



One Hundred Sixteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

June 4, 2020

The Honorable Chad Wolf
Acting Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave, SE
Washington, D.C. 20528-0525

The Honorable Alex M. Azar II
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Acting Secretary Wolf and Secretary Azar:

We write with concern regarding the Trump Administration's indefinite extension of certain border restrictions, which affect all of our nation's borders, during the coronavirus epidemic.¹

On March 20, 2020, the CDC issued an Order suspending the introduction of persons who would need to be held in congregate settings at ports of entry or Border Patrol stations at or near the U.S. borders with Mexico or Canada.² We continue to have concerns about the legality and public health justification of this Order,³ which was previously subject to review and public justification every 30 days if extended.⁴ We also have concerns regarding whether the protections and screenings for asylum seekers are being provided as guaranteed under U.S. and international law.

¹ Amendment and Extension of Order Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists (May 19, 2020), https://www.cdc.gov/quarantine/pdf/CDC-265-Order-Renewal_5-19-20-p.pdf.

² Notice of Order Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists, 85 Fed. Reg. 17060 (Mar. 20, 2020).

³ News Release, Comm. on Homeland Sec., Engel, Thompson, Nadler & Menendez Reject Administration's Legal Explanation for Halting Asylum Processing (May 12, 2020) (on file with author), <https://homeland.house.gov/news/correspondence/engel-thompson-nadler-and-menendez-reject-administrations-legal-explanation-for-halting-asylum-processing>.

⁴ Notice of Order Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists, 85 Fed. Reg. 17060 (Mar. 20, 2020).

The Order has already resulted in the expulsion of over 20,000 migrants to Mexico or their home countries,⁵ including the unconscionable expulsion of over 900 unaccompanied children⁶ without the screenings and due process guaranteed to them by law.⁷ In addition, U.S. asylum programs are barely operating. Since March 21, 2020, Border Patrol agents have referred just 59 migrants who expressed fear of torture to U.S. Citizenship and Immigration Services officers, and only two of these migrants have been granted protection.⁸ In comparison, immigration courts granted asylum to 13,248 individuals in 2018.⁹

The Administration must not use the coronavirus pandemic as cover to pursue anti-immigrant policies. Restrictions imposed during this pandemic should be properly targeted and limited. Imposing indefinite border restrictions is not an appropriate response to the current crisis and appears to conflict or run contrary to the law. We urge you to terminate the indefinite Order and implement only those measures necessary to protect public health.

Thank you for your urgent attention to this matter.

Sincerely,



Bennie G. Thompson
Chairman



Kathleen M. Rice
Chairwoman
Subcommittee on Border Security,
Facilitation, and Operations

⁵ U.S. Customs and Border Protection, Nationwide Enforcement Encounters: Title 8 Enforcement Actions and Title 42 Expulsions (2020), <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics>.

⁶ Caitlin Dickerson, 10 Years Old, Tearful and Confused After a Sudden Deportation, New York Times (May 20, 2020), <https://www.nytimes.com/2020/05/20/us/coronavirus-migrant-children-unaccompanied-minors.html>

⁷ News Release, Comm. on Homeland Sec., Thompson and Rice Demand CBP Protect Unaccompanied Children at the Border (April 9, 2020) (on file with author), <https://homeland.house.gov/news/correspondence/thompson-and-rice-demand-cbp-protect-unaccompanied-children-at-the-border->

⁸ Nick Miroff, *Under Trump border rules, U.S. has granted refuge to just two people since late March, records show*, WASH. POST (MAY 13, 2020), https://www.washingtonpost.com/immigration/border-refuge-trump-records/2020/05/13/93ea9ed6-951c-11ea-8107-acde2f7a8d6e_story.html.

⁹ U.S. Department of Homeland Security, 2018 Yearbook of Immigration Statistics (2019), <https://www.dhs.gov/immigration-statistics/yearbook/2018>.