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April 12, 2021

Hon. Joseph R. Biden Jr.
President of the United States
1600 Pennsylvania Avenue, NW
Washington, DC 20500

cc:

Hon. Kamala D. Harris
Vice President of the United States
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Hon. Alejandro Mayorkas
Secretary, U.S. Department of Homeland Security
301 7th Street, SW
Washington, DC 20528

Hon. Xavier Becerra
Secretary, U.S. Department of Health and Human
Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dr. Rochelle Walensky, MD, MPH
Director, Centers for Disease Control and
Prevention
395 E Street, SW
Washington, DC 20024

Dear President Biden,

The undersigned organizations that advocate for the health, safety, and well-being of children write to urge your administration to immediately end the misuse of the Title 42 public health authority to expel children and families at the border in violation of their right to seek legal protection at our border. We are gravely concerned that the ongoing use of the Title 42 policy puts children in harm's way, inflicts trauma, and does not comport with the administration's commitment to racial equity.

Since March 2020, The Department of Homeland Security has used Title 42 to immediately turn back asylum seekers at the border under the pretense of halting the spread of COVID-19, with more than 70,000 expelled in February alone. In the past year, public health experts have [pointed out](#) the specious COVID-19 pretext of the policy. While we are glad that the administration has exempted unaccompanied children from Title 42 expulsions, the fact remains that thousands of children with their families [are still being turned away](#) from the border. Domestic laws and international obligations require the US to provide children and adult border crossers with the opportunity to seek asylum or other legal protections.

Advocates have documented multiple instances of families with children being returned to harm under the policy. For example, Human Rights First [recorded](#) the story of a pregnant Honduran woman and her two daughters who came to the border to seek protection after she was sexually assaulted and became pregnant as a result. Though she was having contractions and stated that she was afraid to return to Honduras or Mexico, border agents expelled her without a fear screening. The continued enforcement of this policy by your Administration makes it culpable in inflicting similar danger on more and more families and children.

The continuation of the Title 42 policy increases children's risk of persecution, violence, and other forms of exploitation by summarily returning them to harm's way. The pandemic, two hurricanes, and ongoing violence and insecurity have made [Central American countries](#) even more dangerous for children and families. However,

children are not only at risk in the region--the UN Special Rapporteur for the sale of children has [reported](#) that because of school closures and increased poverty in the midst of the pandemic, children around the world face higher risk of trafficking, sexual exploitation, and abuse. Additionally, public health and medical experts at leading institutions have noted that expulsions in fact [“increase the risk to the health and safety of people seeking protection and endanger public health on both sides of the border.”](#) While it is true that children are at lower risk for contracting COVID-19, the disproportionate physical, social and economic damage they suffer is well documented.

The Title 42 policy also re-traumatizes children. Many children arriving at the border with their families have experienced persecution, violence and other threats to their safety and well-being. They have also undertaken a dangerous and arduous journey, all to find safe haven at our doorstep. When children face scary, stressful, or traumatic situations over and over, there can be lifelong impacts on their physical, mental, and emotional development. Parents and caregivers play an important role in helping children process and come through stressful situations, particularly young children. Rather than ending children’s repeated exposure to trauma and harm, the Title 42 policy re-exposes children to the very harm they fled, further risking adverse impacts to their health and development. The policy also puts children’s parents in further distress, impacting their ability to support their children. Advocates report Title 42 also [separates families](#), as families desperate to keep their children safe make the impossible choice to send them alone. The harms of family separation on children is [well documented](#).

Lastly and importantly, the Title 42 policy does not align with your administration’s commitment to racial equity. While we join your administration in the work of fighting for racial equity, we urge you to ensure that this commitment extends to our immigration system. In past weeks, starting on the first day of Black History Month, a disproportionate number of Haitian families, many with young children, have been returned to their home country during a pandemic and a [political uprising](#) that puts children and families more at risk of grave danger. We note with sadness the [story of Marie](#), who fled Haiti with her husband and infant child only to be returned and forced into hiding to protect themselves. In the first part of February alone, the government expelled more than 900 Haitians, [approximately 270--around 30 percent--of whom are children](#). Additionally, the government has also [returned Haitian asylum seekers to Mexico](#) under the policy, despite the fact that they are particularly vulnerable to [anti-Black violence](#) and do not speak Spanish. Ending Title 42, and redesignating Haiti for Temporary Protected Status, would ensure that Haitian children and families are able to find safety in the United States.

The American people [agree](#) that the best interest of the child should be a guiding principle in all government policies. The Title 42 policy exposes children to harm, trauma, and has a disproportionate impact on Black immigrant children and their families. It is not in the best interest of children, and therefore must not continue. Leading public health experts have laid out [recommendations](#) to resume the safe processing of asylum seekers at the border in line with public health guidelines. Following these recommendations is in the best interests of children, will protect them from the persecution and violence they’ve fled, and preserve their health and well-being. We ask the administration to end the Title 42 policy, and continue to reform our immigration system in a manner that protects the health, safety, and well-being of children.

Respectfully,

First Focus on Children
ABC Law Group
Advocates for Children of NJ
ASISTA
Asylum Seeker Advocacy Project (ASAP)
Beyond Borders
Center for Law and Social Policy (CLASP)
Child Labor Coalition
Children's Defense Fund
Church World Service
Human Rights Watch
Immigrant Legal Resource Center
Justice for Migrant Women
Juvenile Law Center
MomsRising/MamásConPoder
National Association of Counsel for Children

National Association of Pediatric Nurse Practitioners
National Consumers League
National Immigrant Justice Center
Ohio Immigrant Alliance
Our Children Oregon
Public Counsel
Save the Children Action Network
School Sisters of Notre Dame- AM Province
Students for Sensible Drug Policy (SSDP)
The Children's Partnership
UndocuBlack Network
Union for Reform Judaism
US Committee for Refugees and Immigrants
Wind of the Spirit Immigrant Resource Center
Women's Refugee Commission
Young Center for Immigrant Children's Rights