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Rená Cutlip-Mason, Chief
Division of Humanitarian Affairs
Office of Policy and Strategy
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 121 undersigned faith-based groups, national and local legal services providers, medical and public health experts, refugee, human, and civil rights organizations, 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 bar refugees from asylum protection in the United States based on specious public health grounds that have been repeatedly [discredited](#) by public health and medical experts. It is far past time for the Departments to rescind this unjustifiable, illegal, and harmful rule.

Since President Biden took office, the Departments have [repeatedly paused implementation](#) of the rule. Most recently, the Departments [delayed](#) the rule’s effective date to December 31, 2024, attributing the delay to ongoing litigation against a related regulation and the [intervening asylum processing rule](#), and noting that the Departments plan to “issue a notice of proposed rulemaking to modify or rescind the Security Bars rule in the near future.” The Departments now [request](#) comment on this delay. Allowing the rule to remain in U.S. regulations rather than promptly rescinding it lends credence to and risks advancing the Trump administration’s and its allies’ long-standing [agenda](#) to exploit and misuse public health to ban and block refugees, mislabel migrants and asylum seekers as threats, and perpetuate [xenophobic, racist tropes](#) painting migrants and refugees as threats to public health. Scheduling the rule to take effect at the end of 2024 creates a serious risk that, absent prompt rescission of the rule by the Biden administration, it will be wielded to ban and block refugees by a subsequent administration.

Ample time to study the legality of this baseless ban and the impact it would have on asylum seekers has long elapsed, as many of our organizations [warned](#) a year ago when the Departments last delayed implementation. There is no need for additional delay. The administration can and must swiftly and completely rescind the rule.

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. It would grant DHS and DOJ, agencies that lack public health expertise, sweeping powers to declare a host of diseases—many of which are treatable and/or do not present a risk of widespread transmission—as public health threats and bar asylum seekers as a result. Under the rule, many asylum seekers would be barred from refugee protection in the United States in violation of U.S. law and international treaty obligations, fueling their deportation to persecution or torture.

Like the illegal Title 42 policy, the Trump administration issued this rule during the pandemic in an attempt to [weaponize](#) specious public health claims to deny asylum seekers protection. In April 2022, the Centers for Disease Control and Prevention (CDC) [concluded](#) that the Title 42 policy is not necessary to protect public health. Additionally, the Biden administration has [indicated](#) that it plans to end the public health emergency related to the COVID-19 pandemic on May 11, 2023. It is far past time to firmly and permanently end the prior administration’s illegal policies that ban asylum seekers on specious public health grounds. Allowing this dangerous rule to remain on the books for years contradicts President Biden’s promise in his February 2021 [Executive Order](#) to “restore and strengthen our own asylum system, which has been badly damaged by policies enacted over the last 4 years that contravened our values and caused needless human suffering.” By perpetuating [xenophobic](#) tropes that falsely portray migrants as spreaders of disease, the rule also undermines the directive in another February 2021 [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.”

A plethora of experts have repeatedly highlighted grave concerns that this rule is both fatally flawed and “[xenophobia](#) masquerading as a public health measure.” In their regulatory 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.” The [American Medical Association](#) expressed concern that the rule is “an ineffective way to protect public health” and would “legitimize discrimination against vulnerable asylum seekers,” placing them “in even greater peril.” [Médecins Sans Frontières/Doctors Without Borders](#), a humanitarian organization with 50 years of 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 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 group of dozens of former immigration judges, similarly objected to the rule as inconsistent with domestic and international law. The [U.N. Refugee Agency \(UNHCR\) repeatedly urged](#) full rescission of the rule, which “if implemented, would diverge sharply from international legal obligations related to refugee protection” and “puts at risk individuals who may face persecution or danger in other territories to which they may be removed.” 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 continue to reiterate that it is past time to fully rescind this ban on asylum.

