



California Welcoming Task Force Groups Call for Safe Pathway to Seek Asylum at Ports of Entry

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San Diego, CA — As nearly all pathways for people to seek asylum safely at U.S. ports of entry are completely closed off, legal and humanitarian aid organizations call on the Biden administration to implement swift, humane solutions to welcome those fleeing persecution and to not reinstate any form of the Migrant Protection Protocols, or Remain in Mexico policy. The legal right to seek asylum at ports of entry has been almost entirely suspended by the continued implementation of Title 42. The exceptions to this expulsion policy that were previously granted pursuant to *Huisha-Huisha v. Mayorkas* negotiations and the “Consortium” process, which over the course of the last few months allowed a few dozen people per day to seek asylum safely at the San Ysidro Port of Entry, are no longer being processed. In addition, after recent court orders regarding “Remain in Mexico”, the Biden administration chose to cease the wind-down of this cruel policy, halting the processing to safety of those formerly returned to Mexico under the program. If reinstated, the policy would put more people in harm’s way and cannot be done safely or humanely.

This leaves only one pathway to safely seek asylum at ports of entry: humanitarian parole requests, which are extremely complex, tedious procedures that border officials often dismiss arbitrarily, out of reach for the vast majority of the tens of thousands of vulnerable families in danger south of the U.S. border. A federal judge recently ruled in *Al Otro Lado v Mayorkas* that the government’s practice of turning away asylum seekers at ports of entry is unconstitutional. Despite the ruling, the Biden administration has not restarted asylum processing. Lack of access to asylum is also dangerous: as of August 24, 2021, Human Rights First has tracked “at least 6,356 kidnappings, sexual assaults, and other violent attacks against people blocked at ports of entry or expelled to Mexico by DHS since President Biden took office.” Border groups and communities stand ready to welcome with dignity those in need of protection and call on the Biden Administration to respect the right to seek asylum safely at U.S. ports of entry.

“For the last 18 months, Title 42 has unlawfully and forcibly expelled asylum seekers to unsafe conditions without any right to due process. Asylum seekers have a legal right to seek protection in the U.S. and the complete – and long overdue – termination of Title 42 will be a key restoration of that right,” **said Kate Clark, senior director of immigration services for Jewish Family Service of San Diego.** “For the entire COVID-19 pandemic, we have demonstrated that it is possible to both prioritize public health and welcome vulnerable individuals with dignity. As chief operator of the San Diego Rapid Response Network (SDRRN) Migrant Shelter Services, JFSSD has welcomed 2,730 migrants who were processed under the MPP winddown at the San Ysidro Port of Entry, as well as 5,443 individuals under Consortium/*Huisha* exemption process – all of whom received assistance with reviewing legal paperwork, know your rights presentation and materials, in addition to critical respite shelter services.”

“So many lives have been endangered by cruel policies such as Migrant Protection Protocol (MPP), metering and Title 42, which block all avenues for extremely vulnerable migrants to be able to safely and humanely seek asylum. When we speak on blocking access to asylum, it’s crucial to understand that metering at the border began in 2016 as a response to an increase in the number of Black asylum seekers primarily at the San Ysidro/San Diego Port of Entry”, **said Guerline Jozef, Co-Founder & Executive Director, Haitian Bridge Alliance.** “Though the border closure and expulsions under the Title 42 policies have made metering unnecessary, the policy remained in place until recently when it was ruled unconstitutional. It is no surprise that anti-Blackness and racism is embedded in our immigration system. To date, we are still fighting to end Title 42. Despite the numerous reports that the policy has no bearing on public health, the Administration has decided to continue to use this Trump-era racist policy to rid migrants of their rights to seek asylum. We are ready to welcome asylum seekers with dignity, and we urge the Biden Administration to stand with us, especially considering the harm migrants face in border cities.”

“Since March 2020, Title 42 has resulted in rapid-fire deportations—known as ‘Title 42 expulsions’—of hundreds of thousands of people, including children. Today, thousands of migrants are stranded along the Mexican side of the border in makeshift camps and other unsanitary conditions without access to adequate support services, where they face high rates of kidnappings and violence. The Biden administration is violating the principle of non-refoulement and exacerbating dangerous conditions for migrants living in militarized border communities. It’s time for the Biden administration to recommit to protecting the human rights of those seeking asylum. He must stop these expulsions and rescind Title 42, and prioritize public policy that protects the health, safety, and human rights of all who seek

refuge at the southern border,” stated **Pedro Rios, director of the American Friends Service Committee’s US-Mexico Border Program.**

“Many in the United States assume that people aren’t able to seek asylum at our border because they aren’t following the rules, or because we can’t safely process people seeking asylum during COVID-19. That couldn’t be further from the truth,” stated **Stephen Manning, Executive Director of Innovation Law Lab.** “The fact of the matter is that our doors have been slammed in the face of people who are fleeing death threats, political persecution and climate change. Our laws provide a process to seek asylum and humanitarian aid organizations and local public health authorities have protocols to prevent the spread of COVID-19, but today’s immigration policies have created a blockade that prevents them from accessing that process, putting people including vulnerable children, Black migrants and families in grave danger. We must provide a safe pathway and end policies like Title 42 and Remain in Mexico once and for all.”

