

## **Building A New Legacy: Recommendations to Reverse Anti-Black Immigration Policies**

The first 100 days of the Biden-Harris Administration have brought significant positive change for some immigrants — yet many, particularly Black immigrants, still await reform. This fact has particular significance in a week when the President has acknowledged the 100th anniversary of the Tulsa Race Massacre, and proclaimed National Immigrant Heritage Month and National Caribbean-American Heritage Month for 2021. In each case he has rededicated his stated commitment to addressing systemic racism “through the whole of our government.” But this administration’s immigration policies have in too many ways been the sole exception to this commitment. And the quiet expulsion of some 2,000 Black immigrants to mortal danger in Haiti and other countries, on President Biden’s watch, does not show convincingly that the lessons of covered-up atrocities like Tulsa have been learned, or that Caribbean-Americans are truly valued. We, the undersigned organizations, offer President Biden and Vice President Harris a perspective on the ways in which current immigration policies continue to harm Black immigrants, and recommendations for addressing these racial inequities that hurt our communities.

Advocates and organizers are deeply encouraged by the much-awaited redesignation of Temporary Protected Status (TPS) for Haiti on May 22. TPS for Haiti will offer relief to more than 100,000 people, without which Haitian nationals, including children, would be callously returned to a country that cannot receive them or offer them safety. We also welcome the revised Presidential Determination (PD) of May 3, 2021, increasing the FY 2021 refugee admissions goal to 62,500 and terminating Trump’s racist, restrictive categories of refugees eligible for resettlement, which excluded particularly vulnerable refugees from such countries as the Democratic Republic of Congo, Somalia, Sudan, and South Sudan. While we are grateful that the administration finally heeded the calls of Black immigrant leaders and communities, we are still concerned that both the restored refugee admissions goal and redesignation of TPS for Haiti that were promised by the President would not have happened without months of public pressure and that policies that make a life-and-death difference for Black immigrants remained in the limbo of uncertainty because of these delays.

Anti-Blackness has been embedded in the American experience since the inception of this country, and will not be expunged in any hundred days — all the more reason for vigilance and good faith for those in power to directly confront persistent anti-Blackness, and to listen to the voices of those most at risk from such policies. The Biden-Harris Administration inherited from the prior administration several racist and xenophobic immigration policies and have willfully overlooked or perpetuated them. For Black immigrants who lived through four years of blatant racism and xenophobia, the harms of the Biden Administration are not new. But Biden ran on a campaign of change for immigrant and Black communities. The steps taken by the

administration thus far have been encouraging, but Black immigrants need and demand a new legacy.

The Department of Homeland Security (DHS), under President Biden, has expelled or deported as many as 2,000 Haitians on more than 30 flights to Haiti, even as it has recognized the deadly and dangerous conditions there that were ultimately the basis for redesignating TPS for Haiti. The pretext for deportation in most such cases has been Title 42, the law Trump infamously invoked to selectively close the border to refugees purportedly to prevent the spread of COVID-19, despite the objections of his own health officials. While redress of the Migrant Protection Protocols program continues, family reunifications move ahead, and other welcome reforms progress, the stain of almost daily deportations of Black asylum seekers under Title 42 continues unabated without acknowledgement by the White House. This policy has harmed Black immigrants, including Haitians who continue to be expelled to the same life-threatening conditions that warranted the redesignation of TPS, and most painfully, it ramped up with the start of Black History Month 2021.

While we applaud the May 22 redesignation of Temporary Protected Status (TPS) to Haiti, we remain deeply concerned about other Black immigrants seeking asylum who have been deported to countries like Cameroon, riven with armed conflict, and Mauritania, where there is widespread enslavement of Black people.

We have waited long, and it is past time for the following reforms, but every day the administration fails to act, Black immigrants' lives remain at risk. We must insist on:

\* Immediate cessation of all deportation and expulsion flights, both to ensure that Black immigrants are not deported to danger and to review due process violations caused by the implementation of Title 42.

\* Immediate rescission of the Center for Disease Control's Title 42 order as it applies to immigration, so as to remove a baseless and unlawful premise for disproportionate expulsion of Black immigrants in contravention of domestic and international law.

\* Assurance that TPS for Haiti is retroactively designated to January 20, 2021, Biden's first day in office, and designation of TPS for Cameroon and Mauritania along with other nations — many of them in Africa or the Caribbean — in urgent need of this relief: Bahamas, Guinea, Sierra Leone, Somalia, South Sudan, Sudan, Yemen, El Salvador, Honduras, Nicaragua, Guatemala, Lebanon, Hong Kong, and Nepal.

\* Creation of a dedicated White House Task Force on Black Immigrants. The President must keep the promise he made on the campaign trail to combat racism, not just towards U.S. citizens but towards Black immigrants as well.

