

January 18, 2023

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

Dear President Biden,

The undersigned 292 civil, human rights, and immigrant rights groups write to express our tremendous alarm and condemnation of your administration's [recent announcement](#) of your plan to issue a Notice of Proposed Rulemaking (NPRM) to resurrect Trump-era asylum bans. This announcement marks a full-throated embrace of policies initiated by the prior administration, which by [your own description](#) "contravened our values and caused needless human suffering." **We call on you not to break your [campaign promise](#) to end restrictions on asylum seekers traveling through other countries. The Biden administration must adjust course immediately and abandon the misguided pursuit of an asylum ban. We urge you not to issue the NPRM on the asylum ban.**

Your administration's [announcement](#) of plans to establish a presumption of asylum ineligibility for individuals who do not use "established pathways to lawful migration" and do not apply for protection in countries of transit advances the agenda of the Trump administration, which repeatedly sought to impose similar [asylum bans](#). Word-smithing, tweaks and spin do not change this reality. These bans were [repeatedly struck down](#) by federal courts for violating U.S. law. They also violated international treaty [obligations](#), which uphold the principle of non-refoulement and generally prohibit the imposition of penalties based on manner of entry into the country of refuge. The United Nations Refugee Agency (UNHCR) [repeatedly condemned](#) attempts to impose such bans.

President Trump's unlawful asylum transit ban [led to](#) asylum denials and prolonged detention for many with *bona fide* claims, as well as family separations, permanent limbo, and elimination of a pathway to citizenship for refugees barred from asylum and granted only the inadequate protection of [withholding of removal](#). For example, the asylum transit ban led the United States to deny asylum to a Cuban political activist persecuted for supporting an opposition movement, a Venezuelan journalist and her child, a student activist shot during a protest against the Nicaraguan government, and LGBTQ asylum seekers who had fled various countries where they are at risk of harm. Indigenous asylum seekers fleeing gender-based and other persecution in Guatemala, including a woman who had been sexually assaulted because of her ethnicity, were summarily deported through expedited removal without an asylum hearing due to the transit ban. The ban's many family separations included a Cameroonian torture survivor and a Cuban critic of his government who were prevented from bringing their spouses and children to safety in the United States. The ban also caused skyrocketing asylum [denial rates](#) for many Black, Brown, and Indigenous asylum seekers, including those from Cameroon, Cuba, Guatemala, Eritrea and Venezuela.

Asylum bans are entirely inconsistent with the rights-respecting commitments the United States made just six months ago, as well as the administration’s professed commitments to racial equity. By signing the [Los Angeles Declaration](#) on Migration and Protection, the United States committed “to promote access to protection and complementary pathways for asylum seekers, refugees, and stateless persons in accordance with national legislation and with respect for the principle of non-refoulement.” The prohibition against return to persecution and the right to seek asylum have long been enshrined in U.S. refugee law, the Universal Declaration of Human Rights and the Refugee Convention.

Our organizations have repeatedly urged your administration to create and support safe pathways for migration to the United States, but we have always [stressed](#) that such pathways should not and cannot be misused to deny access to asylum—as have [UNHCR and other international authorities](#). While we welcome the limited, [temporary legal pathways](#) for some nationals from Cuba, Haiti, Nicaragua and Venezuela, such pathways are neither asylum nor a substitute for asylum, and they do not excuse the legal damage and human suffering that has and will be inflicted by asylum bans or other policies that seek to impose harmful consequences on people seeking this country’s protection. UNHCR, IOM, and UNICEF have repeatedly and [publicly criticized](#) your administration for its improper and highly damaging attempts to link the creation of safe pathways with the denial of access to asylum, warning that “such initiatives...cannot come at the expense of the fundamental human right to seek asylum.”

You were right in your [remarks](#) that seeking asylum is legal and a human right, and that people deserve a fair and humane way to do so. Yet your plans to issue an asylum ban to impose “[consequences](#)” on asylum seekers who “circumvent” pathways to migration are highly damaging. An asylum ban is unlawful, unfair, and inhumane. We urge you to immediately abandon plans to issue an NPRM on an asylum ban. We further urge you to direct your administration to end its broader efforts to punish people seeking refugee protection. Rather than subverting human rights and refugee law, the United States should be leading by example, encouraging other countries to host refugees by upholding at home the laws we ask other countries to respect at their borders.

Sincerely,

*The undersigned organizations*

cc: Hon. Kamala D. Harris, Vice President of the United States  
Secretary Alejandro N. Mayorkas, Department of Homeland Security  
Attorney General Merrick Garland, Department of Justice  
Secretary Antony Blinken, Department of State  
Advisor Jake Sullivan, National Security Council  
Ambassador Susan Rice, Domestic Policy Council  
Mr. Ron Klain, White House Chief of Staff

