

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives

The Honorable Rosa DeLauro
Chairwoman, Committee on Appropriations
U.S. House of Representatives

The Honorable Kay Granger
Ranking Member, Committee on Appropriations
U.S. House of Representatives

July 15, 2022

Dear Speaker Pelosi, Minority Leader McCarthy, Chairwoman DeLauro, and Ranking Member Granger,

The undersigned civil society organizations write to express our grave concern regarding the amendments included in the Fiscal Year 2023 House spending bills for the Departments of Homeland Security and Health and Human Services that would legislatively codify and indefinitely prolong the use of the Title 42 policy, which has been used to block and expel asylum seekers and migrants seeking safe haven in the United States. We urge you to ensure that these poison pill riders, or others like them, are not included in any bill that receives a vote on the House floor.

In 1980, the U.S. Congress 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, just forty years later, those vital protections are in grave risk. Title 42 prevents people who clearly qualify for asylum under our laws – based on individual persecution in their homelands – from even making their case. We urge the House of Representatives to reject the misguided political reaction of a few that would result in direct harm to asylum seekers and undermine the integrity of the U.S. asylum system.

“Title 42” may sound innocuous; in reality it is a policy invented by the Trump administration to dismantle the U.S. asylum system, under the guise of specious public health justifications.

Keeping Title 42 in place puts refugees at risk, exacerbates chaos at the border, and serves no legitimate public health goals.

The Title 42 expulsions policy harms asylum seekers. Expulsions have blocked people in need of protection from exercising their legal right to seek asylum without so much as a screening for asylum eligibility, as is required under U.S. law. Under Title 42, the U.S. government has routinely sent asylum seekers back to Mexico where they are vulnerable to kidnapping and violent assault, or back to the violence they fled in their countries of origin. Under the Biden administration, [there have been over 10,318 reported violent attacks](#), including kidnapping and rape, against people expelled to Mexico under Title 42. The harms of the Title 42 expulsions fall

primarily on Black, Brown and Indigenous asylum seekers. In recognition of the disparate racial impact inherent in the policy, [civil rights leaders](#) have called for the end of Title 42 in the name of racial equity and asylum law.

Title 42 does nothing to protect public health. The Title 42 policy was never justified as a public health measure. Senior CDC experts [objected](#) to the policy from its inception. [Epidemiologists](#) and [medical experts](#) have repeatedly confirmed that the Title 42 policy undermines public health responses to COVID-19 and that the pandemic, including emerging variants, can be addressed through existing precautions, such as offering vaccinations, testing, masking, and avoiding the use of congregate detention.

Title 42 sows chaos at the border rather than ameliorating it. Because Title 42 expulsions prevent people fleeing violence from seeking safety at U.S. ports of entry, the policy forces people to undertake repeated attempts to access asylum protections and U.S. immigration officials are actually prevented from enforcing U.S. immigration law. According to CBP data, the percentage of people who have attempted to repeatedly cross the southern border has [jumped](#) by over 385 percent from FY 2019 to FY 2022, from seven percent to 27 percent as of May 2022. Transnational organized crime also [benefits](#) from the Title 42 policy because without safe pathways to seek protection, migrants are often forced to rely on smugglers to get them to U.S. soil and are driven to dangerous pathways to seek protection.

The amendments passed out of the House Appropriations Committee are particularly harmful because they make Title 42's rescission contingent on termination of the COVID-19 emergency declaration, a decision with widespread public health and safety ramifications. The decision to end the COVID-19 public health emergency declaration is an [incredibly consequential one](#), as the termination will limit or end the government's flexibility to respond to COVID-19 related public health needs, including the issuance of waivers or modifications of Medicare, Medicaid and CHIP requirements. The Kaiser Family Foundation [estimates](#) that between 5.3 and 14.2 million people could lose Medicaid coverage when the public health emergency is terminated. Tying asylum access to the public health needs of millions will inject an irrelevant complication into this important decision, with unintended and potentially harmful consequences for both immigration and public health.

We urge you to ensure that these amendments are not included in any legislation that receives a vote on the House floor. Permitting these bills to proceed would irreparably taint decades of congressional commitment to protect refugees and asylum seekers. With countless lives at stake, we expect you to protect, not undermine, the rights of asylum seekers.

Sincerely,

National organizations

African Communities Together
Alianza Americas
America's Voice
American Civil Liberties Union
American Friends Service Committee
American Immigration Council
American Immigration Lawyers Association
American-Arab Anti-Discrimination Committee (ADC)
Amnesty International USA
Asian Americans Advancing Justice | AAJC
Asian Pacific Institute on Gender-Based Violence
Asylum Seeker Advocacy Project (ASAP)
Autistic Self Advocacy Network
Bend the Arc: Jewish Action
Black Alliance for Just Immigration (BAJI)
Bread for the World
Bridges Faith Initiative
Center for Constitutional Rights
Center for Disability Rights
Center for Gender & Refugee Studies
Center for Law and Social Policy (CLASP)
Center for Victims of Torture
Children's HealthWatch
Church World Service
Civil Rights Education and Enforcement Center
Coalition on Human Needs
Communities United for Status & Protection (CUSP)
Community Change Action
Comunidad Maya Pixan Ixim
Detention Watch Network
Disciples Immigration Legal Counsel
Disciples Refugee & Immigration Ministries
Doctors for Camp Closure
Evangelical Lutheran Church in America
Faith In Action (LA RED)
Familia: Trans Queer Liberation Movement

