

From: Community Organizations Working Bi-nationally Along the California and Mexico Border

To: Joe Biden, President of the United States
Kamala Harris, Vice President of the United States
Alejandro Mayorkas, Nominee for Secretary of Homeland Security
Antony Blinken, Secretary of State
Xavier Becerra, Nominee for Secretary of Health and Human Services
Esther Olavarria, Deputy Director of the Domestic Policy Council for Immigration
David Shahoulian, Assistant Secretary for Border Security and Immigration

January 28, 2021

It is time to rebuild our asylum system. For the past four years, the Trump administration relentlessly sought to destroy the already unjust U.S. asylum system. As a result, tens of thousands of people who fled persecution have been heartlessly and illegally turned away at the U.S. border. A report by [Human Rights First](#) documented over 1,300 cases of murder, sexual abuse, kidnapping or other violent assaults against people seeking asylum who are trapped in Mexican border cities.

Pedro, who fled Honduras only to be followed by those seeking to harm him all the way to northern Mexico, is trapped in Tijuana under MPP. “For those of us who are under the MPP program,” he says, “there needs to be a solution soon because we are absolutely not safe at all here in Tijuana.”

Community organizations working bi-nationally along the California and Mexico border have united in a collaborative effort to meet the urgent needs to welcome to safety the survivors of policies such as the Migrant Protection Protocols (MPP), asylum metering, Title 42 expulsions and the so-called Safe Third Country agreements. All of these policies deny people the right to seek asylum safely within the United States.

Staff of the undersigned organizations have witnessed the terrible hardship and trauma inflicted upon people seeking asylum in recent years. We have stood by their side, tirelessly advocating to defend their rights to seek safety, freedom, family unity and due process. **We cannot stand idly by while those who fled persecution face constant violence, danger and fear.**

We demand that people seeking asylum be treated with dignity and allowed to seek asylum safely and freely in the U.S. Immigration detention in any form has been proven to be inherently abusive and unsafe, especially during a deadly pandemic, and should not be an option for people already traumatized by the policies of the past administration. Humanitarian organizations stand ready to collaborate with local, state and federal agencies to safely and expeditiously welcome people seeking asylum, continuing to prioritize public health, without

detention. These efforts will need to be accompanied by appropriate resources and support from the federal government.

At this critical juncture, we cannot simply roll back the unjust policies of the Trump administration, but must repair the harm inflicted upon people seeking asylum, design humane policies and build the social infrastructure necessary to truly welcome those who seek refuge from persecution, with dignity -- not cruelty. In order to do this, we need clear and constant communication between the corresponding agencies of the federal, state, and local governments, organizational stakeholders and people who are directly impacted by these injustices every single day.

For these reasons, we strongly urge the Biden-Harris administration to immediately take the following steps toward building a just and fair asylum system:

COMMUNICATION AND COORDINATION

- Establish direct lines of communication between stakeholders and federal immigration agencies alongside local and state government
- Maintain a place at the table for nongovernmental organizations working with people seeking asylum in Mexico and for people seeking asylum themselves. Do not limit this collaboration to the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM).
- Coordinate with the Mexican government to ensure it is meeting its obligations to protect and provide shelter, food and medical care to people seeking asylum returned to Mexico under MPP
- Update MPP respondents of their rights and any and all changes in the MPP program via the Executive Office for Immigration Review (EOIR) hotline and EOIR's websites
- Provide information to MPP respondents in Spanish, Portuguese and indigenous languages

PUBLIC HEALTH AND COVID-19 RESPONSE

- Provide COVID testing, Personal Protective Equipment (PPE) and vaccinations for bi-national frontline workers
- Create a plan and invest necessary resources to ensure that people seeking asylum on both sides of the border receive PPE, COVID testing and vaccinations

WELCOMING AND PROCESSING PEOPLE SEEKING ASYLUM

- Guarantee that people seeking asylum who are trapped in Mexico will not be detained in Customs and Border Protection (CBP) or Immigration and Customs Enforcement (ICE) custody when they enter the U.S., nor will they be subjected to GPS ankle monitoring
- Establish a clear protocol and communication line for attorneys on the ground to coordinate with ICE and CBP on specific cases and issues with processing, and provide contact information for cases that need to be escalated directly to administration officials

