

# REFUGEE COUNCIL USA

December 10, 2021

President Joseph R. Biden  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear President Biden,

I write today on behalf of Refugee Council USA (RCUSA), a coalition of 28 nonprofit organizations working to promote humanitarian protection and support refugees, asylum seekers, and all forcibly displaced persons. Our coalition condemns the restarting and expansion of the Migrant Protection Protocols (MPP) program – also known as “Remain in Mexico” – and urges your administration to honor your campaign promises to restore fairness and the rule of law to the US asylum system.

Despite assertions from you and Secretaries Blinken and Mayorkas that you do not support “Remain in Mexico,” and that the program itself has “[endemic flaws](#),” your administration is moving forward with reinstating “Remain in Mexico.” While members of your administration have claimed this is necessary to comply with a court order, nothing in that order mandates the expansion of the program to include asylum seekers from the entire Western Hemisphere. This is particularly troubling because the newly included nationalities, such as Haitians, are at severe risk of persecution and discrimination in Northern Mexico. We therefore ask that your administration immediately reconsider the expansion.

The reinstatement and expansion of MPP also comes while your administration continues to use and defend the similarly harmful Title 42 expulsions initiated by the prior administration. Public health experts, including [senior CDC experts](#), have long insisted that the Title 42 policy lacks any public health rationale. Among those who have decried the reinstatement of MPP and the continuation of Title 42 expulsions – as inhumane and a violation of our refugee laws and treaties – are nonprofits that had previously partnered with the administration to provide services to asylum seekers trapped due to “Remain in Mexico,” [immigration and human rights advocates](#), and the [union representing USCIS asylum officers](#).

In the period since your inauguration, Human Rights First (a RCUSA member organization) has tracked [7,647](#) incidents of kidnappings and violent attacks on asylum seekers subjected to the Title 42 policy, and had previously tracked over 1,500 such attacks while “Remain in Mexico” was in effect. Al Otro Lado [surveyed](#) over 20,000 asylum seekers stuck at the southern border and found that 83% had experienced threats or violence. Under Title 42, countless people have been wrongfully expelled to danger without due process or the opportunity to seek asylum, forcing people back to danger in the very countries they fled. It has proven to be a discriminatory policy, and its expansion to include Haitians and other Caribbean nations with predominately Black populations puts those migrants and asylum seekers at heightened risk of harm due to anti-Black racism in Mexico.

We understand that your administration has attempted to make changes to “Remain in Mexico” to mitigate the harm and rights violations that are inherent in the program. To speak plainly – there is no way to implement the program in a humane way. Asylum seekers cannot fairly exercise their human

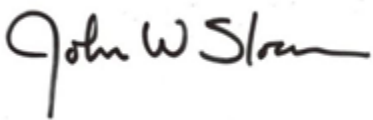
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right to seek asylum if they are forced into conditions where their lives and safety are constantly under threat. Ultimately, even if you are able to achieve better compliance and monitoring, there is no safe way to return someone to danger. The program will still be a human rights catastrophe.

This expansion comes as you host the Summit for Democracy. In February you [stated](#): “Democracy doesn’t happen by accident. We have to defend it, fight for it, strengthen it, renew it.” A core tenet of our democracy and of our American values is the welcome we provide for people in danger, who seek to rebuild lives in safety. “Remain in Mexico” and the use of Title 42 to exclude and expel asylum seekers are fundamentally inhumane and illegal. As a top State Department legal expert [confirmed](#) earlier this year, these policies erode US and international refugee law, and place thousands of already vulnerable people in increasing danger. These policies will deliver asylum seeking families, children, and adults directly to danger while denying asylum-seekers a fair day in court and causing further family separation.

And so today, Human Rights Day, we ask you to defend democracy, US law, and American values by ensuring that the human rights of asylum seekers are protected. We call upon you to uphold US refugee law and the Refugee Convention, and swiftly end policies like “Remain in Mexico” and Title 42 that evade our moral and legal obligations and endanger the lives of people seeking our country’s protection.

Sincerely,



John Slocum  
Interim Executive Director  
Refugee Council USA

CC:

The Honorable Antony Blinken, Secretary of State  
The Honorable Xavier Becerra, Secretary of Health and Human Services  
The Honorable Alejandro Mayorkas, Secretary of Homeland Security  
Ron Klain, Assistant to the President and Chief of Staff  
The Honorable Jake Sullivan, National Security Advisor  
The Honorable Susan Rice, Director of the Domestic Policy Council  
Ur Jaddou, Director of US Citizenship and Immigration Services

*RCUSA is a diverse coalition advocating for just and humane laws and policies, and the promotion of dialogue and communication among government, civil society, and those who need protection and welcome. Individual RCUSA members do not all address all refugee-related issues, nor do all individual members approach common refugee-related issues identically.*