

President Joe Biden
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

September 21, 2021

Dear President Biden,

As leaders of civil rights and human rights organizations, we write at an inflection point for your Administration's commitment to a humane and just immigration policy. In recent weeks your Administration has violated asylum rights and refugee laws enacted by Congress and embraced policies that inflict cruelty on Black, Brown and Indigenous immigrant communities. We fear that commitments made on the campaign trail—to uphold the United States' domestic and international legal obligation to asylum, to end privatized detention, and to disentangle federal immigration enforcement from local law enforcement—are being shredded before our eyes.

The Trump Administration attempted to close the southern border to those fleeing persecution. It instituted a policy of summary expulsions and ignored or violated the right to seek asylum under United States and international law. Instead of disavowing those policies and that approach, your Administration is aggressively defending the expulsion policy in court, even after a federal district court ruled it unlawful. Responsibility for the suffering and deaths resulting from summary expulsions and removals now falls squarely on your Administration and will be part of your enduring legacy.

Your Administration has committed to advancing racial equity in all parts of government. This commitment is belied by the Department of Homeland Security's actions on the southern border, where mass deportation and expulsion flights are returning Haitian migrants, without even a screening for asylum eligibility, to a country reeling from a devastating earthquake and presidential assassination. As recently as May, your Administration recognized the "political crisis and human rights abuses" that render returns to Haiti unsafe. These flights confirm our fears that your Administration, like its predecessors, is utilizing harsh and illegal policies to attempt to deter people, particularly Black migrants, from seeking refuge at the border. Your Administration has promised to uphold tenets of racial equity, but is unleashing immigration policies infused with anti-Black racism.

Your Administration continues to put incarceration at the center of its approach to immigration processing and management. Private prison companies losing contracts with the Bureau of Prisons or U.S. Marshals Service see Immigration and Customs Enforcement

(ICE) as an eager contracting partner. Those detained in ICE's sprawling web of jails and prisons endure sexual abuse, homophobic and transphobic abuse and harassment, and medical negligence. Their detention is motivated by financial incentives and political calculations, rather than any legitimate or evidence-based purpose.

We continue to present your Administration with our recommendations for policies that reimagine the current immigration system. Your Administration must restore asylum access at ports of entry, rescind the Centers for Disease Control and Prevention's expulsion order, and issue a new termination memo for the Migrant Protection Protocols. Deportation flights to Haiti must stop, and those seeking safety at our borders must be granted their legally assured chance to seek asylum. Your Administration must end its reliance on incarceration for immigration processing, and instead commit to working with community-based legal and social service providers. At the highest levels of government, policymaking and rhetoric must reject false narratives of public safety and public health that demonize immigrants. Your Administration stands at a precipice. We urge you to choose human rights over political demagoguery and fear.

Sincerely,

Judith Browne Dianis, Executive Director, Advancement Project

Adoubou Traore, Executive Director, African Advocacy Network

Anthony Romero, Executive Director, American Civil Liberties Union

Benjamin Johnson, Executive Director, American Immigration Lawyers Association and American Immigration Council (Interim)

Nana Gyamfi, Executive Director, Black Alliance for Just Immigration and President, National Conference of Black Lawyers

Carl Hamad-Lipscombe, Executive Director, Brooklyn Community Bail Fund

Vincent Warren, Executive Director, Center for Constitutional Rights

Karen Musalo, Director, Center for Gender and Refugee Studies

Angelica Salas, Executive Director, Coalition for Humane Immigrant Rights

Lorella Praeli, Co-President, Community Change Action

Dorian Warren, Co-President, Community Change Action

Peter Dross, Interim Executive Director, Center for Victims of Torture

Silky Shah, Executive Director, Detention Watch Network

Laura Valdez, Executive Director, Dolores Street Community Services
Guerline Jozef, Executive Director, Haitian Bridge Alliance
Mark Hetfield, President and Chief Executive Officer, HIAS
Michael Breen, President and Chief Executive Officer, Human Rights First
Kenneth Roth, Executive Director, Human Rights Watch
Jojo Annobil, Executive Director, Immigrant Justice Corps
Eric Cohen, Executive Director, Immigrant Legal Resource Center
Francisca Lucien, Executive Director, Institute for Justice and Democracy in Haiti
Becca Heller, Executive Director, International Refugee Assistance Project
Wade Henderson, Interim President and CEO, The Leadership Conference on Civil and Human Rights
Ken Whittaker, Executive Director, Michigan United
Sherrilyn Ifill, President and Director-Counsel, NAACP Legal Defense and Educational Fund, Inc. (LDF)
Mary Meg McCarthy, Executive Director, National Immigrant Justice Center
Marielena Hincapie, Executive Director, National Immigration Law Center
Sirine Shebaya, Executive Director, National Immigration Project of the National Lawyers Guild
Nicole Melaku, Executive Director, National Partnership for New Americans
Murad Awawdeh, Executive Director, New York Immigration Coalition
Laura Martin, Executive Director, Progressive Leadership Alliance of Nevada
John Slocum, Interim Executive Director, Refugee Council USA
Vicki B. Gaubeca, Director, Southern Border Communities Coalition
Margaret Huang, Executive Director, Southern Poverty Law Center
Patrice Lawrence, Co-Director, UndocuBlack Network
Greisa Martinez, Executive Director, United We Dream
Sushma Raghavan, Interim Executive Director, Unite Oregon
Nicholas Turner, President, Vera Institute of Justice
Sarah Costa, Executive Director, Women's Refugee Commission