



WELCOME WITH DIGNITY

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Asylum Advocates Welcome Court Decision Enjoining and Vacating Title 42

Washington - On Tuesday, a federal judge vacated the Title 42 policy, which since March 2020 has permitted border agents to expel people seeking asylum to danger under the false pretext of the pandemic. Judge Emmet Sullivan of the D.C. District Court handed down a [major victory](#) in *Huisha-Huisha v. Mayorkas*, a class action lawsuit on behalf of refugee families, ruling that Title 42 violates U.S. law and has no basis in public health.

Since its inception, Title 42 has blocked thousands of asylum seekers from pursuing their legal claims, forcing them back to perilous conditions in Mexico or returning them to the very countries they have fled. The policy has caused disproportionate harm to Haitians and other Black asylum seekers. Despite pledging to end Title 42 earlier this year, in September, the Biden administration [expanded](#) the policy to Venezuelans fleeing persecution.

The #WelcomeWithDignity campaign for asylum rights has long advocated for an end to Title 42, and now calls on the Biden administration to move swiftly to restart asylum at the border and welcome all people seeking refuge with dignity.

"We welcome the long-fought and hard-won victory in the case against Title 42," said **Melina Roche**, #WelcomeWithDignity campaign manager. "Title 42 is a xenophobic anti-asylum policy masquerading as a public health measure. Now that the district court has issued an injunction, our partners and the campaign stand ready to work with the administration to welcome people seeking asylum. We remind the administration that everyone has the right - without preferential treatment -- to seek safety."

"For over two years, the Title 42 policy has unjustly slammed the door on people seeking safety in the United States," said **Melissa Crow**, Director of Litigation at the Center for Gender & Refugee Studies (CGRS) and co-counsel in the *Huisha-Huisha* case. "Desperate families, children, and adults have been deprived of their right to seek asylum and returned to countries where they face violence, torture, and even death. Today's ruling affirms that there has never

been a public health rationale for expelling asylum seekers to danger. The Biden administration must now heed the court's order and swiftly restart asylum processing at the southern border."

"We are grateful for the efforts of activists and the ACLU to struggle in opposition to the disgraceful policy known as Title 42, which allowed the effective suspension of our obligation to offer asylum to those fleeing danger, said **Joshua Rubin, founder of Witness at the Border**.

"The pretense of a health emergency will be remembered as the shameful revival of a historical racist trope that pretends that we are endangered by hordes of foreign people carrying disease.

"It is the policy itself that is the disease," **Rubin** continued, "and the cure will come when we end this shameful lie and practice. The court, thankfully, has paved a road to recovery and we beg the administration to take that road toward disinfection without the usual delays. Let the devotions of posada and welcome cleanse the wound of deception, indifference, and mass expulsions of our sisters and brothers."

"Today's decision is a win for the thousands of individuals hoping to exercise their right to safety. For the first time in years, people who are seeking protection at our borders, the majority of them Black, Indigenous, and Brown, will be allowed to exercise their right to seek safety and be processed under U.S immigration law, rather than being automatically sent back to danger," said **Karla Marisol Vargas, Senior Attorney for the Beyond Borders Program at the Texas Civil Rights Project**. "We expect that without Title 42 in place, the U.S. will have the ability and the capacity to process people - it's a matter of will. TCRP has been fighting to end this policy for years in the courts, and at every turn the Biden Administration has fought to keep it in place. The Biden Administration should permanently end this cruel Trump-era policy that has stripped people of their due process rights. Ending Title 42 is the first step to restoring access to asylum and ensuring we welcome all people with dignity, respect, and compassion."

"This ruling supports what we have argued since the beginning: Title 42's sole purpose is to prevent individuals from seeking asylum in the U.S. As a legal service provider on the front lines at the southern border, we know the human toll of this policy all too well," said **Marisa Limón Gomez, Executive Director with Las Americas Immigrant Advocacy Center**. "It is heartening to see Judge Sullivan block the policy in recognition of the irrevocable harm done to people on the move including Black and Indigenous migrants. We look forward to rigorous dialogue with the Biden administration to fully restore asylum and call for an investment in permanent solutions for people seeking protection."

"If this is truly the end of Title 42, we rejoice alongside the members of the migrant community, who for over two years have been forced to live under conditions of deprivation equivalent to a border-wide death camp, in cities regarded by experts as among the most dangerous in the world. Too many migrants have died, been raped, kidnapped, sold, and tortured for no other reason than racism," said **Nicole Ramos, Al Otro Lado's Border Rights Project director**.

"Customs and Border Protection and too many politicians have been permitted to hide behind the banner of a pandemic, when the real purpose of the policy has always been to exclude

Black and brown migrants from the United States, and prevent them from accessing the legal process that could save their lives.”

