February 16, 2022

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

Dear President Biden:

We write to express our deep concern over the treatment of Black migrants. In September 2021, as large numbers of Haitians entered the United States at the Texas border at Del Rio, we saw disturbing images and videos of border patrol agents using horses and horse reins against Black people at the border—who were carrying nothing but food and water. For many, this incident conjured images of our country’s treatment towards enslaved Black people and highlighted longstanding concerns regarding the disparate treatment of Black migrants by immigration enforcement officials. We would like to work with your Administration to chart a new way forward rooted in equal treatment and protection of human rights.

Our country has a long history of inhumane treatment of Black migrants, which is particularly evident in the historic mistreatment of Haitians. In 1981, the United States began interdicting Haitian refugees in the high seas and over the course of the next decade sent some 25,000 asylum seekers back to an island suffering under the rule of brutal U.S.-backed dictatorships.1 In 1991, the first Bush Administration opened a detention camp in Guantanamo Bay for over 300 HIV-positive Haitian men, women and children, including those who were possibly exposed to HIV/AIDS.2 This policy was challenged in court and resulted in a settlement requiring the resettlement of those detained in the United States.3 In 2011, even after Haiti was designated for Temporary Protected Status (TPS) following a catastrophic earthquake and a massive cholera epidemic, deportations to Haiti continued, leading to at least one death.4

Unfortunately, Black migrants continue to face disparate and often inhumane treatment at every stage of the immigration enforcement process. For example, although Black immigrants comprise just 5.4 percent of the unauthorized population in the United States, and 7.2 percent of

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4 Id.
the total noncitizen population, they were 10.6 percent of all immigrants in removal proceedings between 2003 and 2015.5 Similarly, a recent report from researchers at the University of California found that those detained from Africa and the Caribbean—predominantly Black regions—made up just 4 percent of those in U.S. Immigration and Customs Enforcement custody from 2012 to 2017, but 24 percent of all solitary confinement detentions.6 Black migrants are also likely to remain in detention longer than other migrants and pay significantly higher bonds for release.7 In 2020, horrifying reports emerged that migrants from Cameroon and the Democratic Republic of Congo were not given a fair opportunity to seek asylum and we forcibly coerced into signing voluntary departure orders after protesting inhumane detention conditions.8

We are deeply concerned that recent removals and expulsions of migrants to Haiti reflect a continuation of this disparate treatment. Last year, the Administration redesignated Haiti for TPS, halting deportations for eligible Haitians, due to “security concerns, social unrest, an increase in human rights abuses, staggering poverty, and lack of basic resources, which are exacerbated by the COVID-19 pandemic.” The conditions used to justify TPS for Haitian migrants remain. Haiti is in the midst of a deteriorating political, climate, and economic crisis. In fact, Haitians now face the challenging chance of increasing food insecurity, malnutrition, waterborne disease epidemics, and high vulnerability to natural hazards, all of which have been exacerbated by the COVID-19 pandemic.

On September 23rd, 2021, U.S. special envoy to Haiti, Daniel Foote, resigned, citing the “inhumane and counterproductive decision to deport thousands of Haiti refugees” from the border.9 This was a clarion call for all of us who are frustrated with our current policy in Haiti. Haiti simply cannot safely accept the repatriation of its nationals, which is why we are so deeply concerned with the large-scale removals and expulsions of individuals back to Haiti. To that end, we are concerned that the Administration’s use of the Title 42 authority is depriving legitimate asylum seekers the opportunity to pursue their claims, contrary to our obligations under international and domestic law.10

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9 Resignation letter from U.S. special envoy for Haiti, Daniel Foote (Sep. 21, 2021), https://www.washingtonpost.com/context/read-resignation-letter-from-u-s-special-envoy-for-haiti-daniel-foote/3136ae0e-96e5-448e-9d12-0e0cafb3c0b/.
We urge you to break this cycle and respond to the recent rise in migration with a human-rights centered approach and compassionate policies that reaffirm our commitment to inclusivity. For Haitians in particular, we must also be accountable for our political decisions and the decades of intervention by the United States, including a military occupation from 1915 to 1934, that has contributed to the political destabilization, impoverishment, and ecological vulnerability of Haiti—forces that compel Haitians to seek safety and refuge outside of their country.11

