

National U.S. Jewish Organizations Urge an End to Title 42



October 14, 2021

Hon. Joseph R. Biden
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

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

Dear President Biden and Secretary Mayorkas:

We the following 16 undersigned American Jewish organizations write to urge you to end the use of the 1944 *Public Health Services Act* (Title 42) to rapidly expel asylum seekers at our southern border.

We applaud your administration's efforts to unwind unjust asylum policies and programs, including taking steps to end disastrous programs such as the Migrant Protection Protocols and the Asylum Cooperative Agreements, as well as vacating decisions that made it almost impossible for survivors of gang and domestic violence to find safety here. However, we are deeply disappointed that there is no end in sight to ending the use of Title 42.

We are troubled that the Department of Justice continues to defend the policy in court, even appealing a judicial opinion that Title 42 is illegal as applied to families.¹ In addition, the recent expulsion of thousands of Haitians who crossed the U.S./Mexico border at Del Rio, Texas raised significant protection concerns. The denial of the right to seek asylum should never be used as a policy to deter people from exercising their legal right to seek asylum. These expulsions were an affront to this principle and likely put thousands of people in great danger.

Not only is Title 42 in violation of U.S. law and our international obligations, but the impact of Title 42 expulsions has been devastating for thousands of families. Since March 2020 when U.S. Customs and Border Protection (CBP) officers began to rapidly turn away arrivals at the southern border, the majority of asylum seekers have been denied the opportunity to state a fear of returning to their home countries. These expulsions have taken place while there is little evidence that supports that denying asylum seekers their legal right to seek protection helps to curb the spread of COVID-19.

¹ See *Huisha-Huisha v. Mayorkas*.

The Title 42 policy endangers the lives of those expelled. There are thousands of documented cases of asylum seekers who were sent to Mexico being kidnapped, raped, or otherwise violently assaulted.² Title 42 is also unintentionally encouraging family separation: while CBP does not apply Title 42 to unaccompanied minors, some desperate families feel they have no choice but to send their children alone into the United States to find safety.

The Torah tells us that each human life is sacred and that every human being is entitled to dignity. We are commanded to not return a refugee to harm's way, to take care of the most vulnerable, and to welcome the stranger. We urge the administration to end the use of Title 42 for everyone as quickly as possible and in doing so take one more important step in restoring humanity to the U.S. asylum system.

Sincerely,

Signed:

Anti-Defamation League

Ameinu

American Jewish Committee

Bend the Arc: Jewish Action

HIAS

J Street

Jewish Council for Public Affairs

Jewish Women International

Jewish World Watch

Keshet

National Council of Jewish Women

Network of Jewish Human Service Agencies

Rabbinical Assembly

Reconstructionist Rabbinical Association

Truah: The Rabbinic Call for Human Rights

Union for Reform Judaism

² <https://www.humanrightsfirst.org/press-release/new-report-finds-biden-administration-s-embrace-title-42-expulsions-leading-human>