

January 23, 2019

The Honorable Mitch McConnell
Majority Leader
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Charles Schumer
Democratic Leader
322 Hart Senate Office Building
Washington, D.C. 20510

Re: Reopen the federal government without poison pill policy proposals

Dear Majority Leader McConnell and Leader Schumer:

We, the undersigned organizations, write to ask you to reject the Trump-McConnell “End the Shutdown and Secure the Border Act” and to reopen the government immediately instead of holding federal workers hostage for extreme immigration proposals. This bill includes many poison pills designed to dramatically expand immigration enforcement, while banning Central American children from accessing asylum and worsening the status quo for individuals with Deferred Action for Childhood Arrivals (DACA) and Temporary Protected Status (TPS) protections. It is in no way a good faith, bipartisan effort to resolve the current government shutdown. We therefore urge you to pass H.R. 268, the Supplemental Appropriations Act of 2019, given the Senate passed a similar bill in the previous Congress.

Instead of compromising, the Trump-McConnell bill adds to the Trump Administration’s demand that wastes billions of taxpayer dollars on an unnecessary, excessive wall and unjustified enforcement and further shuts the door to those seeking refuge in the U.S. This bill includes \$5.7 billion taxpayer dollars for the border wall without a clear plan for construction or an accounting of the possible damage to the environment, local communities and tribal nations. In addition, the bill includes funding to hire 750 more Border Patrol agents and 2,000 more ICE agents, as well as a 20% increase to ICE detention and removals to allow ICE to jail an average of 52,000 people per day. At a time when border crossings are at historic lows, this dramatic increase in immigration enforcement is wasteful and harmful to communities across the United States.

Under the guise of “protecting” children, this bill overturns existing asylum law to double down on policies that endanger children’s health and safety. This bill establishes a sham Central American Minors program that forces children to apply for asylum outside of the U.S., allows only those with a qualifying relative in the U.S. to apply--shutting out those fleeing persecution without certain family ties in the U.S.--caps the number of asylum grants at 15,000 a year (regardless of the danger facing individual applicants,) only allows admissions under the CAM program if it is in “the national interest,” and eliminates access to judicial review. It gives the administration up to 8 months to implement the program, but in the interim would immediately ban Central American children from applying for asylum at the border barring thousands of children from obtaining any asylum relief.

Furthermore, the bill overturns a key provision of the Trafficking Victims Protection Reauthorization Act, a true bipartisan compromise informed by child welfare experts, to make all Central American unaccompanied children arriving the border subject to expedited deportations

without court review. Eliminating due process makes it difficult for children to navigate a complicated legal process and puts them at risk for return back to life-threatening circumstances. Imagine a ten-year-old child, arriving alone and scared, being given only one shot to articulate to an immigration officer the history of violence she is fleeing, and facing deportation if she cannot. That's what this bill does: rather than keep children safe, these provisions will make it harder for children to access life-saving protection and result in many being returned to harm. In addition, this bill also makes fewer people eligible for asylum by making it harder for immigration judges to hear asylum cases and limiting judicial review among other provisions. This bill turns our back on international obligations and our values.

The supposed "compromise" in this bill to protect immigrant youth and TPS holders is a Trojan horse that actually protects fewer people than those currently protected by court orders. This proposal only allows those with current DACA to apply for temporary relief. And even then, the bill includes many new restrictions that were not in the DACA or TPS programs, meaning that fewer people than currently hold the statuses are likely to qualify. It eviscerates the TPS program going forward, leaving people stranded in the United States with no avenue for relief to protect against forced return to deadly circumstances caused by natural disaster or war. The bill only protects individuals with TPS from Honduras, Nicaragua, El Salvador and Haiti. It does not include those with Deferred Enforced Departure (DED) from Liberia or those with TPS from Guinea, Sierra Leone, Nepal, Sudan, South Sudan, Yemen, Somalia and Syria, who have lost or may soon lose protections. This bait and switch actually worsens the status quo and fails to provide permanent protections from deportation for our family members, neighbors and community leaders who have had lawful presence in the U.S. for many years.

