

Congress of the United States
Washington, DC 20515

March 15, 2022

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
301 7th Street, SW
Washington, DC 20528

Dr. Rochelle Walensky
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, Georgia 30329

Dear Secretary Mayorkas and Director Walensky:

We write with a request as simple as it is urgent: Stop deporting and expelling people to Haiti. Now.

A few weeks ago, this Administration reached a horrendous milestone: Since President Biden took office, the federal government has removed over 20,000 people to Haiti.¹ Roughly two-thirds of those people have been forcibly flown there after being expelled under Title 42²—in clear violation of their legal and fundamental human right to seek asylum here.³ The Administration is now well on its way to deporting more Haitians than our last three presidents—combined.

Yet this Administration has long been aware that removing people to Haiti puts them in grave danger. On August 3, 2021, the Department of Homeland Security (DHS) formally re-designated Haiti for Temporary Protected Status. The notice explained that the federal government was taking this vital action to protect Haitians who came to the United States because the people of Haiti faced “rising food insecurity,” “a deteriorating political crisis, violence, and a staggering

¹ Adam Isacson, *A Tragic Milestone: 20,000th migrant deported to Haiti since Biden inauguration*, WOLA (Feb. 17, 2022), <https://www.wola.org/analysis/a-tragic-milestone-20000th-migrant-deported-to-haiti-since-biden-inauguration/>.

² *Id.*

³ *Stop U.S. Deportations and Abuse of Haitians on the Move*, Amnesty International (Dec. 15, 2021), <https://www.amnesty.org/en/wp-content/uploads/2021/12/AMR3651012021ENGLISH.pdf>.

increase in human rights abuses.”⁴ That notice came in the wake of the assassination of Haiti’s President—and before last year’s 7.2-magnitude earthquake damaged or destroyed more than 120,000 homes, took over 2,200 lives, and injured more than 12,000 people.⁵

This Administration cannot have it both ways. It cannot be that Haiti is in so deep a humanitarian crisis that people who have fled Haiti are entitled to Temporary Protected Status, but also that Haiti is safe enough that you can deport and expel people there by the tens of thousands.

The United States has halted deportations to Haiti before. After the January 2010 earthquake, the United States suspended deportations there for about a year.⁶ And after the devastation of Hurricane Matthew in October 2016, the United States halted deportations again.⁷

Recently, on March 3, Immigration and Customs Enforcement suspended deportation flights to Ukraine in response to the “ongoing humanitarian crisis” there⁸ — a justified and important exercise of your enforcement discretion. There is every reason to extend that same level of compassion and exercise that same discretion to suspend deportations to Haiti — and, in light of your own findings about the ongoing humanitarian crisis there, no excuse not to.

Moreover, last year the Centers for Disease Control and Prevention (CDC) voluntarily issued a new order extending the Trump Administration’s Title 42 expulsion policy⁹—a policy you had the legal opportunity and moral obligation to terminate. In February, the CDC decided to extend that order again.¹⁰

We are aware that you have asserted that Title 42 expulsions are necessary for the protection of public health.¹¹ We share your commitment to protecting the health of each and every person in the United States, particularly amid the COVID-19 pandemic. However, there is no reason to believe Title 42 expulsions actually protect anyone’s health. In fact, leading public health

⁴ Designation of Haiti for Temporary Protected Status, 86 Fed. Reg. 41863 (Aug. 3, 2021).

⁵ *Haiti: Flash Appeal – Earthquake*, UN Office for the Coordination of Humanitarian Affairs (Aug. 25, 2021), <https://reliefweb.int/report/haiti/haiti-flash-appeal-earthquake-august-2021-february-2022>.

⁶ *The Results of the Recent U.S. Decision to Resume Deportations to Haiti*, Center for Constitutional Rights (Feb. 23, 2011), <https://ccrjustice.org/sites/default/files/assets/Final%20Deportations%20Factsheet.pdf>.

⁷ *U.S. resumes deportation flights to Haiti*, Associated Press (Nov. 23, 2016), <https://apnews.com/article/a74f0b451e5a45e19c996843f79b9e7d>.