“The San Diego community has shown time and again that there is capacity and desire to welcome asylum seekers in a safe and dignified way,” said **Donna Duvín, Executive Director of the International Rescue Committee in San Diego.**

“Restricting access to asylum based on alleged capacity or public health concerns is a false pretext. The community has come together to welcome and we will continue to do that and stand up for asylum seeker’s rights to seek safety and protection.”

“Despite its commitment to building a “fair, orderly, and humane” asylum system, the Biden Administration has instead dedicated its resources to expelling and removing vulnerable refugees seeking protection,” said **Erika Pinheiro, Litigation and Policy Director of Al Otro Lado.** “This administration’s choice to perpetuate Trump-era policies like “metering,” Title 42, and Remain in Mexico that force refugees to wait in dangerous conditions in Mexico is both illegal and immoral. A federal judge recently found that Custom and Border Protection (CBP)’s practice of turning away asylum seekers unconstitutional, yet border agents have been deployed to block rather than process refugees seeking to turn themselves in, forcing those with urgent protection needs to attempt dangerous crossings between Ports of Entry. CBP is larger than all other US Federal law enforcement agencies combined, and has the capacity to safely process refugees at our ports of entry. Its refusal to do so ignores the hard work that coalitions like the California Welcoming Task Force have done to build networks of support on both sides of the US - Mexico border that stand ready to help implement orderly and humane asylum processing while protecting public health.”

“We’ve seen and applauded the Biden administration as they welcome refugees from Afghanistan, grant TPS for several countries, and welcome DREAMers

throughout the pandemic. It's time now to grant justice, due process, asylum protections, and the same level of accommodation to those fleeing persecution and violence on foot with nothing other than the clothes on their back at our southern border," **shared Managing Attorney, Margaret Cargioli, Immigrant Defenders Law Center.** "We've adapted our practices to the pandemic to save lives and it is time the Biden administration does as well for the wellbeing and safety of those at our doorstep. No more turning our backs to vulnerable asylum-seeking families, Black migrants, and individuals who are forced into increasingly life-threatening situations. We stand ready to welcome those in need with dignity."

"We have seen deaths in the desert, in the shelters, and in the encampment in Tijuana as the Biden administration continues to keep the doors closed to asylum seekers," said **Dulce Garcia, Esq., Executive Director, Border Angels.** "Hundreds of children continue to be at risk as they live in tents in the streets at our San Ysidro Port of Entry. Vulnerable and desperate to survive, migrants attempt to cross the border through the desert and ocean, and risk their lives because the encampment, and Mexico, is not safe for them and their children. Many families have reported to us that they survived kidnappings, rape, and other violent incidences as they waited in Mexico. Our communities are ready and willing to welcome in a humane and dignified manner our siblings waiting just a few miles from us."

"People fleeing persecution and torture are entitled to seek asylum from our government, but U.S. policies continue to expel people into danger," said **Norma Chávez-Peterson, executive director of the ACLU of San Diego & Imperial Counties.** "DHS can and must act quickly to end Title 42 expulsions, ensure the cruel 'Remain in Mexico' policy never puts another person in harm's way, and invest in infrastructure development in U.S. border communities to ensure people seeking protection are welcomed with dignity and humanity. We call on the Biden administration to terminate MPP once and for all, and to immediately rescind all other policies that obstruct access to asylum at our nation's southern border."

"The practices of metering, MPP and Title 42 have caused thousands of people to concentrate all along the border under conditions of extreme vulnerability. It is urgent for the United States government to guarantee an end to these policies and generate a pathway to access asylum, opening the border soon so thousands of families can find international protection," stated **Espacio Migrante.**

"Metering, MPP, Title 42, Tapachula as a prison-city, all of the policies that the United States has implemented in partnership with the Mexican government to reduce the flow of migrants and deny access to asylum, translate literally into death. Our organization alone, in the last three months, has observed the death of 3 people who were stuck in Tijuana, one due to violence and the other two due to health, who were

not attended to because they lived in an unsanitary camp abandoned by both governments and without access to healthcare. These deaths could have and should have been prevented,” said **Judith Cabrera, Co-Director of Border Line Crisis Center**. “The implementation of Title 42 during the Trump era was an offense, but it is even more shameful for the Democratic Biden Administration to deliberately decide to maintain a policy that puts at risk the lives, safety and dignity of asylum seekers.”

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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.