

Congress of the United States

Washington, DC 20515

October 21, 2022

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
301 7th Street, SW
Washington, D.C. 20528

The Honorable Anthony Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear President Biden, Secretary Mayorkas, and Secretary Blinken:

We write to express our profound disappointment by the Department of Homeland Security's decision to use Title 42 to expel Venezuelans seeking refuge at the U.S.-Mexico border.¹ This decision places thousands of displaced asylum seekers at risk, does not align with our nation's values, and violates our legal obligations under domestic and international law. We urge you to reassess this decision and ensure that all individuals have access to our nation's asylum system.

On April 1, 2022, the Director of the Centers for Disease Control and Prevention (CDC) announced the termination of the Title 42 public health order.² Reports indicate that Dr. Marty Cetron, Director of the CDC's Division of Global Migration and Quarantine, refused to sign an order to invoke Title 42 after his team did not find sufficient public health evidence to justify the action.³ Dr. Cetron worried that Title 42 would lead to an "inappropriate epidemic of stigma and misrepresentation" against migrants.⁴ This week, the House Select Subcommittee on the Coronavirus Crisis issued a report referencing Dr. Cetron's concerns that Title 42 is morally wrong and is used "to keep Hispanics out of the country."⁵ The use of Title 42 continues to be morally wrong, discriminatory, and unlawful today.

¹ *DHS Announces New Migration Enforcement Process for Venezuelans*. Department of Homeland Security. Oct. 12, 2022. <https://www.dhs.gov/news/2022/10/12/dhs-announces-new-migration-enforcement-process-venezuelans>

² *CDC Public Health Determination and Termination of Title 42 Order*. Centers for Disease Control and Prevention. April 1, 2022. <https://www.cdc.gov/media/releases/2022/s0401-title-42.html>

³ Camilo Montoya-Galvez. *Top CDC Scientist said COVID-era Health Policy Used to Expel Migrants Unfairly Stigmatized Them*. CBS News. Oct. 17, 2022. <https://www.cbsnews.com/news/top-cdc-scientist-said-covid-era-health-policy-used-to-expel-migrants-unfairly-stigmatized-them/>

⁴ *Id.*

⁵ *It Was Compromised: The Trump Administration's Unprecedented Campaign to Control CDC and Politicize Public Health During the Coronavirus Crisis*. House Select Subcommittee on the Coronavirus Crisis. Oct. 2022. <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2022.10.17%20The%20Trump%20Administration%E2%80%99s%20Unprecedented%20Campaign%20to%20Control%20CDC%20and%20Politicize%20Public%20Health%20During%20the%20Coronavirus%20Crisis.pdf>

The United Nations High Commissioner for Refugees categorized the situation in Venezuela as the “second largest external displacement crisis in the world.”⁶ Families are fleeing violence, insecurity, persecution, malnutrition, as well as the lack of medicine and essential services in Venezuela. Asylum seekers, including families with children, are crossing rivers, scaling mountains, and traversing the Darien Gap, with the hope of reaching safety in the United States.⁷ It is cruel and unlawful to turn our backs on these families as they attempt to make their claims for asylum.

It is particularly troubling for the Department of Homeland Security to force Venezuelan asylum seekers to return to Mexico using Title 42 given how the Administration has already determined that forcing migrants to return to Mexico poses a danger to their lives. When terminating the Migrant Protection Protocols (MPP), also known as the Remain in Mexico Program, the Department of Homeland Security found that migrants sent to Mexico were “subject to extreme violence and insecurity at the hands of transnational criminal organization that profited by exploiting migrants’ vulnerabilities.”⁸ Organizations such as Human Rights First, have corroborated this by documenting how thousands of asylum seekers and migrants have been kidnapped, raped, or attacked after being expelled to Mexico due to Title 42.⁹

These facts make clear that Title 42 violates our nation’s domestic and international legal obligations by placing asylum seekers at risk of extreme violence. The non-refoulement principle in Article 33 of the Refugee Convention and Article 3 of the Convention Against Torture prohibits states from expelling individuals to countries where they face danger. Congress formally recognized these obligations by enacting the Refugee Act of 1980.

It is critical that the Administration reassess the decision to implement Title 42 against Venezuelan asylum seekers at the U.S.-Mexico border. We have a moral and legal responsibility to ensure that our immigration policies respect human rights and recognize the dignity of all human beings seeking refuge. Thank you for your attention to this matter.

Sincerely,



Adriano Espaillat
Member of Congress



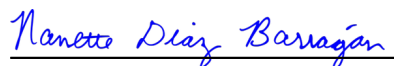
Robert Menendez
United States Senator

⁶ *Venezuela Situation*. UNHCR. <https://www.unhcr.org/en-us/venezuela-emergency.html>

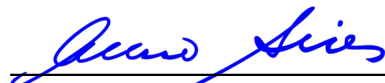
⁷ Julie Turkewitz. *In Record Numbers, Venezuelans Risk a Deadly Trek to Reach the U.S. Border*. New York Times. Oct. 7, 2022. <https://www.nytimes.com/2022/10/07/world/americas/venezuelan-migrants-us-border.html>

⁸ Alejandro N. Mayorkas. *Termination of the Migrant Protection Protocols*. Department of Homeland Security. Oct. 29, 2021. https://www.dhs.gov/sites/default/files/2022-01/21_1029_mpp-termination-memo.pdf

⁹ *Human Rights First Tracker of Reported Attacks Against Asylum Seekers and Migrants Who Are Stranded in and/or Expelled to Mexico Due to Title 42 Since January 2021*. Human Rights First. <https://humanrightsfirst.org/wp-content/uploads/2022/09/AttacksonAsylumSeekersBlockedExpelledReturnedtoMexicoSinceJanuary2021.6.16.2022.pdf>



Nanette Diaz Barragán
Member of Congress



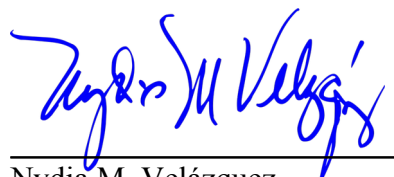
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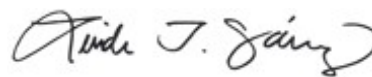
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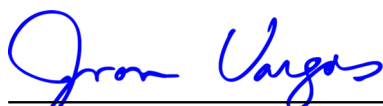
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Dwight Evans
Member of Congress



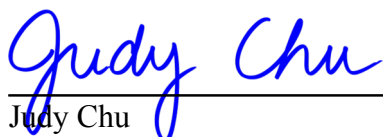
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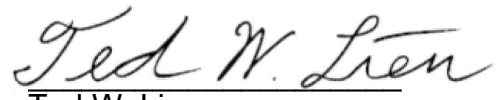


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