“Immigrant Defenders Law Center welcomes today’s ruling in the Huisha Huisha case vacating Title 42’s restrictions on people seeking asylum in the United States. Too many people-- including families, Black migrants, LGBTQ asylum-seekers and others--have been sent back to places where their lives are in peril and their freedoms are at risk based on a so-called public health policy that the CDC long-ago rescinded. The Biden administration must disavow any and all Trump era anti-immigrant policies instead of expanding them further. Our country must restore basic human rights and fundamental due process to our immigration and asylum systems,” said **Margaret Cargioli, Directing Attorney, Immigrant Defenders Law Center.**

"This ruling is an important step in working towards finally restoring asylum at our border," said **Dylan Corbett, Executive Director, Hope Border Institute.** “As a border community, we see daily the tragic human consequences of asylum-denying policies like Title 42. Judge Sullivan's ruling provides the Biden administration with a clear opportunity to do the right thing and put into place policies which welcome vulnerable persons on the move with dignity and compassion.”

“This court case makes clear what we all should know: xenophobia masquerading as public health policy is unlawful and has no business being implemented by the Biden administration,” said **Lauren Wilfong, Justice Catalyst Fellow at Justice Action Center.** “JAC commends the Huisha-Huisha plaintiffs and legal team for this major victory and urges President Biden to uphold the right to asylum and end Title 42 now.”

“We are encouraged by the US District Court’s decision to void Title 42, a public health order that effectively closed the U.S. border to asylum seekers since the start of the COVID-19 pandemic,” said **Joan Rosenhauer, Executive Director, Jesuit Refugee Service/USA.** “Almost three years after this inhumane policy was first implemented, we have seen first-hand the negative impact it has had on thousands of individuals and families seeking safety in the U.S. We encourage the Biden Administration to accept and implement this ruling as quickly and effectively as possible and look forward to accompanying and serving asylum seekers as they petition for protection in the U.S.”

“Through October, DHS had used Title 42 to expel migrants 2,426,297 times,” said **Adam Isacson, Director for Defense Oversight at the Washington Office on Latin America.** “If even 10 percent were asylum seekers fleeing danger, then Title 42 arbitrarily and capriciously endangered a quarter of a million people. The actual number is almost certainly higher. Judge Sullivan’s welcome decision is a signal to both the Biden administration and its hardline critics that the United States must do what its own laws direct. It is time to restore the right to seek asylum, and to invest in the processing and adjudication capacity that our historic worldwide moment of human mobility demands.”

“Title 42 has taken a torch to the U.S. asylum system for more than two years. The policy, under both Trump and Biden, was always about politics and never about public health,” said **Tess Hellgren, Deputy Legal Director with Innovation Law Lab**. “The sheer magnitude of the pain and suffering caused by Title 42 is impossible to overstate. We call on the U.S. government to immediately resume processing of people seeking asylum at all ports of entry, with full and genuine respect for the human rights of all people.”

“Moms applaud yesterday’s federal court ruling striking down Title 42 – a cruel, racist policy that has been misused to deny moms and children fleeing violence, war, and persecution the chance to seek safety in the United States and to be safe while their asylum claims are processed,” said **Xochitl Oseguera, Vice President of MomsRising/MamásConPoder**. “Seeking asylum is a legal right and a human right, and ending Title 42 is essential to creating the just and fair process for considering asylum claims our country urgently needs. America’s moms know that families belong together. We want every asylum-seeker and every immigrant to be treated with dignity, compassion and respect.”

“Title 42 has caused catastrophic harm to thousands of people who sought safety in the United States,” said **Laura St. John, Legal Director with the Florence Immigrant & Refugee Rights Project**. “For years, the federal government has illegally and inhumanely used Title 42 in an unsuccessful attempt to manage and mitigate migration and to keep Black and brown migrants from accessing protection in the U.S. We have stood in opposition to this policy since its inception and call on the Biden administration to heed the court order and begin regular asylum processing immediately.”

“The harmful and immoral Title 42 policy has expelled and turned away families and individuals seeking a safe place to call home,” said **Meredith Owen, Director of Policy and Advocacy, Church World Service**. “Title 42 was never about public health, serving only as a tool to wrongfully and unlawfully prevent the most vulnerable from protection. The faith community has resolutely denounced Title 42 expulsions and all anti-asylum policies that have resulted in forcing people to return back to harm they fled. CWS commends this ruling and urges the administration to accept this decision, fully restore all asylum protections, and finish the job of righting the wrongs of family separation and other anti-asylum practices.”

