

## **AIS Opposes Amendments to Keep Title 42 in Effect**

The [Alliance for Immigrant Survivors](#) (AIS) advocates for a future where everyone, regardless of race, gender, gender identity, sexual orientation, immigration status, country of origin, or differing ability can live in safety and thrive. We defend and advocate for policies that ensure immigrant survivors of domestic abuse, sexual assault, rape, human trafficking, and other gender-based violence have access to safety, autonomy, and life-saving protections.

Every year, we see anti-immigrant amendments introduced in legislative and budgetary processes that would hinder immigrants' access to legal status and increase their vulnerability to exploitation. We strongly oppose any amendment that interferes with the ability of immigrant survivors to seek safety and provide for themselves and their families, including the example described below. For questions, follow-up, and media inquiries, please contact us at [info@immigrantsurvivors.org](mailto:info@immigrantsurvivors.org).

**AIS opposes any amendments that would legislatively codify or indefinitely prolong the use of the Title 42 policy, which has been used to block and expel asylum seekers and migrants seeking safe haven in the United States.**

We oppose any attempts taken to codify Title 42, as this inhumane policy has nothing to do with protecting public health and instead targets immigrants and refugees, putting survivors of gender-based violence at extreme risk. Medical experts have unequivocally rejected the misleading information that supports this expulsion policy.<sup>1</sup> Today, it is even harder to see any public health rationale for Title 42, as we have widespread access to vaccines, testing, and PPE, such as masks.

Immigrant survivors are fleeing domestic violence, sexual assault, femicide, human trafficking, forced marriage, and other forms of gender-based violence only to face Title 42 and a closed border that traps them in harm's way. They often narrowly escape unthinkable abuse and set out for safety in the U.S. at great risk to themselves – the willingness to attempt this journey is an indication of just how severe the violence and threats were in the first place.

Every minute survivors are refused entry and denied protection increases their risk of further violence and trauma. Survivors are extremely vulnerable while they wait along the border for an opportunity to apply for asylum that may never come. Housing and work are scarce or non-existent. Many live in overcrowded shelters or are homeless, forced to live and survive on the streets and in makeshift camps. Opportunistic

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<sup>1</sup> Press Release - Epidemiologists and Public Health Experts Implore Biden Administration to End Title 42 and Restart Asylum <https://www.publichealth.columbia.edu/research/program-forced-migration-and-health/press-release-epidemiologists-and-public-health-experts-implore-biden-administration-end-title-42>

criminals, cartels, and organized crime, as well as former abusers who track their victims down, kidnap, rape, and traffic survivors as they wait for entry into the United States.<sup>2</sup>

If returned to their country of origin, survivors are faced with the same violence they tried to escape.<sup>3</sup> Human Rights First has tracked reports of over 10,000 migrants and asylum seekers being kidnapped or facing physical or sexual violence following expulsion at the U.S.-Mexico border since President Biden took office.<sup>4</sup> Leaving an abusive situation is one of the riskiest things a survivor can do—a failed escape can increase their risk exponentially. Instead of offering the legal safe haven that immigrant survivors deserve, Title 42 creates conditions that set survivors up to be re-victimized.

Adding to this tragedy, some immigrants fleeing other forms of persecution experience gender-based violence for the very first time while waiting along the border.

**Title 42 not only fails survivors, but also creates them.** To protect survivors and prevent further gender-based harm including human trafficking, the U.S. must allow immigrant survivors of gender-based violence to seek asylum inside the U.S., a right they are legally entitled to under U.S. law.

Title 42 must end. The Alliance for Immigrant Survivors stands ready to work with members of Congress and the Biden administration in restarting the orderly processing of asylum-seekers at our border and welcoming survivors with dignity as they seek safety from persecution.

**Instead of supporting these anti-immigrant amendments, Members of Congress can choose to stand with immigrant survivors of violence by enhancing immigrant protections, including those featured in our [top 5 asks for immigrant survivors](#):**

1. Lifting the cap on the number of U visas annually available – currently limited to 10,000 – to meet the need;
2. Funding USCIS to ensure they can grant timely employment authorization to VAWA self-petitioners, U and T visa applicants;
3. Preventing detention and deportation of survivors seeking asylum and eligible VAWA self-petitioners, U and T visa applicants;
4. Explicitly including survivors of gender-based violence in asylum law; and
5. Ensuring access to economic supports for immigrant survivors.

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<sup>2</sup> Frederica Valabrega, *'I'm A Survivor Of Violence': Portraits Of Women Waiting In Mexico For U.S. Asylum*, (January 16, 2019), NPR, <https://www.npr.org/sections/pictureshow/2019/01/16/684812592/i-m-a-survivor-of-violence-portraits-of-women-waiting-in-mexico-for-u-s-asylum>

<sup>3</sup> Binh X. Ngo, *Women and LGBTQ Deportees Face Compounded Dangers Upon Return: Forcing women and LGBTQ immigrants to return to Mexico and Central America could put them in grave danger.*, (August 10, 2018), <https://www.americanprogress.org/article/women-lgbtq-deportees-face-compounded-dangers-upon-return/>

<sup>4</sup> Human Rights First (2022), "Human Rights First Tracker of Attacks During the Biden Administration Against Asylum Seekers and Migrants Who Are Stranded in and/or Expelled to Mexico", <https://www.humanrightsfirst.org/sites/default/files/Attacks%20on%20Asylum%20Seekers%20Blocked%2C%20Expelled%2C%20or%20Returned%20to%20Mexico%20During%20Biden%20Administration%204.26.2022.pdf>