

Submitted via: www.regulations.gov

February 28, 2022

Andrew Davidson, Asylum Division Chief
Refugee, Asylum and International Affairs Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Lauren Alder Reid, Assistant Director
Office of Policy
Executive Office for Immigration Review
Department of Justice

RE: Security Bars and Processing, DHS Docket No. USCIS 2020-0013

The 135 undersigned faith-based groups, national and local legal services providers, medical and public health experts, refugee, human, and civil rights organizations, gender-based violence advocates, children’s rights defenders, and legal clinics urge the Department of Homeland Security and the Department of Justice (collectively the “Departments”) to rescind in its entirety the “[Security Bars and Processing](#)” rule issued by the prior administration in December 2020.

This rule would label asylum seekers a “danger to the national security of the United States” merely because they transited through or come from a country with a communicable disease, or exhibit symptoms “consistent with” such disease. Under the rule, covered asylum seekers would be barred from refugee protection in the United States in violation of U.S. law and international treaty obligations, all but ensuring their deportation to persecution or torture. By perpetuating [xenophobic](#) tropes that falsely portray migrants as spreaders of disease, the rule undermines the directive in the President’s [Executive Order](#) on strengthening integration of immigrant communities to “ensure that our laws and policies encourage full participation by immigrants, including refugees, in our civic life.”

We urge the administration to withdraw this unjustifiable, illegal, and harmful rule. The Departments have [repeatedly paused](#) the rule’s implementation due to ongoing litigation against a related regulation and as they are “[reviewing](#) and reconsidering” the rule and “[whether](#) to modify or rescind” it. The Departments now [request](#) comment on whether to further delay implementation. Ample time to study the legality and impact this baseless ban would have on asylum seekers has already elapsed. There is no need for additional delay. The administration can and must swiftly and completely rescind the rule.

A plethora of experts have already highlighted grave concerns that this rule is both fatally flawed and “[xenophobia](#) masquerading as a public health measure.” In their comments leading public health experts, including at the [Columbia Mailman School of Public Health](#) and [Johns Hopkins School of Public Health and School of Nursing](#), found no public health justification for this sweeping ban. In a comment submitted by [Physicians for Human Rights](#), Dr. Monik Jiménez of [Harvard Medical School](#) concluded that the targeting and classification of asylum seekers as a

public health threat is “not based on sound epidemiological evidence.” [Médecins Sans Frontières/Doctors Without Borders](#), a humanitarian organization with 50-years experience responding to disease outbreaks, characterized the rule as “counterproductive” and noted that “public health measures work best when they are inclusive. They fail when vulnerable people, like migrants and asylum seekers, are excluded.”

As the [African Human Rights Coalition](#) commented, the rule “exacerbates racist tropes and myths of immigrants as carriers of disease.” Deeply rooted in [eugenics](#), this ideology echoes throughout this rule. [Many LGBTQ groups](#) and HIV [advocacy](#) and [treatment](#) organizations also expressed alarm that the rule, similar to the discriminatory immigration ban on individuals living with HIV that was finally lifted by the Centers for Disease Control and Prevention (CDC) in 2010, would discriminate “[against](#) individuals on the basis of immigration status [and the] countries in which the person has lived or traveled” and would put particularly vulnerable populations such as “[women](#), people from the LGBTQ+ community, and people from ethnic or religious minorities at risk.”

The rule violates U.S. law and treaty obligations, including those adopted by Congress through its passage of the Refugee Act of 1980. The [Congressional Hispanic Caucus](#) stressed in its comment that the rule would have “devastating and senseless consequences” for asylum seekers and violate the clear intent of Congress, “reiterated over and over for four decades,” “that the United States provide a meaningful and fair path to protection for those fleeing persecution.” The [American Bar Association](#) and the [Round Table of Former Immigration Judges](#), a bipartisan group of dozens of former immigration judges, similarly objected to the rule as inconsistent with domestic and international law. Human rights organizations, including [Amnesty International](#), [Human Rights First](#), and [Human Rights Watch](#), condemned the rule as violating U.S. obligations under the Refugee Convention that prohibit the return of refugees to persecution as well as U.S.’ obligations under the Convention Against Torture, the International Covenant on Civil and Political Rights, and customary international law. [UNICEF](#) expressed concern that “this harmful rule could result in the forced return of children and families to Central America and Mexico, where they will face the grave child protection risks they fled in the first place.”

In addition, [scores of faith-based groups, national and local legal services providers, refugee, immigrant, and civil rights organizations, gender-based violence advocates and children’s rights defenders](#) provided the Departments submissions detailing how the rule would deny people seeking refuge access to the U.S. asylum process in violation of domestic law and international obligations, baselessly exploit a public health emergency to enshrine discrimination against refugees in U.S. regulations, threaten the safety of vulnerable children, and return survivors of persecution and torture to grave harms.

In concert with so many experts and stakeholders condemning this unjustifiable rule, we reiterate that it is past time to fully rescind this ban on asylum.