“This ruling is yet another step in recognizing that Title 42’s purported public health rationale put asylum seekers at significant risk and should be terminated,” said **Naomi Steinberg, Vice President, U.S. Policy & Advocacy, HIAS**. “While we recognize that the full resolution of this case is not yet final, we urge the Biden administration to use this opportunity to move expeditiously to start to fix or broken asylum system in such a way that it addresses the real challenges at the border, while also ensuring that asylum seekers are able to avail themselves of a safe, humane and legal system.”

“Title 42, a shameful relic of the Trump era, has blocked asylum access at the border for over two years and put hundreds of thousands of people in danger. Seeking asylum is a legal right, and the Biden administration must take immediate steps to uphold its commitment to create a

fair and humane immigration system,” said **Will Dempster, Vice President of Strategic Communications at the National Immigration Law Center**. “We call on the administration to reopen ports of entry and restore access to asylum regardless of nationality, pre-existing ties to the country, financial means, or manner of entry. Welcoming people seeking safety and recognizing immigrants as a strength to our nation are values many Americans hold dear. Ending Title 42 expulsions is an important and long overdue step in the right direction.”

“We pray this decision will lead to a reimagination and rebuilding of border and asylum policy that will have at its heart respect for the dignity of all who come to our borders,” said **Anna Gallagher, Executive Director at the Catholic Legal Immigration Network, Inc., or CLINIC**. “The U.S. has the resources to move quickly and create well-functioning systems that honor the right to seek asylum — we only need commitment, creativity, and compassion.”

“The ruling in *Huisha Huisha* clarifies what we have long known to be true: the cruel Title 42 policy illegally deprived people—including survivors of gender-based violence—of their basic right to seek asylum,” said **Rachel Sheridan, Litigation Counsel at the Tahirih Justice Center**. “We celebrate this decision and encourage the administration to promptly end this baseless policy and stop turning survivors back to places where they face a serious risk of violence and death. We look forward to the restoration of meaningful access to asylum for the most vulnerable.”

“For the past two years, Title 42 has blocked hundreds of thousands of people from exercising their right to seek protection in the United States. These people, including families with young children, had dreams of building a life free from danger,” said **Dr. Kim Lamberty, Quixote Center Executive Director**. “Deterrence-based immigration policies are just as ineffective as they are cruel. We hope the U.S. government takes this court ruling as an opportunity to lead with compassion instead of xenophobia and restore humane and orderly asylum processing.”

“Title 42 should never have been implemented. For the past two years, the policy ignored immigration law, increased family separation, and sent children, adults, and families back to the very dangers they fled without any opportunity to seek protection, said **Mary Miller Flowers, Senior Policy Analyst for the Young Center for Immigrant Children's Rights**. “Ending Title 42 is a critical step in restoring our asylum system, but the work doesn’t end here. The administration must accept the extensive and well-reasoned opinion of the court and Congress must use every opportunity to support people unjustly separated and expelled under Title 42 and ensure no future policies increase family separation or intentionally put children in harm’s way.”

“A federal court in Washington, DC has declared unlawful what we have long known to be true: Title 42 was unjustified and harmful,” said **Yael Schacher, Director for the Americas and Europe at Refugees International**. “The court’s decision is clear: migration management does not allow the U.S. government to trample the rights of asylum seekers and ignore the dangers that befall those blocked and expelled. As it restarts asylum processing at the border, the Biden administration must use procedures that actually prevent wrongful removal to harm and give

those seeking safety at the southwest border a true chance to gain refuge in the United States.”

“Title 42 is a xenophobic, racist effort to deny Black, Brown, Indigenous, and other vulnerable people their right to seek protection from persecution,” said **Kimiko Hirota, policy advisor for the Migrant Rights and Justice program at the Women’s Refugee Commission**. “For more than two years, we have witnessed chaotic border management, unfair treatment, and widespread cruelty for thousands of people seeking protection under this order. This ruling strengthens the mandate for the Biden administration to live up to its promise and make the United States a safe haven for individuals seeking asylum. We urge the Biden administration to immediately take steps to ensure that people can apply for asylum at the U.S.-Mexico border, including at ports of entry.”

“A U.S. judge has temporarily vacated Title 42 — the order that used the pandemic as an excuse to deny people the right to pursue asylum in the United States — calling it the arbitrary and capricious,” said **Pedro Rios, Director of U.S.-Mexico Border Progra with the American Friends Service Committee (AFSC)**. “The decision reaffirms what organizations on the ground have been arguing all along: the United States must uphold asylum, as required by federal law and international agreements. Asylum seekers should be welcomed with dignity, afforded all due process rights, and not subjected to further harm.”

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The Welcome with Dignity Campaign for asylum rights is composed of more than 100 national and regional organizations committed to transforming the way the United States receives and protects people forced to flee their homes to ensure they are treated humanely and fairly. To learn more and join our campaign visit: welcomewithdignity.org