Respectfully,

Advocates for Basic Legal Equality
Afghans For A Better Tomorrow
African Communities Together
[African Human Rights Coalition](#)
[Al Otro Lado](#)
Aldea - The People's Justice Center
Alianza Americas
Alliance of Californians for Community Empowerment (ACCE)
American Friends Service Committee
American Gateways
Americans for Immigrant Justice
Angry Tias and Abuelas of the RGV
Asylum Seeker Advocacy Project (ASAP)

Bend the Arc: Jewish Action
Border Kindness
Bridges Faith Initiative
[Capital Area Immigrants' Rights \(CAIR\) Coalition](#)
[Center for Gender & Refugee Studies](#)
Center for Law and Social Policy
[Center for Victims of Torture](#)
Central American Resource Center (CARECEN) of California
Central American Resource Center (CARECEN) of Northern CA - SF
Central Washington Justice For Our Neighbors
Charlotte Center for Legal Advocacy
[Church World Service](#)
Civil Rights Education and Enforcement Center
Cleveland Jobs with Justice
[Coalition for Humane Immigrant Rights \(CHIRLA\)](#)
Columbia Law School Immigrants' Rights Clinic
Communities United for Status & Protection (CUSP)
Community Asylum Seekers Project
Community Supported Film
Congoese Community of Washington Metropolitan (CCWM)
Doctors for Camp Closure
Doctors of the World - USA
Dorcas International Institute of RI
DRUM - Desis Rising Up & Moving
ECDC
Equality California
Esperanza Immigrant Rights Project, CCLA Inc.
[First Focus on Children](#)
[Florence Immigrant & Refugee Rights Project](#)
[Freedom Network USA](#)
Grassroots Leadership
Haitian Bridge Alliance
[HIAS](#)
[Hispanic Federation](#)
[Human Rights First](#)
[Human Rights Initiative of North Texas](#)
Immigrant Defenders Law Center
[Immigrant Legal Advocacy Project](#)
[Immigration Equality](#)
Immigration Hub

Immigration Law & Justice Network
Inland Coalition for Immigrant Justice
Institute for Justice & Democracy in Haiti
Interfaith Movement for Human Integrity
Interfaith Welcome Coalition - San Antonio
[International Refugee Assistance Project \(IRAP\)](#)
International Rescue Committee
Japanese American Citizens League
Justice for Our Neighbors El Paso
Justice in Motion
[Las Americas Immigrant Advocacy Center](#)
[Lawyers' Committee for Civil Rights of the San Francisco Bay Area](#)
[Legal Aid Justice Center](#)
Make the Road New York
Mariposa Legal, program of COMMON Foundation
Massachusetts Immigrant and Refugee Advocacy Coalition
Minnesota Freedom Fund
[National Center for Lesbian Rights \(NCLR\)](#)
[National Immigrant Justice Center](#)
National Immigration Law Center
National Immigration Litigation Alliance
National Partnership for New Americans
NETWORK Lobby for Catholic Social Justice
[New York Immigration Coalition](#)
New York Justice for Our Neighbors, Inc.
Nigerian Center
[Northwest Immigrant Rights Project](#)
Oasis Legal Services
[Oxfam America](#)
Paloonkey
[Physicians for Human Rights](#)
[Program on Forced Migration and Health, Mailman School of Public Health, Columbia University](#)
Quixote Center
[RAICES](#)
Rainbow Railroad
REACT DC, Inc.
Refugee Advocacy Lab
Refugee Congress
Refugee Council USA

[Refugees International](#)

Robert F. Kennedy Human Rights

Rocky Mountain Immigrant Advocacy Network

Sanctuary for Families

SEIU 121RN

SEIU Local 2015

Service Employees International Union (SEIU)

Services, Immigrant Rights and Education Network (SIREN)

Southeast Asia Resource Action Center (SEARAC)

Student Clinic for Immigrant Justice

[Tahirih Justice Center](#)

Tennessee Immigrant & Refugee Rights Coalition

Tennessee Justice For Our Neighbors

[Texas Civil Rights Project](#)

The Five Pillars Organization

[The Advocates for Human Rights](#)

The National Immigration Project (NIPNLG)

UndocuBlack Network

[Union for Reform Judaism](#)

USAHello

Voice For Refuge Action Fund

Washington Office on Latin America (WOLA)

We Are All America

Westchester Jewish Coalition for Immigration

Witness at the Border

Women's Campaign International

[Women's Refugee Commission](#)

[World Relief](#)

[Young Center for Immigrant Children's Rights](#)