Respectfully,

ADL (Anti-Defamation League)
Adorers of the Blood of Christ, US Region
Advocating Opportunity
Al Otro Lado
Aldea - The People's Justice Center
American Friends Service Committee
American Immigration Council
American Immigration Lawyers Association
[Asian Pacific Institute on Gender-Based Violence](#)
Asylum Seeker Advocacy Project (ASAP)
Bellevue Program for Survivors of Torture
Border Kindness
Caldwell Sisters of Saint Dominic
California Collaborative for Immigrant Justice
Capital Area Immigrants' Rights Coalition
Casa Monarca, Humanitarian Aid for Migrants
[Center for Gender & Refugee Studies](#)
[Center for Victims of Torture](#)
Central American Resource Center - CARECEN - of California
Centro Legal de la Raza
Christian Reformed Church Office of Social Justice
Church World Service
Coalition on Human Needs
Columbia Law School Immigrants' Rights Clinic
Community Legal Services in East Palo Alto
Comunidad Maya Pixan Ixim
Congregation of Divine Providence, Texas
Cooperative Baptist Fellowship
Council for Global Equality
Daughters of Charity of Saint Vincent de Paul USA
Detention Watch Network
Disability Rights Education & Defense Fund
Disciples Immigration Legal Counsel
Disciples Refugee and Immigration Ministries
Doctors for Camp Closures
Doctors of the World - USA
Dominican Sisters of Adrian
[East Bay Sanctuary Covenant](#)
Education and Leadership Foundation
Esperanza Immigrant Rights Project, CCLA Inc.
Fayetteville Justice for Our Neighbors
Fellowship Southwest
[First Focus on Children](#)
[Florence Immigrant & Refugee Rights Project](#)
Franciscan Action Network
Franciscan Sisters of the Sacred Heart

[Freedom Network USA](#)

GEOPSYCHIATRY

Georgia Asylum and Immigration Network (GAIN)

[HIAS](#)

Hope Border Institute

[Human Rights First](#)

[Human Rights Initiative of North Texas](#)

Immigrant Defenders Law Center

Immigrant Hope Atlanta

Immigrant Legal Resource Center

[Immigration Equality](#)

Instituto para las Mujeres en la Migración (IMUMI)

Interfaith Movement for Human Integrity

Interfaith Welcome Coalition - San Antonio

[International Refugee Assistance Project](#) (IRAP)

International Rescue Committee

Japanese American Citizens League

John Hopkins Center for Humanitarian Health

Just Neighbors

Justice Action Center

Justice for Our Neighbors El Paso

[Kids in Need of Defense](#)

Kino Border Initiative

Leadership Conference of Women Religious

Long Island Immigration Clinic

Madres e Hijos

[Migrant Center for Human Rights](#)

Mississippi Center for Justice

[National Immigrant Justice Center](#)

National Immigration Law Center

National Immigration Project of the National Lawyers Guild

National Justice for Our Neighbors

National Network for Immigrant and Refugee Rights

NETWORK Lobby for Catholic Social Justice

New York Annual Conference Board of Church and Society

North American Climate, Conservation and Environment (NACCE)

Oasis Legal Services

OneAmerica

Open Immigration Legal Services

[Oxfam America](#)

PANA (The Partnership for the Advancement of New Americans)

Peace and Justice Team Congregation of Saint Joseph

[Physicians for Human Rights](#)

[Program on Forced Migration and Health, Columbia University Mailman School of Public Health](#)

Public Law Center

Quixote Center

[RAICES](#)

[Refugees International](#)

Rochester, Minnesota Franciscan Sisters and Cojourners

Rocky Mountain Immigrant Advocacy Network

RUN - Redeemer's University

Sante Fe Dreamers Project

Saratoga Immigration Coalition

[Save the Children](#)

Servants of Mary, US/Jamaica Community Council

Sisters of Charity

Sisters of Charity, BVM

Sisters of Charity of Nazareth Congregational Leadership

Sisters of Charity of Nazareth Western Province Leadership

Sisters of Charity of New York

Sisters of Mercy of the Americas Justice Team

Sisters of Saint Francis

Sisters of Saint Francis Dubuque, IA Leadership Team

Sisters of Saint Francis of Oldenburg

Sisters of Saint Joseph of Baden, PA

Sisters of Saint Joseph of Boston

Sisters of Saint Joseph of Carondelet, Albany Justice Committee

Sisters of Saint Joseph of Chestnut Hill Philadelphia, PA

Sisters of the Holy Cross

Sisters of the Most Precious Blood Leadership Team

St. John's Community Health

Student Clinic for Immigrant Justice

[Tahirih Justice Center](#)

[Texas Civil Rights Project](#)

[The Advocates for Human Rights](#)

The Georgia Human Rights Clinic

[U.S. Committee for Refugee and Immigrants](#)

UCSF Health and Human Rights Initiative

UCSF Pediatric Human Rights Collaborative

[Union Reform Judaism](#)

Unitarian Universalists for Social Justice

UNITED SIKHS

University of San Francisco Immigration & Deportation Defense Clinic

University of Southern California Gould Immigration Clinic

VECINA

Weill Cornell Medicine Students in Healthcare Advocating for Incarcerated Persons (SHAIP)

Witness at the Border

[Women's Refugee Commission](#)

Young Center for Immigrant Children's Rights