Families for Freedom
Family Voices
FIRM Action
First Focus Campaign for Children
Freedom for Immigrants (FFI)
Freedom Network USA
Government Accountability Project
Haitian Bridge Alliance
HIAS
Hispanic Federation
Human Rights First
Human Rights Watch
Immigrant Justice Corps
Immigrant Legal Resource Center
Immigration Equality Action Fund
Innovation Law Lab
Institute for Justice & Democracy in Haiti
International Mayan League
International Refugee Assistance Project (IRAP)
International Rescue Committee
InterReligious Task Force on Central America and Colombia
Jesuit Refugee Service/USA
JPIC Office, Adorers of the Blood of Christ, US Region
Justice Action Center
Justice in Motion
Kids in Need of Defense
Kino Border Initiative
Latin America Working Group (LAWG)
Leadership Conference on Civil & Human Rights
Lutheran Immigration and Refugee Service (LIRS)
Maryknoll Office for Global Concerns
NAKASEC
National Center for Lesbian Rights
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)
National Council of Jewish Women
National Education Association
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project (NIPNLG)

National Justice For Our Neighbors
National Network for Immigrant and Refugee Rights
National Partnership for New Americans
National Priorities Project at the Institute for Policy Studies
NETWORK Lobby for Catholic Social Justice
Oxfam America
Physicians for Human Rights
Poder Latinx
Presente.org
Prevention Institute
Project On Government Oversight
Quixote Center
RAICES
Refugee Congress
Refugee Council USA
Refugees International
Respond Crisis Translation
Robert F. Kennedy Human Rights
Save the Children
Service Employees International Union (SEIU)
Showing Up for Racial Justice
Sisters and Associates of St. Francis
Sisters of Mercy of the Americas Justice Team
Sojourners
Southern Border Communities Coalition
Southern Poverty Law Center Action Fund
T'ruah: The Rabbinic Call for Human Rights
Tahirih Justice Center
U.S. Committee for Refugees and Immigrants (USCRI)
UndocuBlack Network
Union for Reform Judaism
Unitarian Universalist Service Committee
Unitarian Universalists for Social Justice
United We Dream
Vera Institute of Justice
Washington Office on Latin America (WOLA)
Witness at the Border
Women's Refugee Commission
Young Center for Immigrant Children's Rights

Regional / state / local organizations

Adelanto Visitation & Advocacy Network
Adhikaar
Advocates for Basic Legal Equality, Inc.
Advocating Opportunity
Al Otro Lado
All Souls Unitarian Church
American Gateways
Asian American Advocacy Fund
Asian American Federation
Asian Americans Advancing Justice-Atlanta
Association for Special Children & Families
Bellevue Program for Survivors of Torture
Bend the Arc Jewish Action Pittsburgh
Bend the Arc: Jewish Action - Maryland
Bend the Arc: Jewish Action Champaign-Urbana
Border Kindness
Border Organizing Project
Capital Area Immigrants' Rights Coalition (CAIR Coalition)
Central American Resource Center - CARECEN - of California
Children at Risk
Church Women United in New York State
Coalition for Humane Immigrant Rights (CHIRLA)
Colorado Immigrant Rights Coalition
Community Asylum Seekers Project
Connecticut Shoreline Indivisible
El Refugio Ministry
Envision Freedom Fund
Esperanza Immigrant Rights Project
Exceptional Children's Assistance Center (ECAC)
Federation for Children with Special Needs
Fellowship Southwest
First Friends of New Jersey and New York
Florence Immigrant & Refugee Rights Project
Georgia Asylum and Immigration Network (GAIN)
Georgia Human Rights Clinic
Georgia Latino Alliance for Human Rights
Good Shepherd
Grassroots Leadership
Guadalupe Presbyterian Church USA, Guadalupe, AZ

Hawaii Families As Allies
Holy Spirit Social Justice
Hope Border Institute
Human Rights Initiative of North Texas
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Defenders Law Center
Immigrant Legal Advocacy Project
Immigration Working Group, SWPA Synod, Evangelical Lutheran Church in America
INCLUDEnyc
Inter-Faith Committee on Latin America
Interfaith Community for Detained Immigrants Chicago
Interfaith Welcome Coalition - San Antonio
Jewish Activists for Immigration Justice of Western Mass
Jewish Family Service of San Diego
Jewish Progressive Action (NH)
Justice for Our Neighbors El Paso
Kitsap Immigrant Assistance Center (KIAC)
La Conexion
La Raza Community Resource Center
Las Americas Immigrant Advocacy Center
Lutheran Social Services
Maryland Against ICE Detention
Maryland Legislative Coalition
Migrant Center for Human Rights
Minnesota Freedom Fund
Montgomery County Federation of Families for Children's Mental Health, Inc.
New Sanctuary Movement of Atlanta
New York Immigration Coalition
NorCal Resist
North Carolina Justice Center
Northwest Immigrant Rights Project
NW Ohio Immigrant Rights Network
Oasis Legal Services
OPAWL - Building AAPI Feminist Leadership
Parents' Place of MD
PEAK Parent Center
Rio Grande Borderland Ministries
Rocky Mountain Immigrant Advocacy Network
Rutgers Law School, Child Advocacy Clinic
San Dieguito United Methodist Church, Encinitas, CA

Sidewalk School
Sisters of St. Francis of Philadelphia
Sisters of St. Francis, Tiffin, OH
Sisters of St. Joseph of Carondelet
Social Justice Coalition, Central Lutheran Church
SPAN Parent Advocacy Network
St. James Cathedral, Seattle
Takoma Park Mobilization - Equal Justice
Texas Civil Rights Project
The Advocates for Human Rights
THRIVE Center
Universidad Popular
University of San Francisco Immigration and Deportation Defense Clinic
UnLocal
Westchester Jewish Coalition for Immigration
Wind of the Spirit Immigrant Resource Center