*Signatories:*

#WelcomeWithDignity  
32BJ SEIU  
Advocates for Basic Legal Equality  
Afghans For a Better Tomorrow  
African Advocacy Network  
African Communities Together (ACT)  
African Human Rights Coalition  
Al Otro Lado  
Aldea - The People's Justice Center  
Alianza Americas  
Alianza Sacramento  
America's Voice  
American Civil Liberties Union  
American Friends Service Committee (AFSC)  
American Gateways  
American Immigration Council  
American Immigration Lawyers Assoc.- MN/DAK Chapter  
American-Arab Anti-Discrimination Committee (ADC)  
Americans for Immigrant Justice  
Amigos de Guadalupe Center for Justice and Empowerment  
Amnesty International USA  
Arkansas United  
ArtSpace  
Asian Americans Advancing Justice | AAJC  
Asian Americans Advancing Justice | Atlanta  
Asian Americans Advancing Justice | Southern California  
Asian Community and Cultural Center  
Asian Pacific Institute on Gender-Based Violence  
ASISTA Immigration Assistance  
Asylum Seeker Advocacy Project (ASAP)  
AVAN Immigration Services  
Ayuda  
Ayudando Latinos A Soñar  
AZ Immigration Alliance  
Beacon Unitarian Universalist Congregation in Summit NJ  
Border Kindness  
Border Network for Human Rights  
Bridges Faith Initiative  
Cabrini Immigrant Services of NYC, Inc.  
CARECEN DC

Carroll Gardens Association (CGA)  
Casa Freehold  
CASA, Inc  
CATA - The Farmworker Support Committee  
Catholic Legal Immigration Network, Inc.  
Center for Constitutional Rights  
Center for Economic and Policy Research  
Center for Gender & Refugee Studies  
Center for Law and Social Policy  
Center for Popular Democracy  
Center for Victims of Torture  
Central American Refugee Center (CARECEN - NY)  
Central American Resource Center (CARECEN) of California  
Central American Resource Center (CARECEN) of Northern California  
Centro Comunitario CEUS  
Children at Risk  
Children's HealthWatch  
Children's Defense Fund - Texas  
Chinese-American Planning Council, Inc  
Church Women United in New York State  
Church World Service  
Civil Rights Education and Enforcement Center  
Cleveland Jobs with Justice  
Coalition for Humane Immigrant Rights (CHIRLA)  
Coalition on Human Needs  
Columbia Law School Immigrants' Rights Clinic  
Committee of Interns and Residents/SEIU  
Communities United for Status & Protection (CUSP)  
Community Asylum Seekers Project  
Community Change Action  
Community Justice Alliance  
Community Legal Services in East Palo Alto  
Community Refugee & Immigration Services  
Comunidad Maya Pixan Ixim  
Congo American Bridge  
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces  
CSA San Diego County Fair Housing  
Delaware-Maryland Synod, ELCA  
Detention Watch Network  
Dolores Street Community Services  
Dominican Sisters of Mission San Jose  
Dominican Sisters of Peace

Dorothy Day Catholic Worker, Washington DC  
DRUM - Desis Rising Up & Moving  
ECDC  
Emerald Isle Immigration Center  
End Streamline Coalition  
Equality California  
Esperanza Immigrant Rights Project, CCLA Inc.  
Exodus Refugee Immigration Inc.  
Faith in New Jersey  
Faith in Public Life  
Faith in New York  
Faithful Friends/Amigos Fieles  
FIRM Action  
First Focus on Children  
Florence Immigrant & Refugee Rights Project  
Florida Immigrant Coalition  
Forward Latino  
Franciscan Action Network  
Freedom for Immigrants (FFI)  
Freedom Network USA  
Futures Without Violence  
Galveston-Houston Immigrant Representation Project  
Georgia Immigration Collaborative  
Grassroots Leadership  
Greater Milwaukee Synod, Evangelical Lutheran Church in America  
Haitian Bridge Alliance  
Hartford Deportation Defense  
Harvard Immigration and Refugee Clinical Program  
HIAS  
Hispanic Federation  
Hope Border Institute  
Houston Immigration Legal Services Collaborative  
Human Rights First  
Human Rights Initiative of North Texas  
Humane Borders Inc.  
Illinois Workers in Action  
Immigrant Alliance for Justice and Equity  
Immigrant ARC  
Immigrant Defenders Law Center  
Immigrant Health Equity and Legal Partnerships (ImmHELP)  
Immigrant Justice Network  
Immigrant Law Center of Minnesota

Immigrant Legal Advocacy Project  
Immigrant Legal Resource Center  
Immigration Center for Women and Children  
Immigration Equality  
Immigration Hub  
Immigration Law and Justice Network  
Indivisible  
Indivisible Nation BK  
Inland Coalition for Immigrant Justice  
Inland Empire Immigrant Youth Collective  
Innovation Law Lab  
Institute for Justice & Democracy in Haiti  
Instituto de Educación Popular del Sur de California  
Interfaith Movement for Human Integrity  
Interfaith Welcome Coalition - San Antonio  
International Mayan League  
International Refugee Assistance Project (IRAP)  
International Rescue Committee  
Iowa Migrant Movement for Justice  
Japanese American Citizens League  
Jesuit Refugee Service/USA  
Jewish Activists for Immigration Justice, Western MA  
Jewish Family Service of San Diego  
Journey's End Refugee Services  
Justice Action Center  
Justice for Migrant Women  
Justice in Motion  
Kids in Need of Defense  
Kino Border Initiative  
La Raza Community Resource Center  
Labor Council for Latin American Advancement  
Las Americas Immigrant Advocacy Center  
Latin Advocacy Network (LATINAN)  
Latin American Working Group (LAWG)  
Latino Community Fund (LCF Georgia)  
Law Office of Harry Salzberg  
Lawyers for Good Government  
Lawyers' Committee for Civil Rights of the San Francisco Bay Area  
League of Women Voters of the United States  
Legal Aid at Work  
Legal Aid Justice Center  
Life of Hope