⁸ Ted Hesson, *Biden granting deportation relief to Ukrainians in the United States*, Reuters (Mar. 3, 2022), <https://www.reuters.com/world/us/biden-granting-deportation-relief-ukrainians-united-states-2022-03-03/>

⁹ Public Health Reassessment and Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists, CDC (Aug. 2, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/downloads/CDC-Order-Suspending-Right-to-Introduce-Final-8-2-21.pdf>.

¹⁰ Camilo Montoya-Galvez, *After review, U.S. maintains border policy of expelling migrants, citing Omicron*, CBS News (Feb. 4, 2022)

<https://www.cbsnews.com/news/immigration-united-states-border-migrants-covid-19-omicron/>.

¹¹ *Id.*

experts, including former CDC officials, have condemned the use of Title 42 as “scientifically baseless and politically motivated...which enables the mass expulsion of asylum seekers and is being used to circumvent laws and treaty protections designed to save lives.”¹²

On March 4, the United States Court of Appeals for the District of Columbia Circuit rejected your claim that Title 42 expulsions serve the worthy aim of safeguarding public health. As the panel of judges appointed by presidents of both parties unanimously found, “from a public-health perspective, based on the limited record before us, it’s far from clear that the CDC’s order serves any purpose.”¹³ Indeed, the panel emphasized that while it would have seriously considered “declarations in the record by CDC officials testifying to the efficacy of the [Title 42 expulsion] Order . . . there are none.”¹⁴

In that same ruling, the D.C. Circuit ordered you to cease expelling people to countries where they are likely to be persecuted or tortured.¹⁵ We hope you will recognize that expelling people to Haiti may present these same risks, since you documented them in your TPS order¹⁶—and that, as such, you are in fact enjoined from expelling anyone else to Haiti.

Just last week, in response to a court ruling, the Biden Administration made the decision to terminate Title 42 expulsions of unaccompanied children—a welcome and long overdue step.¹⁷ We call on you to end Title 42 expulsions entirely.

As Representatives for some of the most vibrant Haitian and Haitian-American communities in the country, we know that our constituents deserve so much better than these deportations. They deserve an immigration system that respects the right to seek asylum and honors the promise of refuge. A system that creates a pathway to permanent status and citizenship. A system that centers the humanity and dignity of all people. The people of Haiti deserve to know peace. And Haitians, like all people seeking peace and refuge in the United States, deserve to be welcomed and protected.

¹² Letter to CDC Director Walensky, HHS Secretary Becerra, and DHS Secretary Mayorkas on August 2021, Title 42 Order (Sept. 1, 2021). https://www.publichealth.columbia.edu/sites/default/files/sept_1_2021_title_42_letter.pdf

¹³ *Huisha-Huisha v. Mayorkas*, No. 21-5200, slip op. at 32 (D.C. Cir. Mar. 4, 2022).

¹⁴ *Id.* at 31.

¹⁵ *Id.* at 32.

¹⁶ Designation of Haiti for Temporary Protected Status, 86 Fed. Reg. 41863 (Aug. 3, 2021) (warning of “a staggering 333% increase in the number of human rights violations and abuses by law enforcement officials and non-state actors, respectively, against the rights to life and security of person” in the years preceding the designation).

¹⁷ Public Health Reassessment and Immediate Termination of Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists With Respect to Unaccompanied Noncitizen Children, CDC (Mar. 11, 2022), <https://www.cdc.gov/coronavirus/2019-ncov/more/pdf/NoticeUnaccompaniedChildren-update.pdf>.

Today, we reiterate our insistence that you impose a moratorium on deportations to Haiti, respect Haitians' legal and human right to asylum by ending Title 42 expulsions, and reverse the unjust deportations to Haiti that have already occurred. Enough is enough.

While more than 20,000 people have already been deported or expelled, it is not too late to protect the thousands more who call our communities home. And it is never too late to do right by those who have already been wronged by welcoming them back home.

Thank you for your attention to this urgent matter.

Sincerely,



Mondaire Jones
Member of Congress



Ayanna Pressley
Member of Congress