

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 250 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 [order](#) 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 [specious justifications](#) and fails to protect public health." On May 19, CDC recklessly extended the [much-criticized](#) order [indefinitely](#) - fulfilling the administration's long-[sought](#) goal of eliminating these life-saving protections.

In just six weeks, DHS used the CDC order to block and remove at least [21,000](#) people - including likely [thousands](#) of asylum-seekers and over [1,000 unaccompanied children](#) - 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 [children](#) and asylum seekers to Mexico, refusing to accept protection requests from Cameroonian, Cuban, Eritrean, Venezuelan and other asylum seekers, and blocking [screenings](#) for asylum seekers returned to Mexico under the so-called Migrant Protection Protocols, including those [kidnapped and tortured](#) 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 [repressive enforcement](#) of public health measures by governments and armed non-state forces.

These expulsions blatantly [violate](#) U.S. law and treaty obligations to protect those seeking humanitarian protection. Members of Congress have written that the administration's legal [justification](#) is "[deeply flawed](#)" and "raises serious questions about ... the Administration's respect for the rule of law." The U.N. Refugee Agency has made clear in legal [guidance on COVID-19](#) 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 [guidance reportedly](#) 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 - [only two](#) 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 [survivors](#) 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 [58](#) 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 [violates](#) the [Trafficking Victims Protection Reauthorization Act](#), 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 [rising](#) for abused women and children sheltering at home when home is not safe, including a [surge](#) 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, [hundreds](#) of our [organizations warned](#) 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 [public health experts](#) have explained, U.S. agencies can effectively [respond](#) 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
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 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
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
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)
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
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 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
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.