Finally, the bill includes \$563 million in funding for the immigration court that would enable the hiring of 75 more immigration judge teams. But the bill does not include any reforms necessary to improve the court's ability to ensure due process and the fair and efficient review of all cases. Reforms are vital to reduce the ballooning 800,000 case backlog that the Trump administration has made worse by restricting judges' authority to control their own dockets and reopening 350,000 low priority cases previously removed from dockets.

In conclusion, we urge you to reject the "End the Shutdown and Secure the Border" Act. This bill is an extreme, enforcement-heavy approach that pays lip service to providing relief to immigrant communities. It is not a good faith effort to negotiate on immigration policy. After nearly a month of a painful government shutdown, we ask that you pass H.R. 268 and immediately open the government without these poison pills.

Signed,

National Organizations

ACLU

African American Ministers In Action

America's Voice

American Immigration Lawyers Association

American Federation of Teachers
American Friends Service Committee
Amnesty International USA
Asian Americans Advancing Justice | AAJC
Asian Pacific American Labor Alliance, AFL-CIO
Asian Pacific Institute on Gender-Based Violence
ASISTA
Asylum Seeker Advocacy Project (ASAP)
Bend the Arc: Jewish Action
Center for American Progress
Center for Law and Social Policy
Center for Gender and Refugee Studies
Chispa
Church World Service
CLASP
Coalition on Human Needs
Courage Campaign
CREDO
Defenders of Wildlife
Detention Watch Network
Disciples Refugee & Immigration Ministries
Earthjustice
Fair Immigration Reform Movement (FIRM)
Fair Immigration Reform Movement Action (FIRMA)
Faith in Public Life
Families Belong Together
Farmworker Justice
Freedom Network USA
Friends of the Sonoran Desert
HIAS
Hispanic Federation
Hope Border Institute
Hope Border Institute
Human Rights Campaign

Human Rights First
Immigrant Legal Resource Center
Immigration Equality Action Fund
Immigration Hub
Indivisible
LA RED
Latin America Working Group (LAWG)
Leadership Conference of Women Religious
League of Conservation Voters
MomsRising
MoveOn
National Advocacy Center of the Sisters of the Good Shepherd
National Alliance to End Sexual Violence
National Center for Lesbian Rights
National Council of Jewish Women
National Domestic Violence Hotline
National Education Association
National Immigrant Justice Center
National Immigration Law Center
National Network for Immigrant and Refugee Rights
National Partnership for Women & Families
National Resource Center on Domestic Violence
National Survivor Network, Policy
NETWORK Lobby for Catholic Social Justice
Poligon Education Fund
Service Employees International Union (SEIU)
Sierra Club
Sisters of Mercy of the Americas - Institute Justice Team
South Asian Americans Leading Together (SAALT)
Southeast Asia Resource Action Center
Southern Border Communities Coalition
Southern Poverty Law Center
The Leadership Conference on Civil and Human Rights
UndocuBlack Network

Unitarian Universalist Service Committee
United We Dream
Veterans for American Ideals
Washington Office on Latin America
Win Without War
Young Center for Immigrant Children's Rights
YWCA USA

State/Local Organizations

Al Otro Lado
Arizona Coalition to End Sexual and Domestic Violence
Arkansas United
Austin Region Justice for Our Neighbors
Central American Legal Assistance
DC-MD Justice For Our Neighbors
End Domestic Abuse WI
FL Immigrant Coalition
Florida Immigrant Coalition
Fuerza Del Valle
Grassroots Alliance for Immigrant Rights
Haitian Americans United for Progress
HAITIAN BRIDGE Alliance
Her Justice
Illinois Coalition for Immigrant and Refugee Rights
Joan G. Lovering Health Center
Kino Border Initiative
Legal Aid Justice Center
Los Angeles LGBT Center
Mississippi Immigrants Rights Alliance
Move Forward Staten Island
Nebraska Appleseed
NM Dream Team
Northern Illinois Justice for Our Neighbors
Ohio Domestic Violence Network

Sanctuary for Families

Sanctuary for Families

SC Appleseed Legal Justice Center

South Texas Human Rights Center

Tennessee Immigrant and Refugee Rights Coalition

The Florence Immigrant & Refugee Rights Project

The Green Valley/Sahuarita Samaritans

Vermont Network Against Domestic and Sexual Violence

WeCount!