- Immediately begin identifying and processing into the United States the most vulnerable people seeking asylum. This process should not unnecessarily delay or be used to halt the processing of other MPP respondents and people seeking asylum.
 - Medically vulnerable populations (to include those with mental health conditions)
 - Victims of kidnapping and trafficking or sexual assault
 - LGBTQI+
 - Children and their families
 - People seeking asylum who are unsheltered
 - Black people seeking asylum (many of whom were unable to access the asylum waitlist or MPP, and have therefore have been forced to wait in Mexico for disproportionately long periods of time)
 - Women expelled together with their US-citizen newborns
 - All extra-continental people seeking asylum who do not speak Spanish fluently
 - Indigenous language speakers
- Immediately begin processing into the U.S. all people seeking asylum returned to Mexico under MPP
 - MPP respondents should be processed by their immigration case number (A#) with those who have been trapped in Mexico the longest processed first and then in corresponding chronological order with the maximum number of people allowed to process daily until all MPP respondents are safely paroled into the U.S.
 - Establish a Department of State (DOS)/Consular processing system to ensure a safe and legally sound process for MPP respondents that allows them to obtain their visa at the U.S. Consulate. This will help to avoid mass processing at the port of entry (POE) which may attract both Mexican criminal groups and U.S.-based right-wing violence, and would pose a COVID risk for migrants, advocates and CBP agents
 - DOS should add a new visa type to their Nonimmigrant Visa (NIV) system whereby MPP respondents can obtain a travel document to present at the POE. A consular visa option would mitigate concerns about creating COVID-safe processing at the ports of entry
 - People seeking asylum at the California-Mexico border should be exclusively processed at San Ysidro Port of Entry West, which is currently not in use. This entrance should be staffed with persons aware of all new protocols related to asylum seeker processing
 - U.S. attorneys need to be given adequate and safe space to observe the process and to assist any people seeking asylum who are not successfully paroled into the U.S. of their rights, as well as assist with any other legal matters that arise at the POE.
 - MPP respondents without passports should be processed with no issues related to lack of travel documents
 - Any visa or parole document that is issued to MPP respondents to enter the U.S. must have a photo and address to allow them to travel within the United States in order to reunify with sponsors and family

- Immediately issue Employment Authorization Documents to people seeking asylum impacted by MPP and the illegal metering policy upon release into the United States
- Terminate EOIR removal proceedings for all individuals currently in MPP and issue instructions for applying affirmatively with United States Citizenship and Immigration Services (USCIS)
- Reopen asylum cases for all individuals whose asylum petitions were denied, terminated, or ordered deported in absentia while enrolled in the MPP policy to seek affirmative asylum before USCIS from inside the U.S.
- Guarantee family units (including units beyond the nuclear family) to ensure families are not separated when exercising their right to seek asylum in the United States
- End Title 42 expulsions and implement COVID safety protocols to prevent the spread of infection
- End the harmful Humanitarian Asylum Review Process (HARP), the Asylum Cooperative Agreements (ACAs), and Prompt Asylum Claim Review (PACR), which deprive people seeking asylum of due process

The California Welcoming Task Force, a binational coalition dedicated to re-envisioning how the U.S. can welcome people seeking asylum safely and expeditiously at our border by coordinating across sectors (humanitarian, legal, health, advocacy and communications), respectfully requests to meet with the Biden-Harris administration to discuss the dismantling of one of the cruelest U.S. immigration policies ever inflicted upon people seeking asylum.

We look forward to working with the Biden-Harris administration to foster a humane asylum system so we can welcome those fleeing persecution with justice and dignity.

Now is the time.

