



CONGRESSIONAL HISPANIC CAUCUS

Joaquin Castro | *Chairman*

116TH CONGRESS

March 27, 2020

The Honorable Robert R. Redfield, MD
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30333

The Honorable Chad F. Wolf
Acting Secretary
Department of Homeland Security
1880 2nd Street SW
Washington, DC 20024

Dear Dr. Redfield and Acting Secretary Wolf:

We write to request information on the implementation of the Order issued by the Centers for Disease Control and Prevention (CDC) that restricts the entry of unauthorized people into the United States for the purported reason of containing COVID-19.

On March 20, 2020, the CDC released the Order, *Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists*. Using the *Public Health Service Act* (42 U.S.C. 265), this Order seeks to prevent the entry of certain persons into the country, claiming that the existence of COVID-19 in foreign countries creates “a serious danger of the introduction of the disease into the United States.”

Based on this Order, the Department of Homeland Security (DHS) has begun restricting entry into the United States from the Mexican and Canadian borders as well as expelling recent entrants. This Order does not apply to U.S. citizens, lawful permanent residents, persons from foreign countries who hold valid travel documents, persons from foreign countries in the visa waiver program who are not subject to travel restrictions, or to commercial traffic.

Despite these exceptions, the Order impacts many categories of people, including those that are particularly vulnerable. For instance, according to the Customs and Border Protection agency (CBP), migrants apprehended seeking asylum based on a fear of persecution in their home country will be returned to the country of last transit, meaning Mexico or Canada. The government has not said what will happen to those individuals fleeing Mexico or Canada, however. Acting Secretary Wolf also said that apprehended people will not be held in detention centers. Instead, he said that people would be repatriated to their home countries in an accelerated fashion.

While the government has stated that the Migration Protection Protocols (MPP) program will continue, on March 23, 2020, the Executive Office of Immigration Review announced that all MPP “master calendar and merit hearings presently scheduled through April 22 will be rescheduled.” This suspension of MPP hearings will require a large number of people and families to continue living in overcrowded encampments and shelters, subjecting them and the region to a

greater risk of COVID-19 transmission. Individuals currently held in overcrowded detention centers in the United States face similar risks.

With these concerns in mind, we ask that you provide the following information regarding the implementation of this Order:

- When individuals are apprehended, are those claiming a fear of persecution being afforded a credible fear interview? If so, what department personnel are conducting these interviews, what standard is being applied, and how much time are individuals receiving after the interview is conducted to request review of an adverse credible fear determination by an immigration judge? For non-Mexican nationals who are apprehended, will they be processed into MPP and required to wait for a hearing?
- Acting Secretary Wolf has stated that some migrants will be repatriated and others will be sent to Mexico. Could you please clarify who will be repatriated and who will be sent to Mexico?
- What process is the government employing to repatriate individuals or transfer people to Mexico?
- Are unaccompanied migrant children included in the suspension of entry? If so, will they be expelled to Mexico or repatriated to their country of origin?
- Will Mexican asylum seekers be expelled/removed back to Mexico? If not, where will they be held?
- If a migrant is believed by CBP or other officials to have COVID-19, is the migrant still repatriated or sent to Mexico?
- The first migrant in ICE detention recently tested positive for COVID-19, demonstrating the risk officers and migrants held in ICE detention facilities face; is DHS considering the release of individuals who are currently detained who have no criminal record or whose health is already compromised?
- Do migrants in the encampments and shelters along the Mexican border have access to adequate medical care if they become ill with COVID-19? What assurances have you received on this matter from the Mexican government?
- How does CDC respond to the concern that by suspending MPP processing and extending the period of time people must remain at the border, the likelihood of a COVID-19 outbreak increases and threatens a wider spread of the disease in the United States?

Our shared commitment to protecting the country from COVID-19 should not come at the cost of disregarding fundamental human rights, including the right to seek asylum and availing other legal protections. The COVID-19 pandemic will require sustained U.S. leadership and robust global solutions, including continued cooperation with countries in our region. As such, please respond to our questions by April 10, 2020.

Sincerely,

Joaquin Castro
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