

July 23, 2019

Senator Ron Johnson
Senator Krysten Sinema
Senator Rob Portman
Senator Joseph Manchin
Senator James Lankford
Senator Mike Enzi
Senator John Barrasso
Senator John Cornyn
Senator Doug Jones

RE: Operation Safe Return Ensures Insecurity

Dear Senators:

We, the following state, local, and national organizations, write in strong opposition to the Senate letter signed by Senators Johnson, Sinema, Portman, Manchin, Lankford, Enzi, Barrasso, and Cornyn expressing their desire for the implementation of Operation Safe Return, which would just expedite removals without providing asylum seekers a fair day in court. We believe this program would result in further denials of due process within the expedited removal process and the rapid return of asylum-seeking families to harm. Despite its name, Operation Safe Return does not ensure families will be safe before, during, or after their return and repatriation -- instead, it actually puts them more at risk.

Operation Safe Return, contrary to the letter's claim, cannot be implemented without serving as a fast-track system for implementation of the Trump Administration's latest asylum ban, which plainly violates U.S. law and international treaty obligations by subjecting refugees with a well-founded fear of persecution to potential deportation merely because they sought asylum at the southern U.S. border. Both the asylum ban and Operation Safe Return undermine the credible fear interview process, and this program simply forces asylum officers to apply the new asylum ban on an accelerated and reckless basis. There is simply no way for this program to be applied without exposing asylum-seekers to an inhumane and illegal policy.

This pilot program merely fast-tracks the expedited removal process, which our groups, alongside medical professionals and child welfare specialists, oppose because of the propensity for abuse and the clear intention of denying families their right to seek asylum. We are concerned that some asylum seeking families would not receive credible fear interviews given the longstanding failure of some Customs and Border Protection (CBP) officers to refer

individuals who express a fear of persecution for screening. Further, the poor conditions asylum seekers regularly face in CBP custody, including a lack of sleep, adequate food, and proper sanitation, would undermine their ability to participate in these screenings. We firmly believe that any short-term processing of asylum-seekers at the border should be focused on providing adequate medical screening by independent professionals and expedited release to programs where humanitarian assistance and access to legal orientation can be provided outside of CBP detention as families begin their asylum proceedings. Operation Safe Return would turn this necessary process into a 15-day expedited road to a deportation order. This is a fundamental contradiction of our legal obligations and core values.

We worry that the proposed program could lead to the separation of families if family units are not encountered by CBP at the same site and location and could allow for a family member to be left behind in the US, involuntarily, while the rest of the family is removed. CBP has frequently relied on unsubstantiated and erroneous allegations of criminality to separate families, and we are sure that similar actions would be taken here. Family separation should have ended months ago, but many families remain broken, and separations continue. We will not sit by and allow more families to be ripped apart by this administration's family separation policies.

The Immigration and Nationality Act requires that asylum seekers be given an opportunity to consult with an attorney or another person of their choosing prior to a credible fear interview, but CBP has not allowed access to attorneys when credible fear interviews have previously taken place in CBP facilities. As written, the letter would allow for the full expedited removal process to occur in CBP custody. We firmly believe that families must be ensured legal access, legal information orientations, and due process, which CBP has routinely failed to guarantee. We are concerned about the ability of asylum seekers to fully and fairly participate in a credible fear interview while detained in very poor conditions. The letter is also very unclear about what happens when an individual does receive a positive credible fear determination and whether the individual would continue to be incarcerated. U.S. law requires that asylum-seeking families have a meaningful opportunity to request asylum, but this program would deny them of that.

In conclusion, we strongly oppose the proposal outlined in this letter and urge the administration to instead implement programs that genuinely protect asylum-seeking families. We will continue to consistently advocate for a more efficient and effective system that would provide counsel to those requesting asylum and providing legal orientations to asylum seekers before the credible fear screening to improve fairness and efficiency.

Signed,

Advocates for Human Rights

American Civil Liberties Union (ACLU)
American Friends Service Committee
America's Voice
Amnesty International USA
Anti-Defamation League (ADL)
Asian American Legal Defense and Education Fund (AALDEF)
Bellevue Program for Survivors of Torture
Bridges Faith Initiative
Caminando Juntos - Presentation Sisters Hispanic Ministry Center
Capital Area Immigrants' Rights Coalition
Center for Gender & Refugee Studies
Church World Service
Cleveland Jobs with Justice
Coalicion de Derechos Humanos
Colibrí Center for Human Rights
Columbia Law School Immigrants' Rights Clinic
Conference of Presentation Sisters
Dominican Sisters of Sinsinawa
Fair Immigration Reform Movement (FIRM)
Families Belong Together
First Christian Church (Disciples of Christ), Tucson
Florence Immigrant and Refugee Rights Project
Freedom for Immigrants
Freedom Network USA
Friends of Broward Detainees
Hispanic Federation
Human Rights First
Human Rights Initiative of North Texas
Immigrant and Refugee Services, Catholic Charities Community Services, Archdiocese of New York
Immigrant Defenders Law Center
Immigrant Legal Advocacy Project
Immigration Hub
Las Americas Immigrant Advocacy Center

Latin America Working Group
Lawyers for Good Government
Legal Aid Justice Center
Migrant Center for Human Rights
MomsRising
National Association of Social Workers
National Center for Transgender Equality
National Immigrant Justice Center
The National Immigrant Justice Center
National Immigration Law Center
National Network for Immigrant and Refugee Rights
National Partnership for New Americans
NETWORK Lobby for Catholic Social Justice
New Mexico Immigrant Law Center
New York Legal Assistance Group
Project South
Refugee and Immigrant Center for Education and Legal Services (RAICES)
Rocky Mountain Immigrant Advocacy Network
Services, Immigrant Rights & Education Network (SIREN)
Sisters of Mercy of the Americas - Institute Justice Team
Sisters of the Presentations
Southern Border Communities Coalition
St. Francis in the Foothills
St. Mark's Presbyterian Church
Tennessee Immigrant and Refugee Rights Coalition
U. S. Committee for Refugees and Immigrants
UC Davis Immigration Law Clinic
United We Dream
USC International Human Rights Clinic
Voto Latino
Women's Refugee Commission