

March 27, 2023

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Re: Advocates Warn of Devastating Impact of Asylum Ban on Immigrant Survivors of Gender-Based Violence, Urge Biden Administration to Reverse Course

Dear President Biden:

The undersigned 96 groups working to end domestic abuse, sexual violence, and human trafficking and advance gender equity across the United States write to express our tremendous concern and condemnation of the Administration's [proposed rule](#) that would drastically limit eligibility for asylum for many people seeking safety at our Southern border. While some exceptions are outlined, these are entirely insufficient to provide survivors of gender-based violence (GBV) with meaningful access to asylum. Stuck outside the U.S., with few resources and no lawyer, **the practical effect of the proposed rule will be to slam our doors shut on the most vulnerable people fleeing unspeakable human rights abuses** at home and along our Southern border, including domestic violence, sexual assault, stalking, female genital mutilation/cutting, forced and child marriage, sexual slavery, and human trafficking.

With the groundbreaking release of the [National Strategy on Gender Equity and Equality](#) (National Strategy) in 2021, your Administration declared that fair treatment in immigration systems is essential to advancing gender equity and equality. You have acknowledged that when women, girls, and LGBTQI+ individuals are protected from violence, all of society thrives. We commend you for making ending violence against women the cause of your life. **What we ask is that this cause include immigrant survivors seeking safety at our Southern border.** [In your own words](#), "No one should live under the threat of violence. No one should go through their life fearing violence, abuse, and persecution." This rule would force many immigrant survivors to do just that.

It is a fact that **migrants turned away at the U.S.-Mexico border are more vulnerable to GBV at the hands of cartels, traffickers, and abusers.** In a recent study, [Surviving Deterrence: How U.S. Asylum Deterrence Policies Normalize Gender-Based Violence](#), service providers note that between 30% and 90% of their clients have experienced GBV *while at the border*, and 68% indicate that their clients frequently report that they have been raped and/or sexually assaulted *at the border*. Close to a quarter of providers indicate that while women are en route to the U.S. to seek safety, the persecutors they initially fled at home frequently find and re-harm them due to wait times at the Southern border.

Beyond the statistics, we see this reality playing out in our direct services work with immigrant survivors on a daily basis. Below are just two case examples that demonstrate why seeking asylum in a transit country and/or waiting in Mexico for an appointment are simply not safe options for immigrant survivors:

Maria* grew up suffering severe physical and sexual abuse from her father (a police officer) in Honduras. Maria's father was also physically and sexually abusive towards her mother, her siblings, and her niece. At just 21 years old, Maria fled to Mexico with one of her sisters, the sister's partner and three children - including the niece who had been abused. Maria spent six months in Mexico where she applied for and received asylum. At first, she felt lucky and relieved. Tragically, however, her sister's partner also became violent, and when Maria reported the abuse to the police in Mexico, they did nothing and told her to go back home. After reporting his abuse, Maria was kicked out of their home for going to the police. Despite receiving asylum, she had nothing and nowhere to go and knew that the police in Mexico were unable and unwilling to help or protect her. She decided to try to come to the U.S. and apply for asylum here as a last attempt to find real and lasting safety.

Sonia* fled relentless domestic violence and sexual assault at the hands of her husband in Guatemala. She eventually made it to the U.S., where, with the help of an expert attorney, she was granted asylum and has begun rebuilding her life. When asked recently by her attorney why she did not seek asylum in Mexico, without hesitation she stated that she knew she would not have been safe there. She explained that her abuser could easily have tracked and harmed her in Mexico. She feared he would kidnap her, and force her to return to Guatemala where she would have faced continued abuse and possible death. She knew that she would not have received protection from the Mexican government and that seeking asylum in the U.S. was her only option for permanent protection from her abuser.

The proposed rule disregards the reality of the experiences of survivors seeking asylum who have fled domestic and sexual violence, stalking, human trafficking, and other forms of gender-based violence. The purpose of asylum is to protect, not punish, people in desperate circumstances fleeing for their lives like Maria and Sonia. You and your administration have repeatedly [promised to promote a fair and humane asylum system](#) and have explicitly recognized that immigrant women deserve access to justice. In the [National Strategy](#), **your administration specifically committed to enacting “policies to reduce vulnerability to abuse and exploitation faced by immigrants and noncitizens, especially women, girls and LGBTQI+ individuals, and increase their ability to seek safety and justice”** and to “... support improved pathways to safety, including asylum and humanitarian relief, for those fleeing persecution.” **We are now simply asking you to follow through on your own promises and commitments made to immigrant survivors.**

Additionally, your administration has made firm commitments to [advance race equity and invest in underserved communities](#). **Justice for immigrant survivors seeking safety along our Southern border is a racial justice issue.** In fact, we know that the previous administration's attempt at a similar asylum ban led to skyrocketing asylum [denial rates](#) for many Black, Brown, and Indigenous asylum seekers, including those from Cameroon, Cuba, Eritrea, Guatemala, and Venezuela. Further, requiring asylum seekers presenting at our Southern border to use the CBP One app will result in potentially life-threatening delays for survivors. Not only has this app been found to have [serious technical challenges](#) such as frequent crashing, unexplained errors, and limited appointments, the facial recognition software often [fails to discern the features of many Black and Brown migrants](#) and is only available in a few languages. **Requiring use of the CBP One app will have a disproportionate impact on survivors of color and puts yet another tool in the hands of those who would seek to exploit already vulnerable, marginalized survivors** fleeing for their lives, often with just the clothes on their back, as they are unlikely to have safe access to advanced smartphone technology, and may not have the language skills, tech literacy and reliable internet access necessary to utilize the app on their own.

