

The Honorable Joseph R. Biden
President of the United States

The Honorable Kamala D. Harris
Vice President of the United States

CC: Secretary Alejandro Mayorkas
Department of Homeland Security

Attorney General Garland
Department of Justice

Secretary Xavier Becerra
Department of Health and Human Services

Ambassador Susan Rice
Domestic Policy Council

Secretary Antony Blinken
Department of State

Advisor Jake Sullivan
National Security Council

Submitted via email

February 2, 2022

Dear President Biden and Vice President Harris:

We, the undersigned organizations committed to the rights of asylum seekers and refugees, write to express our serious concerns over [reports](#) that the U.S. Department of Homeland Security (DHS) has begun a new practice of using Title 42 to expel Venezuelan migrants to Colombia. We understand that the first two Venezuelan individuals to be expelled under this policy were flown to Colombia on January 27, 2022 and that additional Title 42 expulsion flights to the country are expected to take place on “[a regular basis](#)” for Venezuelans who “previously resided” in Colombia. This practice represents a concerning and unacceptable escalation to your administration’s misguided approach to border and migration policy that flouts domestic and international refugee and human rights law. We urge you to cease these and other Title 42 expulsions immediately, to prioritize protection and access to asylum in your regional and domestic migration policies, and to engage asylum and human rights experts as you pursue new policies.

One year into your administration, you have [continued the misuse](#) of a xenophobic Trump-era policy that weaponized an obscure provision of Title 42 of the U.S. code to summarily block and expel individuals, often repeatedly, from the U.S. southern border, without providing them the opportunity to seek asylum or the ability to access any protection screening required by law. These new flights to Colombia come amidst troubling [reports](#) that your administration placed on hold plans to restart asylum processing at U.S. ports of entry and that high-level officials have resisted ending Trump-era asylum restrictions, including Title 42 expulsions.

Title 42 expulsions have nothing to do with protecting public health and are not necessary to protect the public from the spread of COVID-19. Since the start of the COVID-19 pandemic, [public health experts](#), the [UN Refugee Agency](#), and other humanitarian advocates have demonstrated that it is possible to protect public health and ensure [access to asylum](#) simultaneously. In fact, the [Centers for Disease Control and Prevention \(CDC\)](#) [objected](#) to the use of Title 42 for mass expulsions of migrants and confirmed such expulsions [lacked](#) a valid public health basis. Your Chief Medical Advisor Dr. Anthony Fauci has himself stated that [immigrants](#) are “absolutely not” driving a COVID-19 outbreak and that expelling migrants is not a solution to an outbreak.

Over the past twelve months, your administration expelled people—often expelling the same person repeatedly—from the U.S. southern border more than [one million times](#). In just the first seven months of your administration, U.S. border officials [carried out](#) 704,000 expulsions, a significant increase from the Trump administration’s 400,000 expulsions conducted over ten months. In addition to the new expulsion flights to Colombia, DHS also carries out land expulsions to Mexico and expulsion flights to send individuals and families back to their countries of origin, including [Haiti](#), [Guatemala](#), [Honduras](#), and [Brazil](#). Even though your administration has [acknowledged](#) that “Haiti is grappling with a deteriorating political crisis, violence, and a staggering increase in human rights abuses...” - the U.S. has since September 2021, inexplicably chartered nearly [150 flights](#) of almost 16,000 Haitians, including families with [infants](#), back to a country that is unquestionably unsafe without offering them any opportunity to seek protection before expulsion. These expulsions under Title 42 [violate the law](#) and risk sending people back to dangerous conditions – sometimes the very ones that caused them to seek safety in the first place.

As you are aware, Venezuela is currently facing a severe economic, political, and humanitarian [crisis](#). [Millions of Venezuelans](#) have left the country due to political persecution, a collapse of basic services, food insecurity, and rampant violence. Over 1.7 million [Venezuelans are being hosted in Colombia](#) and many have been [granted temporary status there](#) and only a small percentage of Venezuelans have sought asylum in the United States; however, [Colombia is not safe for all Venezuelan migrants and refugees](#). Venezuelans, and all other individuals fleeing persecution have the right to seek asylum under U.S. law and to have their claims for protection assessed on a case-by-case basis. Your administration is blatantly violating the law by expelling these people to other countries in the region, such as Colombia, and we are deeply troubled by the informal and opaque arrangements with third countries that facilitate these expulsions. Your administration [terminated](#) several such agreements with Central American countries when you came into office, making these new flights especially concerning.