It is time to undo the United States’ draconian immigration policies, particularly policies introduced under the Trump Administration, such as the use of Title 42, that circumvent our humanitarian obligations. In addition to stopping removals to regions such as Haiti that face serious insecurity, we also urge you to take steps to address the systemic challenges Black migrants face to receiving equal treatment. As a starting point, we recommend the Department of Homeland Security, in concert with the Department of Justice’s Executive Office for Immigration Review (EOIR), conduct a wholistic review of the disparate treatment of Black migrants throughout our immigration system, make available to the public the results of this review and take steps to remedy disparities at each step of the immigration enforcement process. It is essential that we recommit ourselves to reversing anti-Black policies, including by adopting a human-rights centered approach to supporting immigrants and people seeking asylum in the United States.

Sincerely,

________________________________________  ______________________________________
Cori Bush                                      Cory A. Booker
Member of Congress                            United States Senator

________________________________________  ______________________________________
Edward J. Markey                                Jerrold Nadler
United States Senator                          Member of Congress

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Sheila Jackson Lee                             Charles E. Schumer
Member of Congress                            United States Senator

Gregory W. Meeks  Bennie Thompson
Member of Congress  Member of Congress

Carolyn B. Maloney  Adam Smith
Member of Congress  Member of Congress

Robert Menendez  Elizabeth Warren
United States Senator  United States Senator

Alex Padilla  Mazie K. Hirono
United States Senator  United States Senator

Jeffrey A. Merkley  Ron Wyden
United States Senator  United States Senator

Dianne Feinstein  Bernard Sanders
United States Senator  United States Senator
Madeleine Dean  
Member of Congress

Diana DeGette  
Member of Congress

Adriano Espaillat  
Member of Congress

Dwight Evans  
Member of Congress

Jesús G. "Chuy" García  
Member of Congress

Jahana Hayes  
Member of Congress

Steven Horsford  
Member of Congress

Sara Jacobs  
Member of Congress

Pramila Jayapal  
Member of Congress

Henry C. “Hank” Johnson, Jr.  
Member of Congress

Mondaire Jones  
Member of Congress

Brenda L. Lawrence  
Member of Congress
Barbara Lee  
Member of Congress

Andy Levin  
Member of Congress

Ted Lieu  
Member of Congress

James P. McGovern  
Member of Congress

Mark Pocan  
Member of Congress

Kweisi Mfume  
Member of Congress

Grace Meng  
Member of Congress

Marie Newman  
Member of Congress

Eleanor Holmes Norton  
Member of Congress

Alexandria Ocasio-Cortez  
Member of Congress

Ilhan Omar  
Member of Congress

Donald M. Payne, Jr.  
Member of Congress
Ritchie Torres
Member of Congress

Ro Khanna
Member of Congress

Alma S. Adams, Ph.D.
Member of Congress

Terri A. Sewell
Member of Congress

Peter Welch
Member of Congress

Thomas R. Suozzi
Member of Congress

Maxine Waters
Member of Congress

Jerry McNerney
Member of Congress

Darren Soto
Member of Congress

Jimmy Gomez
Member of Congress

Albio Sires
Member of Congress

David Cicilline
Member of Congress
Rick Larsen  
Member of Congress

G.K. Butterfield  
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Nanette Diaz Barragán  
Member of Congress

Debbie Wasserman Schultz  
Member of Congress

Nikema Williams  
Member of Congress

Steve Cohen  
Member of Congress

John Yarmuth  
Member of Congress

Grace F. Napolitano  
Member of Congress

J. Luis Correa  
Member of Congress

Al Green  
Member of Congress

Gerald E. Connolly  
Member of Congress

Kaiali’i Kahele  
Member of Congress
Al Lawson
Member of Congress