Respectfully,

ACLU of San Diego & Imperial Counties
 AHCOSDIS, A.C.
 Albergue Mana
 Albergue Temporal Casa Arcoíris, A.C.
 Al Otro Lado
 Alliance San Diego
 American Friends Service Committee
 American Immigration Lawyers Association - San Diego Chapter
 Arts no borders ARTIVISMO
 Asylum Access México (AAMX), A.C.
 Asylum-Seekers Sponsorship Project
 Bay Area Asylum Support Coalition (BAASC)
 Binacional Migrante Aztlan
 BORDER ANGELS

BorderClick
Border Kindness
Border Line Crisis Center
Borderlands for Equity
Buen Vecino
CA Collaborative for Immigrant Justice
Calexico Methodist Church/ Asylum Seekers Program
Calexico Union Against Corruption
California Latinas for Reproductive Justice
CARECEN SF - Central American Resource Center of Northern California
Carnaval Morelense USA
Casa Cornelia Law Center
Casa de Luz
Casa del Migrante - Tijuana
Casa Familiar
Catholic Charities Diocese of San Diego
Center for Justice & Reconciliation, Point Loma Nazarene University
CETYS Universidad
Chicano Federation
CLUE- Clergy and Laity United for Economic Justice
Coalicion Binacional vs Trump
Coalición SOS Migrantes
Coalition for Humane Immigrant Rights (CHIRLA)
Cobina Albergue la Posada del Migrante Mexicali
Confederación Internacional de Mexicanos en el Extranjero
Congregation Sherith Israel Social Action Team
Contra Viento Y Marea, El Comedor Comunitario
Courage California
Desayunador Salesiano Padre Chava
Desert Support for Asylum Seekers
Efecto Violeta- Migración Afectiva
EJERCITO DE SALVACIÓN A.C.
Employee Rights Center
Embajada Migrante
Environmental Health Coalition
Espacio Migrante
Federación Jalisco Sur de Calif.
Fuerza, Amigos de Aztlan
Fundación Centro para Migrantes A.C.
Fundación Regalando Amor
Galilee Center
GAMAD A.C.
Georgina y sus Ángeles que Ayudan A.C.
Grupo de Ayuda para el Migrante de Mexicali A.C.

Haitian Bridge Alliance
Hand in Hand: The Domestic Employers Network
Immigrant Defenders Law Center
Immigrant Family Legal Clinic, UCLA School of Law
Imperial Valley Equity & Justice Coalition
Inland Coalition for Immigrant Justice
Inland Empire Immigrant Youth Collective
Innovation Law Lab
International Activist Youth
Jewish Action San Diego
Jewish Family Service of San Diego
Justice Overcoming Boundaries in San Diego County (JOB)
La tía, gestora cultural
Madres y Familias Deportadas en Acción
Maternal and Child Health Access
Metropolitan Area Advisory Committee
Ministerios Cristianos La Nueva Jerusalem AC
Mujeres Unidas y Activas
National Lawyers Guild of Los Angeles
Neighborhood House of Calexico, Inc.
NORTH COUNTY IMMIGRATION TASK FORCE
Organización México Americana para el Desarrollo, A.C.
PRO AMORE DEI
Public Counsel
Pueblo Sin Fronteras
Refugee Health Alliance
Safe Harbors Network
San Diego Immigrant Rights Consortium
San Diego Organizing Project
SEIU Local 221
SEIU-United Service Workers West
Services, Immigrant Rights & Education Network (SIREN)
South Bay People Power
Southern California Immigration Project
Survivors of Torture, International
TU casa Sanctuary
University of San Diego Mulvaney Center
UURISE
Volviendo a la Patria A.C.

A copy of this letter will be delivered to:

Alex Padilla, U.S. Senator for California
Dianne Feinstein, U.S. Senator for California

Sara Jacobs, U.S. Representative for California's 53rd Congressional District
Juan Vargas, U.S. Representative for California's 51st Congressional District
Mike Levin, U.S. Representative for California's 49th Congressional District
Scott Peters, U.S. Representative for California's 52nd Congressional District

Gavin Newsom, Governor of the State of California
Toni Atkins, California Senate President pro Tempore
Lorena Gonzalez, California State Assembly Member for the 80th Assembly District

Nora Vargas, San Diego County Supervisor for District 1
Nathan Fletcher, Chair of San Diego County Board of Supervisors, District 4
Terra Lawson-Remer, San Diego County Supervisor for District 3

Todd Gloria, Mayor of San Diego