

January 8, 2023

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

President Biden:

El Paso community leaders and organizations express grave concern over insufficient and inadequate efforts to protect vulnerable migrants and asylum-seekers in the El Paso border region. For many years, we have provided support and assistance to migrants, refugees, asylum seekers, victims of trafficking, and other migrants facing dangerous conditions. As such, we are deeply concerned for the safety and wellbeing of migrants and asylum-seekers who have become stranded on our border because of the migration policies that violate human rights and systematically violate the right to asylum. Furthermore, these policies, as implemented by the Department of Homeland Security (DHS), in collaboration with state and local law enforcement agencies cause physical and emotional harm to thousands of migrants in vulnerable situations daily.

As El Pasoans, we respond with compassion and welcome. But cruel and inhumane actions and policies by the United States Border Patrol, the Texas Department of Public Safety (DPS), and local law enforcement have made it nearly impossible for individuals fleeing violence and insecurity to live safely. We understand and appreciate law enforcement that is professional and responsible and focused on securing the El Paso community. However, we want to transition from security focused, punitive measures to a humanitarian approach to immigration.

El Paso has long been the testing ground for new and harshly punitive immigration policies, like family separation which began in El Paso in the summer of 2017 long before the Trump Administration publicly acknowledged the nationwide policy in April 2018. As a result, there is distrust by community groups and migrants of law enforcement agents who use violence to enforce inhumane policies. The present situation in El Paso is a by-product of the criminalization of migration at the border and the excessive investment in enforcement that comes with it. We are doing our part to welcome and accompany those arriving in our community who seek the simplest of human needs: protection, safety, a warm meal, and a safe place to rest their heads. We provide kindness after their long and arduous journey to the United States. Yet, we face a lack of resources and a system that punishes organizations and volunteers seeking to help them. As a community, we must demand more. We urge the administration to ensure that federal immigration laws are not misused to punish migration-related humanitarian acts or human rights defenders who work with migrants.

Community leaders must be included. Our coalition includes a wide variety of immigration advocates, including those providing shelter, legal services, and civil rights defense. We have direct contact with migrants and are tasked with helping them navigate day-to-day survival as well as an ever-more-complicated immigration landscape. However, we are often excluded from key conversations at every level, particularly by the City of El Paso. We request your administration call a mandatory meeting of FEMA grantees in El Paso that includes local, state, and federal law enforcement and representatives from this coalition and that grantees be ordered to maintain an open line of communication. We also request that the city and the county identify staff with whom shelters can communicate with 24/7.

Infused resources to support refugees, asylum-seekers, trafficked persons, and other migrants in situations of vulnerability have immediate access to food, shelter, and other life-saving services. Ensure real commitments and resources to provide asylum at the border. To continue to welcome these vulnerable migrants, the federal government must provide unrestricted funds to the community-run shelters that can be used to house, feed, and serve all migrants, regardless of status. Funds to support humanitarian work with migrants must be flexible enough to meet the basic needs—food, shelter, and sanitation—of all persons, rather than excluding thousands who are left to try and survive in unsafe conditions on the streets of American communities. To the extent that FEMA’s EFSP fund fails to do this currently, the Federal Government must make other sources of funding available. Moreover, ensuring this basic human dignity must also extend to the conduct of law enforcement; CBP’s sensitive location protocol must be respected, and both migrants and community members should not be subject to intimidation, harassment, excessive force, or other forms of abuse. The federal government must infuse resources at the border to support refugees and asylum-seekers, trafficked persons, and other migrants in situations of vulnerability and ensure immediate access to food, shelter, healthcare, and other life-saving services. The Consolidated Appropriations Act of 2022 has resulted in thousands of migrants, including children, sleeping outdoors in freezing weather and rain.

Migrants staying outdoors have become the target of law enforcement. On the evening of January 3, 2023, El Paso Police Department (EPPD), Texas Department Public Safety (DPS), and Customs and Border Protection (CBP) coordinated efforts to conduct immigration enforcement operations to arrest migrants near churches and community shelters. DPS followed and briefly detained at least one shelter volunteer and accused them of smuggling undetected migrants. EPPD and CBP have been working together to keep migrants from entering or exiting private spaces, including apprehending individuals entering bus terminals, pulling migrants off of buses at checkpoints, and preventing individuals from accessing transportation centers by blocking entrances.

We urge the Biden administration and the Department of Homeland Security to halt all Border Patrol operations near places of worship, shelters, and transportation hubs. We also urge the Biden administration to investigate and hold Border Patrol agents accountable for human rights violations, including negligence, use of force, and abuse of authority. Today, on the morning of January 6th, we saw the horrific video of a Border Patrol agent slamming a migrant into the concrete at the entrance of a well-known and well-respected provider of services to El Paso's homeless community. These actions will have a chilling effect on our communities far beyond the migrant population.

We urge the Biden administration to stop Governor Abbott's Operation Lone Star and the use of DPS to intimidate, harass, and arrest migrants and volunteers.

Migrants on U.S. soil who are caught in Title 42 limbo must be given an opportunity to apply for asylum and be paroled. Sending migrants to Mexico where they are preyed upon by cartels and smugglers is cruel, irresponsible and unlawful. Deporting migrants to their home country and asking them to follow the new protocols for refugee applications is not practical. The actions of DHS along the southern Border of the United States have made migrants the scapegoats for all social and economic problems. Migrants, especially those from Latin America, Africa and the Caribbean, who merely seek safety and protection are systematically prevented from applying to asylum as required by international law. In the 1940s, the United States rejected thousands of European Jews returning them to Europe to be murdered in concentration camps. In the 1940s, we also saw thousands of Japanese Americans interned in camps in the United States merely for being of Japanese descent. In the 2000s following the attack on 9/11, we saw persecution of Muslims across the United States. The United States welcoming of people from both Afghanistan and Ukraine occurred due to creative use of resources. Creativity is abundant when migrants are European, but migrants from Latin America, Africa, and the Caribbean are treated as criminals. When will the United States stop criminalizing migrants of color? International law requires who steps foot on U.S. soil be allowed to apply for asylum. When will the United States resume abiding by international law?

The humanitarian crisis we face here and now demands that we answer these questions quickly, in ways that affirm our capacity for care, justice, and welcome. To the extent that broader use of parole and an expanded Title 42 exemption process through CBP One open safe and orderly legal pathways for people to enter the U.S. we applaud such efforts. But they cannot come in lieu of the legal asylum process established by Congress decades ago and they cannot come at the foreclosure of meeting the basic humanitarian needs of vulnerable people. Parole, and asylum with it, cannot be accessible only to the wealthy who can access passports and air travel. Migrants and asylum-seekers should not be pushed to cross through dangerous and isolated regions between ports-of-entry, but instead they should be given meaningful channels for regular migration not subject to de-facto criminalization. Extending Title 42 to new populations and

enacting new ‘travel bans’ are contrary to our laws, our values, and our long-term ability to have safe and orderly pathways for legal migration at our borders. For years we have tried failed approaches rooted in deterrence, we do not need more. We urge the Administration to focus on building new legal and rights-affirming pathways and abandon efforts to otherwise put greater restrictions and barriers on the asylum process.

We know the border can be a place of immense opportunity and that our communities embody America’s great capacity for welcome and hospitality. We urge your Administration to take steps that draw upon rather than conflict with these strengths. And we hope you will take the measures necessary to truly revitalize our asylum system rather than further corrode our ability to live up to our legal and moral obligations.

Sincerely,

El Paso Migrant Coalition