



COMMITTEE ON HOMELAND SECURITY

FOR IMMEDIATE RELEASE

Hearing Statement of Border Security, Facilitation, & Operations Subcommittee Chairwoman Nanette Barragán (D-CA)

Examining Title 42 and the Need to Restore Asylum at the Border

April 6 2022

Thank you for joining today's hearing to examine the Administration's use of Title 42, its upcoming termination, and the need to restore access to asylum at the border. For two years, Customs and Border Protection has been expelling vulnerable migrants into Mexico and other countries without allowing them access to our asylum system. Vulnerable migrants are fleeing gang violence and persecution in El Salvador, Honduras, and Guatemala, political persecution and violence in Nicaragua, and kidnappings and political turmoil in Haiti.

Because of Title 42, migrant families and adults have been unable to apply for asylum at ports of entry throughout the pandemic. I'd like to remind the Committee that applying for asylum is legal under U.S. and international law. Instead, CBP expelled approximately 1.7 million migrants from the United States and denied vulnerable individuals the opportunity to seek protection. While the Title 42 order was supposedly based on a public health rationale, the science was never sound.

A former senior official in the Trump Administration called it "a Stephen Miller special." This order was a pretext to close the border to Black, Brown, and Indigenous people. Leading medical experts have consistently argued throughout Title 42's use that there has never been a solid public health justification for closing our border just to asylum seekers.

Even if this policy had been based on public health, we must recognize that we've come a long way since March 2020, when this policy was first implemented. With vaccines, masks, and other effective public health strategies now widely available, the U.S. can now safely manage infections and the spread of the virus.

There is no justification for denying vulnerable migrants the legal right to seek asylum. There is no justification for singling out migrants as a COVID risk. Republicans stoke fear about migrants bringing COVID-19 into communities – yet they have fought to lift indoor mask mandates since the beginning of the pandemic.

Republicans say there is no safe way to allow migrants to travel into and throughout the U.S. – yet they sue the Federal government to lift the mask mandate on public transportation. We know masks and vaccines work. There is no evidence that denying people access to our asylum system prevents COVID. However, we do know Title 42 is harming migrants – including those who are most vulnerable.

In fact, one of our witnesses here today has helped document nearly ten thousand instances of people being kidnapped, tortured, sexually assaulted, and murdered after being expelled under Title 42. Title 42 has also resulted in family separations. Parents who traveled to the border with their children have been denied the opportunity to request asylum.

They are presented with two options. They can wait for an indeterminate amount of time in dangerous border towns where they are vulnerable to kidnapping and violence. Or they can send their children to the border alone to seek refuge. No family should have to make this choice.

I'd also like to point out that CBP is not uniformly applying Title 42. For example, we've recently seen migrants from Europe exempted from this horrible policy, while Black and Brown migrants are quickly turned away. To be clear, Ukrainians should be allowed to enter the United States and seek humanitarian protection. But so should Haitians, Hondurans, Guatemalans, Africans, and others fleeing violence.

The U.S. government has the capacity to allow any migrant, no matter which part of the world they are fleeing, the opportunity to request asylum. The Department has a plan for increasing its processing capacity and ending Title 42, and I am willing to work with them to make sure they are prepared to process people in an orderly and humane manner.

We must also recognize that Title 42 did not stop migration to the United States. Although our nation's doors were shut to asylum seekers for two years, migrants have still been coming to our border in large numbers. Conditions were so dangerous at home that they could not wait. Given the number of people already at our doorstep, just waiting for a chance to ask for help, it is not surprising that the Administration expects encounters to increase once Title 42 is lifted.

But this is America, and our government has the tools to safely process and screen people at the border, as required by law, to determine whether they qualify for asylum or other humanitarian protections. With the proper planning, this is an opportunity for the Administration to uphold its promise of creating a just and orderly process at the border.

The Department has set up the Southwest Border Coordination Center to coordinate planning and operations across the interagency. It is working to get the personnel and resources into place to not only process migrants in a safe and humane manner, but also to provide migrants with vaccines. I'm just disappointed that the Department still needs more time to prepare to end of Title 42. They've already had two years to plan.

As the Department deploys resources and personnel at the border, the Administration must also proactively coordinate with non-government organizations and border communities in winding down the Title 42 order. I look forward to hearing recommendations from our witnesses on specific actions the Administration should consider in order to restore the asylum process in a humane manner, as well as on the harms caused by Title 42.

#

Media contact: Adam Comis at (202) 225-9978