

March 13, 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 93 civil, human, and immigrant rights groups write to express our deep concern with the [announcement](#), and confirmation in the [notice of proposed rulemaking](#), that your administration plans to enhance the use of expedited removal, and to reiterate our opposition to the punitive policies the administration is considering implementing along the border after Title 42 exclusions end.

The [reported plan](#) to roll out fast-tracked asylum screenings within Customs and Border Protection (CBP) detention facilities bears striking resemblance to two Trump administration policies known as Prompt Asylum Claim Review (PACR) and Humanitarian Asylum Review Process (HARP), which allowed credible fear interviews (CFIs) to occur in CBP facilities. This news comes alongside further disturbing [reports](#) that the administration is attempting to return non-Mexican asylum seekers to Mexico if they fail to pass these preliminary CFIs — a predictable outcome for many given the alarming conditions in CBP custody. Nearly 300 organizations have also previously [written](#) to you in opposition to previously articulated plans to issue a [proposed rule](#), which echo prior enjoined Trump policies by limiting access to asylum to otherwise eligible refugees on the basis of their manner of entry, transit route, or through advanced registration on a smartphone app, which many vulnerable populations cannot access.

We urge the administration to protect, not undermine, the right to due process and to not build even more barriers to accessing the asylum system.

Multiple independent investigative bodies have raised concerns about conducting expedited removal proceedings in CBP detention. A [report](#) from the Department of Homeland Security (DHS) Office of Inspector General (OIG) found that procedures under PACR/HARP were inconsistent with CBP detention standards, limited the assurance of privacy and separation of juveniles from unrelated adults, and were “not conducive to” preparation for CFIs. Additionally, a [report](#) from the Government Accountability Office (GAO) found that only [23%](#) of credible-fear screenings were positive under PACR/HARP, as opposed to a nearly [74%](#) positivity rate during fiscal year 2019 prior to the implementation of these two policies. Based on these reports and other data comparisons, PACR, HARP, and similar policies limit access to the United States asylum system while failing to ensure adequate preparation for CFIs.

The difference between Trump's PACR/HARP and the rushed processing your administration is now implementing appear negligible. The installation of "phone lines and quiet booths" in CBP detention facilities is not the equivalent of legal access and will not ensure fair CFI processing for most asylum seekers in CBP custody. Virtual CFIs in CBP detention facilities often compound language access barriers, gaps in technological literacy, and difficulties connecting with legal representation or even comprehending the U.S. asylum system. Furthermore, the alarming conditions endemic to CBP custody are a deterrent for many vulnerable asylum seekers at a time where they are expected to disclose their worst harms and fears. An asylum seeker's initial administrative review is typically the only time the asylum seeker has an opportunity to state a claim for protection. Despite the importance of this review, individuals in expedited removal, while in CBP detention, have historically been unable to access legal counsel and suffered [abusive](#) conditions.

Promptly upon taking office, you rightly [ordered](#) DHS to cease implementation of PACR and HARP, among other anti-asylum policies from the Trump era. Two years later, you appear to be rushing back toward the same Trump policies you terminated, erecting endless barriers rather than ensuring access to asylum protection in compliance with domestic and international law. CBP detention, returns to Mexico, and an impending [transit ban](#) all appear to be part of your plan to "enhance" the already flawed expedited removal system. These policies also [cause disparate harm](#) to Black migrants and immigrant survivors of gender-based violence, undermining other important commitments made by your administration.

We strongly urge you to keep your [promise](#) to "ensure the dignity of migrants and uphold their legal right to seek asylum" instead of turning to the same broken, anti-asylum policies of the previous administration. As noted in your State of the Union Address, "our strength is not just the example of our power, but the power of our example. Let's remember the world is watching." The responsibility of a fair and just immigration policy not only falls on Congress, but also on your administration. We are at an inflection point and what your administration decides now will impact countless people fleeing unspeakable harms. It will shape how the world reacts to humanitarian crises.

Americans are [ready and eager](#) to welcome asylum seekers. Many of our organizations have presented your administration with [detailed recommendations](#) for executive branch action toward a just and humane border policy, including increased funding and support for community-based welcoming services. We welcome continued dialogue and look forward to meeting with your administration to discuss additional solutions to the challenges that we face at the U.S.-Mexico border. Please do not hesitate to contact Aaron Nodjomian-Escajeda (aescajeda@uscmail.org), Policy Analyst at the U.S. Committee for Refugees and Immigrants, for further information.

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. Jeff Zients, White House Chief of Staff

Signatories:

Al Otro Lado

Aldea - The People's Justice Center

American Friends Service Committee (AFSC)

American Gateways

American Immigration Council

Asian Americans Advancing Justice | AAJC

Asian Pacific Institute on Gender-Based Violence

Asylum Seeker Advocacy Project (ASAP)

Bend the Arc: Jewish Action

Bridges Faith Initiative

CASA

Center for Gender & Refugee Studies

Center for Victims of Torture

Central American Resource Center of Northern CA - CARECEN SF

Church World Service

Coalition for Humane Immigrant Rights (CHIRLA)

Communities United for Status & Protection (CUSP)

Connecticut Institute for Refugees and Immigrants

Ct Institute for Refugees and Immigrants

Detention Watch Network

Doctors for Camp Closure

Dorcas International Institute of RI
ECDC
El Calvario Immigrant Advocacy Center
First Focus on Children
Florence Immigrant & Refugee Rights Project
Freedom for Immigrants (FFI)
Freedom Network USA
Georgia Immigration Collaborative
Haitian Bridge Alliance
HIAS
Hispanic Federation
Hope Border Institute
Human Rights Initiative
Immigrant and Refugee Community Organization (IRCO)
Immigrant Defenders Law Center
Immigration Equality
International Center of Kentucky
International Institute of Los Angeles
International Institute of New England
International Refugee Assistance Project (IRAP)
Jewish Family Service of San Diego
Jewish Vocational Service
Jewish Vocational Service of Kansas City
Justice For Our Neighbors El Paso
Justice in Motion
Kids in Need of Defense
Las Americas Immigrant Advocacy Center
Latin American Working Group (LAWG)
Lawyers for Good Government (L4GG)
Legal Aid Justice Center
Louisiana Organization for Refugees and Immigrants

Make the Road New York
Massachusetts Immigrant and Refugee Advocacy Coalition
Migrant Center for Human Rights
Mijente Support Committee
Minnesota Freedom Fund
Mujeres Unidas y Activas
Muslim Advocates
National Center for Lesbian Rights (NCLR)
National Employment Law Project
National Immigrant Justice Center
National Immigration Law Center
National Korean American Service & Education Consortium (NAKASEC)
National Network for Immigrant and Refugee Rights
National Partnership for New Americans
NETWORK Lobby for Catholic Social Justice
Oasis Legal Services
Oxfam America
Pacific Gateway Center
Project On Government Oversight
Quixote Center
Refugee Advocacy Lab
Refugee Congress
Rocky Mountain Immigrant Advocacy Network
Save the Children
Southwest Asylum & Migration Institute "SAMI"
Student Clinic for Immigrant Justice
Tahirih Justice Center
Tennessee Immigrant & Refugee Rights Coalition
Tennessee Justice for Our Neighbors
The Advocates for Human Rights
The National Immigration Project (NIPNLG)

The Reformed Church of Highland Park

U.S. Committee for Refugees and Immigrants

UNITED SIKHS

USAHello

Washington Office on Latin America

We Are All America

Westchester Jewish Coalition for Immigration

Wind of the Spirit Immigrant Resource Center

Witness at the Border

Young Center for Immigrant Children's Rights