



March 13, 2019

Re: Amnesty International USA Recommends VOTE YES on Terminating the National Emergency Declaration (H.J.Res. 46)

Dear Senator:

On behalf of Amnesty International USA and our more than two million members and supporters nationwide, we urge you to VOTE YES in support of the joint resolution to terminate the national emergency declared on February 15, 2019 (H.J.Res. 46) when it comes up for a vote in the Senate.

By declaring a national emergency at the southern border, the President has manufactured a crisis for the purpose of militarizing the southern border region and blocking asylum seekers from safety in the U.S. The emergency declaration enables the President to raid military construction accounts to fund his border wall. This action constitutes an end-run around the Congressional appropriations process and will have a devastating impact on children, asylum seekers, and border residents, including Indigenous communities. Congress must immediately act by terminating the President's national emergency declaration.

- **The Militarization of the Border Harms Asylum Seekers**

Amnesty International has long documented how the militarization of the border region endangers children, families, and asylum seekers who flee to the U.S. in search of safety and humanitarian protection. In February 2019 alone, nearly two-thirds of people [reaching the southern border](#) were children and families. Many are fleeing sexual assault, domestic violence, and gang-related violence, and they are coming to the U.S. to seek asylum and humanitarian protection. Both U.S. and international law require that these people be given access to safety and to a fair asylum procedure.

In 2018, Amnesty International documented that Homeland Security ("DHS") agents at the southern border [had illegally pushed back to Mexico](#) thousands of people who sought to request asylum in the U.S., and had forcibly separated at least 8,000 families

arriving at the southern border. DHS continues to push back asylum seekers who attempt to present themselves at ports of entry, forcing them to wait – at grave personal risk – in Mexico. DHS is doing this across the entire southwest border through the use of [“metering” lists](#) artificially lowering the number of asylum seekers who can be admitted, as well as through the [“Remain in Mexico”](#) policy (labeled by the administration as the “Migrant Protection Protocols”).

The enforcement regime at the border has also led to historic increases in the level of detention. In December 2018, Customs and Border Protection (CBP) agents [detained over 27,000 children and families](#) – a record high. The escalation in detention led to overcrowding and unsanitary conditions in border detention facilities, and two children in CBP custody died in that month.

In his February 2019 speech purportedly [justifying the declaration of a national emergency](#) and the use of military funds to build a border wall, the President described the people at the southwest border as “monstrous caravans,” “an invasion of our country with drugs, with human traffickers, with all types of criminals and gangs.” This rhetoric demonizes immigrants, normalizes xenophobia, and perpetuates abuses already taking place at the border. The building of a wall would serve as a physical manifestation of this hate.

Congress should reverse the President’s course by voting to terminate the so-called “national emergency” and rejecting the exclusionary vision it represents.

- **The Construction of a Physical Barrier Will Mean More Migrant Deaths and Harm to Indigenous Communities**

In addition to harming asylum seekers, the construction of a border wall will mean more migrant deaths and more harm to Indigenous communities.

First, the construction of border barriers has historically forced individuals fleeing desperate situations into life-threatening alternative routes. Past experience demonstrates that the construction of barriers and fencing in certain areas will funnel migrants into more dangerous routes through hostile terrain, often with fatal consequences. Analyzing CBP data from 2006 to 2017, the ACLU Border Rights

Center [concluded](#) in 2018 that deaths in Tucson had increased by 400% and in Laredo by 700% after more border walls and barriers had been deployed.

In addition, Amnesty International's research [concluded](#) in 2017 that, generally, barriers do not succeed in deterring people from seeking asylum from violence, but instead provoke the creation of new migration routes that are infinitely more deadly and have cost thousands of human lives. CBP internal communications have [already acknowledged](#) that the patchwork of policies in place at ports of entry at the southern border – including pushbacks and metering – may lead to an increase in riskier crossings between ports of entry.

Furthermore, the building of a wall throughout the southern border would adversely impact Indigenous communities residing in the border region. The border wall [will cut directly](#) through tribal lands, impacting the property and livelihood of several Native American Nations. Both the National Congress of American Indians and the Legislative Council of the Tohono O'odham, the second largest U.S. tribe by land holdings, have passed resolutions opposing the construction of the border wall without tribal consent. In 2013, the U.N. Committee on the Elimination of Racial Discrimination [expressed concern](#) about the impact of a wall on Indigenous communities who live along the border – concerns to which the U.S. has yet to respond.

The construction of a border wall will harm asylum seekers, escalate migrant deaths, and trample upon the rights of Indigenous communities. Congress can act to immediately prevent this harm, and it should do so. Vote YES in support of H.J. Res. 46. For more information, please contact Ryan Mace at rmace@aiusa.org or 202.509.8185.

Sincerely,



Joanne Lin
National Director, Advocacy and Government Affairs