

October 4, 2021

Hon. Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security  
301 7th Street, SW  
Washington, DC 20528  
c/o [charanya.krishnaswami@hq.dhs.gov](mailto:charanya.krishnaswami@hq.dhs.gov)

Re: Continuation of Title 42 at the Southern Border

Dear Secretary Mayorkas,

We write to you as border state leaders who have observed the harms DHS' implementation of [Title 42](#) has caused in Arizona. As you know, this policy has led to the summary [expulsion of 875,000 people](#) from the U.S. between March 2020 and May 2021, alone – many of them seeking humanitarian protection. Under the Biden Administration, nearly [6,400 migrants stuck in Mexico](#) have been kidnapped, raped, trafficked or assaulted. That number will continue to rise as long as Title 42 is kept in place. The policy has led to family separations, mass detention of children, damaging mental health impacts, and is pushing people seeking asylum to undertake dangerous – and repeated – journeys to cross the border in an effort to reach safety. Government data analyzed by the American Immigration Council indicate that 40 percent of those apprehended at the border this year had been apprehended at least once before during the preceding 12 months – an unnecessary cycle fueled by Title 42. In addition, those who are turned away from the U.S. are being crammed into buses and planes without adequate protections, which contradicts the policy's intent and blatantly disregards recommended public health protocols.

Even though Title 42 was originally presented as a temporary public health order, since its inception, public health leaders across the country, [including CDC experts](#), warned the order lacked public health justification. Now that the administration is using the COVID-19 Delta variant as justification to continue Title 42 expulsions, those public health leaders are again [imploring](#) the executive branch to end this inhumane and unnecessary policy.

As Susana Villen Iglesias, a physician with Doctors without Borders, [notes](#) the widespread availability of COVID-19 vaccines and other mitigation protocols like rapid testing, outdoor processing, masking and social distancing enables DHS to safely process asylum seekers. She states, “These measures are not only effective against COVID- 19 transmission, but they are also well within the U.S. government's capacity and resources, especially in light of the extreme hardship, violence, and trauma that Title 42 has inflicted on migrants.”<sup>1</sup> In short, we have the resources and tools needed to process people seeking asylum without compromising public health.

Border communities stand ready to safely support families and adults seeking safety at the border. Leaders of community organizations like [Teresa Cavendish](#), who oversees operations of the Casa Alitas migrant shelter in Tucson, consistently affirm that the federal government has not exhausted the capacity of local U.S. nonprofits to receive additional migrants, despite the media's portrayal of

---

<sup>1</sup> United States District Court for The District Of Columbia. *Huisha-Huisha, et al. v. Mayorkas et al.* Declaration of Susana Villén Iglesias. August 11, 2021 <https://www.aclu.org/legal-document/declaration-mdecins-sans-frontieres-medical-coordinator-mexico>

nonprofits being overwhelmed. Moreover, these front-line service organizations state their operations could be scaled up with investment of additional resources from the federal government to more quickly process the backlog of asylum cases caused by Title 42.<sup>2</sup>

While some are quick to blame the recent increase in COVID-19 cases on the number of migrants at the border, the current surge in coronavirus cases [doesn't overlap](#) with the timing of increases in immigration encounters in March or with the locations where those very few immigrants who are actually allowed in the U.S. end up.

It is important and appropriate for the government to be concerned about the spread of COVID-19. However, it worries us there has been no sound epidemiological justification for why people seeking asylum should be singled out for expulsion, while other groups of people can enter the U.S. if they abide by COVID-19 safety protocols. Furthermore, placing people in congregate detention facilities and forcing them into large migrant camps in Mexico is not the answer, as that could, indeed, increase the risk of COVID-19 spread.

Asylum is a right enshrined in [international](#) and U.S. law, and keeping Title 42 in place unnecessarily harms people fleeing persecution in their home countries. As Arizona leaders, we urge you to bring an end to Title 42 expulsions of people seeking asylum as soon as possible, and to build a better system that treats people seeking protection both with dignity, and in a way that protects public health.

Sincerely,

**Organizations**

American Civil Liberties Union of Arizona  
African American Christian Clergy Coalition  
ALIENTO  
Arizona Faith Network  
Arizona Jews for Justice  
Asylum Seeker Advocacy Project (ASAP)  
Baku International Multiculturalism Center-US  
Chispa Arizona  
Corazón (Arizona Federation of Faith in Action)  
Florence Immigrant & Refugee Rights Project  
Fuerte Arts Movement  
Jewish Community Relations Council of Greater Phoenix  
Kino Border Initiative  
Local First Arizona  
Mountain Park Health Center  
National Council of Jewish Women Arizona  
Poder Latinx  
Puente Human Rights Movement  
Urias Communications

**Elected Officials (current and former)**

The Hon. Lela Alston, Member, Arizona State Senate  
The Hon. Andres Cano, Member, Arizona House of Representatives  
The Hon. Andrea Dalessandro, Member, Arizona House of Representatives  
The Hon. Charlene Fernandez, Member, Arizona House of Representatives  
The Hon. Rosanna Gabaldon, Member Arizona State Senate  
The Hon. Melody Hernandez, Member, Arizona House of Representative  
The Hon. Jennifer Longdon, Member, Arizona House of Representatives  
The Hon. Juan Mendez, Member, Arizona State Senate  
The Hon. Martin Quezada, Member, Arizona State Senate  
The Hon. Athena Salman Member, Arizona House of Representatives  
The Hon. Raquel Terán, Member, Arizona House of Representatives  
The Hon. Bob Worsley, Former Arizona State Senator on behalf of ZenniHome

CC: Director Susan Rice

---

<sup>2</sup> United States District Court for The District Of Columbia. *Huisha-Huisha, et al. v. Mayorkas et al.* Declaration of Teresa Cavendish. August 11, 2021 <https://www.aclu.org/legal-document/declaration-teresa-cavendish>