

September 2022

# Children and Families Must Have Access to Asylum

*Threats to Asylum are Threats to Children's Safety*



## Children and Families Are Seeking Lifesaving Protection

Families and children seek asylum because [their lives depend on it](#). They deserve protection, not rejection. Yet since 2020, the Department of Homeland Security has used Title 42 to [expel more than 1.7 million people](#)—many of them asylum seekers—to Mexico or their home countries. Seeking asylum has become nearly impossible, in contravention to U.S. law, international obligations, and our national values. Amidst [recent news](#) reporting that the Biden Administration is allegedly asking Mexico to accept even more people turned away at the border, [despite deciding earlier this year](#) to finally revoke the Trump-era policy, [it bears repeating](#): **People arriving at our borders fleeing danger are children and families seeking safety, and they must have access to asylum.**

## Title 42 Forces Children into Harm's Way

Keeping Title 42 in place [forces children and families into harm's way](#) by sending them back to the exact dangers they fled without any opportunity to request protection. Data obtained through a Freedom of Information Act (FOIA) request show that as of May 31, CBP [expelled 30,806 children ages 3 and under to Mexican border cities—with about 41 percent of these expulsions occurring at midnight or later](#). The consequences have been horrific, with a March 2022 [report](#) tracking 9,886 violent attacks against migrants and asylum-seekers returned to danger.

**As of May 31, CBP expelled 30,806 children ages 3 and under to Mexican border cities—with about 41 percent of these expulsions occurring at midnight or later.**

*Cato Institute, August 2022*

## Title 42 is a Tool for Family Separation

Title 42 also causes family separation by forcing parents to “choose” between remaining with their children in dangerous conditions or separating from them in hopes that they will find safety if they approach the border unaccompanied. According to data provided through a FOIA request, [more than 12,000 children](#) in fiscal year 2021 entered the U.S. as unaccompanied minors after previously being expelled under Title 42, typically with their parents.



## Title 42 Expulsions are Racist

Thousands of Black people are disproportionately returned to harm under Title 42 and [other intersecting policies that exacerbate discriminatory practices](#) intending to [deter Black refugees and immigrants](#) from coming to the U.S. About [20 percent of Haitians](#) expelled under Title 42 are children, including many young children under 2 years old. Yet other populations, such as Ukrainians, are exempt from Title 42.

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## Now is the Time for Compassion and Courage

More work must be done to ensure the prioritization of children's rights and well-being in U.S. border and immigration policy, as well as to consider children's best interests in every decision that might affect a child. Fortunately, there are immediate steps the government can take to restore asylum right now. **There are clear, common-sense border solutions that advance the health, safety, family unity, and development of children and that, in fact, create a fair, orderly, and humane immigration system.**

*"People arriving at our borders fleeing danger are children and families seeking safety, and they must have access to asylum."*

Our nation's leaders must unapologetically stand for racial justice, protect immigrant children and their families, and ensure that everyone can access their right to asylum alongside their loved ones. **Congress must reject any attempt to keep Title 42 in place or otherwise harm asylum seekers, and the Biden Administration must use every tool at its disposal to end the policy once and for all.**

