Law School Immigrants' Rights Clinic Comisión de paz, justicia y ecología de frailes capuchinos de Puerto Rico Community Legal Services in East Palo Alto Community of St. Francis **Community Renewal Society** Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces Connecticut Institute for Refugees and Immigrants **Connecticut Shoreline Indivisible Cooperation Operation** Cornell Asylum and Convention Against Torture Appeals Clinic Cornell International Human Rights Clinic: Litigation and Advocacy Council for Global Equality CPC - Chinese-American Planning Council **Detention Watch Network** Disability Rights Education & Defense Fund (DREDF) **Disciples Center for Public Witness Disciples Justice Action Network** The Door **Empowering Pacific Islander Communities** End Domestic Abuse Wisconsin Equal Access Legal Services Equality California Equality North Carolina Esperanza Immigrant Rights Project Eugene Catholic Worker Evangelical Lutheran Church in America Faith in Public Life Families Belong Together Family Equality Family Values at Work First Focus on Children First Parish Cambridge: Beyond Borders Sin Fronteras The Florence Immigrant & Refugee Rights Project Franciscan Action Network Freedom for Immigrants Freedom Network USA Frontera de Cristo Georgia Asylum & Immigration Network (GAIN)

Global Justice Clinic of NYU School of Law* Group in defense of the Amazon (GDA) Haitian Bridge Alliance Hawai'i Children's Action Network HELP: MLP Her Justice HIAS **Hispanic Federation** Hope Border Institute Human Rights First Human Rights Initiative of North Texas Human Rights Watch Humanitarian Immigration Law Clinic, Elon University School of Law Immigrant Allies of Marshalltown (Iowa) Immigrant Defenders Law Center **Immigrant Defense Advocates** Immigrant Hope - Atlanta Immigrant Legal Advocacy Project Immigrant Legal Resource Center **Immigration Equality** Innovation Law Lab Institute for Women in Migration (IMUMI) **Interfaith Oceans** Interfaith Welcome Coalition International Human Rights Clinic, University of Chicago Law School International Refugee Assistance Project (IRAP) International Rescue Committee Islamic Relief USA Japanese American Citizens League Jewish Family Service of San Diego JFON Houston Juntos Justice for Migrant Women Justice in Motion Justice Policy Institute **Justice Strategies** Kairos Center for Religions, Rights and Social Justice Keep Tucson Together - No More Deaths Kids in Need of Defense Kino Border Initiative Lambda Legal Las Americas Immigrant Advocacy Center Latin Advocacy Network (LATINAN) Latin America Working Group (LAWG) Latino Community Fund (LCF Georgia) Latino Policy Forum

Lawyers' Committee for Civil Rights of the San Francisco Bay Area Leadership Conference of Women Religious The Leadership Conference on Civil and Human Rights Legal Services for Children Leitner Center for International Law and Justice Los Angeles Center for Law and Justice Lutheran Immigration and Refugee Service Marion County Commission on Youth, Inc. Mennonite Central Committee U.S. Washington Office Michigan Immigrant Rights Center Mid-South Immigration Advocates Migrant and Immigrant Community Action Project Modern Military Association of America MomsRising Multicultural Efforts to end Sexual Assault (MESA) NAACP National Advocacy Center of the Sisters of the Good Shepherd National Alliance to End Sexual Violence National Association of Social Workers National Center for Children in Poverty National Center for Lesbian Rights National Center for Transgender Equality National Center for Youth Law National Coalition Against Domestic Violence National Council of Asian Pacific Americans National Council of Jewish Women National Council on Independent Living National Employment Law Project National Equality Action Team National Health Law Program National Immigrant Justice Center National Immigration Law Center National LGBTQ Task Force National Network for Immigrant & Refugee Rights National Network to End Domestic Violence National Nurse-Led Care Consortium National Women's Law Center Nebraska Coalition to End Sexual and Domestic Violence Network in Solidarity with the People of Guatemala (NISGUA) NETWORK Lobby for Catholic Social Justice New Hampshire-Vermont Guatemala Accompaniment Project NorCal Resist Not Dead Yet **Oasis Legal Services** OCA-Asian Pacific American Advocates **Open Immigration Legal Services**

Oregon Interfaith Movement for Immigrant Justice Organización en California de Líderes Campesinas, Inc. Orlando Center For Justice, Inc. Our Children Oregon **Oxfam America** Pacific McGeorge Community Legal Services Pacifica Social Justice Pangea Legal Services Partnership for America's Children Pax Christi USA People For the American Way People's Parity Project, UConn Law Physicians for Human Rights Poligon Education Fund Program for Torture Victims (PTV) Project South Public Advocacy for Kids (PAK) Public Citizens for Children and Youth Public Counsel Quixote Center RAICES Red Franciscana para Migrantes Reformed Church HP-Affordable Housing Corp **Reformed Church of Highland Park Refugees International Rian Immigrant Center** Rocky Mountain Immigrant Advocacy Network **Rural Coalition** Save the Children Action Network School Sisters of Notre Dame, Central Pacific Province SEIU 32BJ Silver State Equality-Nevada Sister Parish, Inc. Sisters of Mercy of the Americas Justice Team Sisters of St. Francis of Rochester, MN Sisters of St. Joseph, TOSF Southeast Asia Resource Action Center (SEARAC) Southern Border Communities Coalition Southern Poverty Law Center Southwestern Law School Legal Clinic Southwestern Law School Removal Defense Program SPLC Action Fund Still Waters Anti-trafficking Program Tahirih Justice Center **Texas Civil Rights Project** U.S. Committee for Refugees and Immigrants (USCRI)

UDC Law Immigration & Human Rights Clinic Union for Reform Judaism Unitarian Universalist Church of Arlington, VA Unitarian Universalist Service Committee University of Tulsa College of Law Legal Clinic URGE: Unite for Reproductive & Gender Equity USF Immigration & Deportation Defense Clinic **VIDAS** Legal Services Washington Defender Association Washington Office on Latin America We All Rise Wellington Avenue United Church of Christ Immigrant and Justice Task Force Wilco Justice Alliance (Williamson County Texas) Wind of the Spirit Witness at the Border Women's Refugee Commission Young Center for Immigrant Children's Rights Young Elected Officials Network Young People For ZERO TO THREE

*This communication does not purport to represent the institutional views, if any, of New York University.