



April 7, 2022

United States Senate
Washington, DC 20510

Dear Senator,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 230 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, we write to encourage your support of the Biden administration's plans to end Title 42 on May 23, 2022, in accordance with a robust analysis¹ conducted by the Centers for Disease Control and Prevention (CDC). We strongly urge you to reject any congressional efforts to keep this wholesale policy failure in place. We ask that you allow the Biden administration to restore meaningful access to asylum at our Southern border and welcome asylum seekers and refugees with dignity.

Title 42 is not, and has never been, a public health policy. For two years, Title 42 has failed to protect public health or stem the tide of COVID-19 in the United States. Epidemiologists,² former CDC officials,³ and public health experts⁴ have denounced the junk science⁵ behind the use of Title 42 since it was enacted. Title 42 has also reinforced ugly, racialized stereotypes about immigrants and disease, and recent characterizations of Title 42 as a border management tool belie any reasoning based on science or public health and confirm that it has indeed been used as an immigration policy, not a public health policy. Title 42's prolonged use over the past two years is a stain on the Biden administration's still-unfolding legacy. **Title 42 has exposed asylum seekers to chaos and violence.** Title 42 has not deterred asylum seekers and refugees from traveling to the border — it has, in fact, increased⁶ the number of desperate people seeking protection. Many of those who are expelled quickly attempt re-entry when their asylum claims are not heard. Neither Title 42, nor any other dubious policy of its kind, can deter people who seek protection from persecution. Title 42 has exposed asylum seekers to violence after expulsion — with

¹ CDC Public Health Determination and Termination of Title 42 Order (April 1, 2022), <https://www.cdc.gov/media/releases/2022/s0401-title-42.html>.

² Columbia University Program on Forced Migration and Health, *Epidemiologists and Public Health Experts Reiterate Urgent Call to End Title 42* (January 14, 2022), <https://www.publichealth.columbia.edu/research/program-forced-migration-and-health/epidemiologists-and-public-health-experts-reiterate-urgent-call-end-title-42>.

³ CBS News, *Top CDC official told Congress migrant expulsion policy was not needed to contain COVID* (November 12, 2021), <https://www.cbsnews.com/news/cdc-official-told-congress-migrant-expulsion-policy-not-needed-to-contain-covid/>.

⁴ Physicians for Human Rights, *Neither Safety nor Health: How Title 42 Expulsions Harm Health and Violate Rights* (July 28, 2021), <https://phr.org/our-work/resources/neither-safety-nor-health/>.

⁵ Physicians for Human Rights, *1,300+ Medical Professionals from 49 U.S. States and Territories Call on CDC to End "Junk Science" Border Expulsion Policy* (October 28, 2021), <https://phr.org/our-work/resources/u-s-medical-professionals-demand-cdc-end-title-42/>.

⁶ American Immigration Council, *Rising Border Encounters in 2021: An Overview and Analysis* (March 4, 2022), <https://www.americanimmigrationcouncil.org/rising-border-encounters-in-2021>.

almost 10,000 reports⁷ of kidnapping, rape, assault, torture, and more. Furthermore, Title 42 has had an outsized negative impact on Black asylum seekers⁸ in particular, including mass deportations and gruesome violence against Haitian migrants by Customs and Border Protection officials. We decried⁹ this violence against Haitian and other Black asylum seekers last September, and we do so again today.

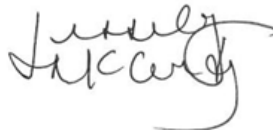
The Biden administration has a plan to address safety and due process at the border. The removal of Title 42 is a return to regular order: Asylum claims will once again be processed and heard. We trust that the Biden administration and the Department of Homeland Security's comprehensive, whole-of-government plan¹⁰ for potential increases in migrants seeking shelter will be executed in good faith. We urge all members of Congress to reject efforts to politicize COVID-related emergency public health designations by tying them to Title 42's use as an immigration policy, which would put health-related programs and funding in dire jeopardy. Ending Title 42 is an urgent racial justice, human rights, and civil rights issue, and we encourage you to work with the Biden administration to finally change course.

If you have any questions or concerns, please contact Breanne Palmer, immigration policy counsel, at palmer@civilrights.org.

Sincerely,



Wade Henderson
Interim President and CEO



Jesselyn McCurdy
Executive Vice President of Government Affairs

⁷ Human Rights First, *Two Years of Suffering: Biden Administration Continues Use of Discredited Title 42 Order to Flout Refugee Law* (March 17, 2022), <https://www.humanrightsfirst.org/resource/two-years-suffering-biden-administration-continues-use-discredited-title-42-order-flout>.

⁸ *The Invisible Wall: Title 42 and its Impact on Haitian Migrants*, <https://www.quixote.org/wp-content/uploads/2021/03/The-Invisible-Wall.pdf>

⁹ The Leadership Conference on Civil and Human Rights, *Biden Must Pause Deportation of Haitians, Respect Due Process* (September 24, 2021), <https://civilrights.org/2021/09/24/biden-must-pause-deportation-of-haitians-respect-due-process/>.

¹⁰ U.S. Department of Homeland Security, FACT SHEET: DHS Preparations for a Potential Increase in Migration (March 30, 2022), <https://www.dhs.gov/news/2022/03/30/fact-sheet-dhs-preparations-potential-increase-migration>.