\* Implementing the President's order to cease contracts with private prisons immediately. As with the criminal justice system, the immigration system incarcerates Black immigrants at higher rates, detains them for longer periods of time, and charges them higher bond amounts than other immigrants. Black migrants also face pervasive racism, medical neglect, and abuse in Immigration and Customs Enforcement detention and in the borderlands. The “policing-to-prison pipeline” for African-American communities persists alongside a policing-to-prison-to deportation pipeline for Black immigrants.

\* Implementation of all available measures to repair the systemic and long-established ways in which legal immigration is also designed to exclude African and Caribbean nationals, with lower allotments for admissible immigrants from majority-Black countries, higher expense, and inequitable criteria for admission.

\* Concerted action to resettle as many refugees as possible this fiscal year, including meeting the new allocation of 22,000 for African nationals, in order to build toward the stated FY 2022 refugee admissions goal of 125,000 people; and welcoming the refugees from Africa and elsewhere whose already-approved resettlement was profoundly set back by the President’s delay in issuing the PD.

The history we mourn does not have to be the legacy of this administration. Implementing these recommendations will demonstrate, beyond rhetoric, your administration’s commitment to ending anti-Black racism in our U.S. immigration laws and policies. We can build a new legacy together.

**Signed,**

ACLU Immigrants’ Rights Project  
African Bureau for Immigration & Social Affairs  
African Communities Together  
African Diaspora for Good Governance (ADGG)  
African Public Affairs Committee  
Aldea - The People's Justice Center  
Alianza Americas  
America's Voice  
American Friends Service Committee

Amnesty International USA  
American Immigration Lawyers Association  
Asian Americans Advancing Justice | AAJC  
Asian Pacific Institute on Gender-Based Violence  
Asian Services In Action (ASIA)  
ASISTA  
Asylum Seeker Advocacy Project (ASAP)  
Black LGBTQIA+ Migrant Project (BLMP)  
Bridges Faith Initiative  
Brooklyn Community Bail Fund (BCBF)  
California Immigrant Policy Center  
CASA  
Catholic Legal Immigration Network, Inc.  
Center for Gender & Refugee Studies  
Center for Law and Social Policy (CLASP)  
Center for Victims of Torture  
Central American Resource Center of Northern CA -CARECEN SF  
Central Ohio CASA (Center for the Advancement of Asylum Seekers)  
Children's HealthWatch  
Church World Service  
Cleveland Jobs with Justice  
Community Change Action  
Cooperative Baptist Fellowship  
Detention Watch Network  
Disciples Refugee & Immigration Ministries  
Fair Immigration Reform Movement (FIRM)  
Faith in Indiana  
Faith in New Jersey  
Faith in New York  
Families Belong Together  
Fellowship Southwest  
First Focus on Children  
FWD.us  
Granite State Organizing Project  
Greater Cleveland Immigrant Support Network  
Haitian Bridge Alliance  
Human Rights First  
Immigrant Justice Network  
Immigrant Legal Resource Center (ILRC)

Immigration Working Group Cleveland  
Intercommunity Justice and Peace Center  
International Refugee Assistance Project (IRAP)  
International Rescue Committee  
InterReligious Task Force on Central America and Colombia- IRTF Cleveland  
Just Futures Law  
Justice Action Center  
Kids in Need of Defense (KIND)  
Latin America Working Group (LAWG)  
Make the Road New York  
Michigan Immigrant Rights Center  
Mijente  
MomsRising/MamásConPoder  
National Council of Asian Pacific Americans  
National Domestic Workers Alliance  
National Employment Law Project  
National Immigrant Justice Center  
National Immigration Law Center  
National Immigration Project (NIP-NLG)  
National Korean American Service & Education Consortium (NAKASEC)  
National Network for Arab American Communities (NNAAC)  
NETWORK Lobby for Catholic Social Justice  
New York Immigration Coalition  
NHCUCC Immigrant and Refugee Support Group  
Northwest Immigrant Rights Project  
Ohio Alliance for Immigrants  
Ohio Immigrant Alliance  
OneAmerica  
OPAWL - Building AAPI Feminist Leadership in Ohio  
Oxfam America  
Priority Africa Network  
Refugee Council USA  
Southeast Asia Resource Action Center (SEARAC)  
SPLC Action Fund  
Tahirih Justice Center  
Tennessee Immigrants and Refugee Rights Coalition  
The Public Defenders Coalition for Immigrant Justice  
The Bronx Defenders  
Transformations CDC

UCLA Labor Center

UndocuBlack Network

United We Dream Network

Vermont Interfaith Action

Welcoming America

Wind of the Spirit Immigrant Resource Center

Young Center for Immigrant Children's Rights