Living Hope Wheelchair Association  
Long Island Immigration Clinic/Sisters of St. Joseph  
Los Angeles Center for Law and Justice  
Louisiana Organization for Refugees and Immigrants  
Loyola Immigrant Justice Clinic  
Loyola University New Orleans College of Law  
Legal Services of New Jersey (LSNJ)  
LULAC OHIO  
Lutheran Immigration and Refugee Service  
Make the Road New Jersey  
Make the Road New York  
Mariposa Legal, program of COMMON Foundation  
Maryknoll Office for Global Concerns  
Massachusetts Immigrant and Refugee Advocacy Coalition  
Mennonite Central Committee U.S.  
Migrant Center for Human Rights  
Minnesota Freedom Fund  
MomsRising/MamásConPoder  
MoveOn  
MPower Change  
Muslim Advocates  
National Advocacy Center of the Sisters of the Good Shepherd  
National Center for Lesbian Rights  
National Council of Jewish Women  
National Employment Law Project  
National Immigrant Justice Center  
National Immigration Law Center  
National Immigration Litigation Alliance  
National Immigration Project (NIPNLG)  
National Latina Institute for Reproductive Justice  
National Lawyers Guild San Francisco Bay Area Chapter  
National Network for Arab American Communities  
National Network for Immigrant and Refugee Rights  
National Partnership for New Americans  
Neighbors Link  
NETWORK Lobby for Catholic Social Justice  
New Immigrant Community Empowerment (NICE)  
New Mexico Immigrant Law Center  
New York Immigration Coalition  
North Carolina Justice Center  
Northwest Coalition for Responsible Investment  
Northwest Immigrant Rights Project

Oasis Legal Services  
Office of Peace, Justice, and Ecological Integrity, Sisters of Charity of Saint Elizabeth  
OLA of Eastern Long Island  
OneJustice  
Open Immigration Legal Services  
Opening Doors, Inc.  
Our Children Oregon  
Oxfam America  
Pax Christi New Jersey  
Pennsylvania Immigration & Citizenship Coalition  
PFLAG National  
Physicians for Human Rights  
Presentation Sisters USA Unit  
Presente.org  
Project ANAR  
Public Advocacy for Kids  
Public Counsel  
Public Law Center  
Quixote Center  
RAICES  
Reformed Church of Huguenot Park  
Refugee Advocacy Lab  
Refugee Congress  
Refugee Council USA  
Refugees International  
Robert F. Kennedy Human Rights  
ROC United  
Rockland Immigration Coalition  
Rocky Mountain Immigrant Advocacy Network  
Rural Women's Health Project  
Sanctuary and Resistance to Injustice  
Save the Children  
School Sisters of Notre Dame, Central Pacific Province  
Services, Immigrant Rights and Education Network (SIREN)  
Sisters of Charity of Seton Hill  
Sisters of Mercy of the Americas Justice Team  
Sisters of Notre Dame de Namur USA  
Sisters of St. Joseph of Carondelet, LA  
Sisters of St. Joseph of Rochester  
Sisters of the Divine Savior  
Sisters, Home Visitors of Mary  
Social Justice Collaborative

Sonoma Immigrant Services  
South Bay People Power  
Southeast Asia Resource Action Center  
Southern Border Communities Coalition  
Southern Poverty Law Center  
Strangers No Longer (Michigan)  
Sunita Jain Anti-Trafficking Initiative  
Tennessee Immigrant & Refugee Rights Coalition  
Texas Civil Rights Project  
The Advocates for Human Rights  
The Black Alliance for Just Immigration  
The Bronx Defenders  
The Episcopal Church  
The Leadership Conference on Civil and Human Rights  
The Living Hope Wheelchair Organization  
The Workers Circle  
U.S. Committee for Refugees and Immigrants (USCRI)  
UndocuBlack Network  
UnidosUS  
Unitarian Universalist Service Committee  
UNITE-LA  
United Church of Christ Justice and Local Church Ministries  
United Food and Commercial Workers Local 1445  
United Stateless  
United We Dream  
Universidad Popular  
Urban Justice Center/Street Vendor Project  
VECINA  
Violence Intervention Program  
Virginia Coalition for Immigrant Rights  
Voice for Refuge Action Fund  
Washington Office on Latin America (WOLA)  
We Are All America  
Welcoming America  
Wind of the Spirit Immigrant Resource Center  
Witness at the Border  
Women's Empowerment Coalition of NYC  
Women's Refugee Commission  
Worker Justice Center of New York  
World Education Services  
World Relief  
Young Center for Immigrant Children's Rights