Beyond the misalignment with your administration's values and commitments made to immigrant survivors and underserved communities, **this proposed rule [violates U.S. law and international treaty obligations](#) and is likely to be found unlawful** just as the previous administration's attempts at similar transit and entry bans were [repeatedly struck down](#) by federal courts.

All survivors who come to the U.S. seeking safety – no matter where they are from or how they arrive – must be given a fair chance to show why they fear persecution in their home country. While this rule is [unlikely to deter people](#) from seeking asylum in the U.S., **the one thing this rule is certain to achieve is extinguishing the last beacon of hope for some of the world's [most vulnerable people](#).**

The current U.S. asylum legal framework is complicit in harming and marginalizing survivors of gender-based violence. Our policies normalize this violence as an inevitable consequence of pursuing safe haven in the U.S., and this proposed rule will only make matters worse. Ultimately, where there are immigrants, there are survivors, and where there are survivors, there are immigrants. **We urge you to reverse course on this rule and instead fulfill your promises to women and others vulnerable to GBV – inclusive of immigrant survivors - and work to [create a fair and humane asylum system](#)** instead of doubling down on harmful, failed deterrence policies that place immigrant survivors at increased risk of danger.

*Real names changed to protect anonymity.

Sincerely,
The undersigned organizations

CC: Hon. Alejandro Mayorkas, Secretary of Homeland Security
Hon. Kamala D. Harris, Vice President of the United States
Attorney General Merrick Garland, Department of Justice
Secretary Antony Blinken, Department of State
Ambassador Susan Rice, Domestic Policy Council
Jen Klein, Assistant to the President and the Director of the Gender Policy Council
Commission on Combating Gender-Based Violence, Department of Homeland Security
Allison Randall, Acting Director of the Office on Violence Against Women
Rosie Hidalgo, Special Assistant to the President and Senior Advisor on Gender-Based Violence
for the Gender Policy Council

Signatories:

National/International Organizations:

Alianza Nacional de Campesinas, Inc.
American Immigration Council
Asian Pacific Institute on Gender Based Violence (API-GBV)
ASISTA Immigration Assistance
Asylum Seeker Advocacy Project (ASAP)
Caminar Latino - Latinos United for Peace and Equity
Center for Survivor Agency and Justice
DeafHope
Disciples Immigration Legal Counsel
Esperanza United
Equality Labs
Feminist Majority Foundation
Futures Without Violence
GBV Consulting
Human Rights First
Immigration Legal Resource Center (ILRC)
Immigration Equality
Justice for Migrant Women
Latina Media Co.
Latinas Represent
Legal Momentum, the Women's Legal Defense and Education Fund
me too. International
Meetings With Feelings, PLLC
National Alliance to End Sexual Violence
National Center for Lesbian Rights

National Coalition Against Domestic Violence
National Council of Jewish Women
National LGBTQ Institute on Intimate Partner Violence
National Network to End Domestic Violence
National Organization for Women
National Resource Center on Domestic Violence
Planned Parenthood Federation of America
Prevent Systemic Impact of Virtual Stalking
Quinnipiac School of Law Civil Justice Clinic
Restaurant Opportunities Centers United
Sexual Violence Prevention Association
South Asian SOAR
Tahirih Justice Center
The National Domestic Violence Hotline
U.S. Committee for Refugees and Immigrants (USCRI)
UltraViolet Action
ValorUS
Womankind
Women's Refugee Commission

Statewide Organizations:

Arizona Coalition to End Sexual and Domestic Violence
California Partnership to End Domestic Violence
Colorado Coalition Against Sexual Assault
Connecticut Institute for Refugees and Immigrants
DC Coalition Against Domestic Violence
End Domestic Abuse Wisconsin
Florida Council Against Sexual Violence
Georgia Coalition Against Domestic Violence
Illinois Coalition Against Domestic Violence
Iowa Coalition Against Domestic Violence
Jane Doe Inc. (JDI) MA Coalition Against Sexual Assault and Domestic Violence
Maryland Network Against Domestic Violence
North Carolina Coalition Against Sexual Assault
Nevada Coalition to End Domestic and Sexual Violence
New Mexico Asian Family Center
New York State Coalition Against Sexual Assault (NYSCASA)
Ohio Domestic Violence Network
Pennsylvania Coalition Against Domestic Violence
Progreso Latino
Texas Council on Family Violence
The Women's Home

Tennessee Coalition to End Domestic and Sexual Violence
Washington State Coalition Against Domestic Violence
Wisconsin Coalition Against Sexual Assault

Regional and Local Organizations:

AGS Immigrant Center Inc
Arab-American Family Support Center
Asian Americans for Community Involvement (AACI)
Brost Law Office, LLC
Community Asylum Seekers Project
Crime Victim Services
Daya Inc.
El Programa Hispano Catolico
HELP of Door County
Houston Area Women's Center
KAN-WIN
King County Sexual Assault Resource Center
Los Angeles LGBT Center
Safe Passage, Inc.
Survivor/Victim Advocate
The Legal Aid Society of Cleveland
True Ridge
YWCA of the Sauk Valley
Victims' Intervention Program
Women Organized to Make Abuse Nonexistent (WOMAN Inc)