During its first year in office, your administration [committed](#) to a comprehensive regional approach to migration, aiming to strengthen asylum systems and refugee resettlement programs

in the region and promote “[safe](#), orderly, and humane migration.” Despite this pledge, your administration’s actions suggest that the United States seeks out negotiations with countries throughout Latin America that externalize its borders further south, shifts responsibility to countries already hosting millions of refugees, and impedes people’s ability to seek protection in the United States. Earlier this month, [under pressure from your administration](#), the Mexican government implemented new requirements that Venezuelans obtain a visa to travel to Mexico. According to [reports](#), your administration has also requested that Mexico sign a safe third country agreement, which could effectively block most individuals (except Mexicans) from seeking asylum in the United States.

We urge your administration to abandon efforts to prevent people from seeking asylum through externalized migration controls in the region and to undermine the right of people to seek protection in the United States. As you pursue other regional efforts, it is imperative that your administration operate with increased transparency and engage with asylum and human rights experts about potential efforts such as anticipated regional compacts on migration with other countries in the Americas. While regional protections must be strengthened, these efforts must not and need not come at the expense of existing protection mechanisms and access to asylum at the U.S.-Mexico border, including at [ports of entry](#).

Your administration has the responsibility to uphold U.S. refugee law and treaty obligations. We call on your administration to cease further expulsions of Venezuelan migrants to Colombia, and to immediately end its use of all expulsions under Title 42. Our organizations continue to welcome the opportunity to engage on and inform how to promote a protection centered approach to “[safe](#), orderly, and humane migration,” including restoring access to asylum at the border, including at ports of entry.

Respectfully,

Adelanto Visitation & Advocacy Network
Alianza Americas
Al Otro Lado
American Civil Liberties Union
American Friends Service Committee
Amnesty International USA
Arizona Justice For Our Neighbors
Asylum Seeker Advocacy Project (ASAP)
America's Voice
Bellevue PSOT
Bridges Faith Initiative
Casa de Venezuela Greater Philadelphia

Catholic Legal Immigration Network, Inc.
Center for Democracy in the Americas
Center for Gender & Refugee Studies
Center for Law and Social Policy (CLASP)
Center for Victims of Torture
Church World Service
Christian Reformed Church Office of Social Justice
Community Change Action
DePaul Sanctuary
Doctors for Camp Closure
Envision Freedom Fund
Esperanza Immigrant Rights Project, CCLA Inc.
Fair Immigration Reform Movement (FIRM) Action
Faith in Public Life
First Focus on Children
Florence Immigrant & Refugee Rights Project
Fordham Law School Feerick Center for Social Justice
Forging Opportunities for Refugees in America
Friends Committee on National Legislation
Haitian Bridge Alliance
Hispanic Federation
Hope Border Institute
Houston Immigration Legal Services Collaborative
Human Rights First
Human Rights Initiative of North Texas
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Defenders Law Center
Immigrant Legal Center
Immigration Hub
Institute for Justice & Democracy in Haiti
Instituto para las Mujeres en la Migración (IMUMI)
International Refugee Assistance Project (IRAP)
Japanese American Citizens League
Jesuit Refugee Service/USA
Jewish Family Service of San Diego
Jewish Activists for Immigration Justice of Western MA
Justice Action Center
Justice for Our Neighbors El Paso
Justice in Motion
Kids in Need of Defense (KIND)

La Raza Community Resource Center
The Latin America Working Group (LAWG)
Legal Aid Justice Center
Lutheran Immigration and Refugee Service
Madres e Hijos
Mennonite Central Committee U.S.
Mississippi Center for Justice
National Council of Jewish Women
National Immigrant Justice Center
National Immigration Law Center
National Network for Immigrant and Refugee Rights
NETWORK Lobby for Catholic Social Justice
New American Legal Clinic - San Joaquin College of Law
New England Justice for Our Neighbors
New York Annual Conference Board of Church and Society
New York Immigration Coalition
New York Justice for Our Neighbors, Inc.
Northwest Immigrant Rights Project
Oasis Legal Services
Oxfam America
Physicians for Human Rights
Presente.org
Project Lifeline
Public Counsel
Public Law Center
Pulso
Quixote Center
RAICES
Refugee Action Network
Refugee Congress
RefugeeOne
Robert F. Kennedy Human Rights
Rocky Mountain Immigrant Advocacy Network
Save the Children
Sisters of Mercy of the Americas - Justice Team
Southwest Asylum & Migration institute (SAMI)
Student Clinic for Immigrant Justice
T'ruah: The Rabbinic Call for Human Rights
Tahirih Justice Center
Taylor Levy Law

Texas Civil Rights Project
UndocuBlack Network
Union for Reform Judaism
Unitarian Universalist Service Committee
U.S. Committee for Refugees and Immigrants
VECINA
Venezuelan American Caucus (VAC)
Voice for Refuge Action Fund
Washington Office on Latin America (WOLA)
Westchester Jewish Coalition for Immigration
Wind of the Spirit Immigrant Resource Center
Witness at the Border
Women's Refugee Commission
World Refugee Day Chicago