

## President Biden is Right to Roll Back Title 42



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Before the Covid-19 pandemic hit the United States, few had heard of a provision of American public health law known as Title 42. This provision permits the Center for Disease Control to bar people from entering the country if they pose a serious danger of introducing a disease into the United States. Last spring, after the pandemic was already well established in the mainland United States, President Trump directed the CDC to issue regulations under Title 42, which effectively closed the border to anyone attempting to apply for asylum under US law.

In the coming weeks, the Biden-Harris Administration reportedly plans to roll back those Title 42 restrictions. They will likely start first by allowing families with asylum claims to make their cases, then move on to single adults. Here's why that's the right decision for our country.

### Trump's Title 42 Order was a Political Ploy.

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President Trump spent his entire term in office doing everything he could to seal off the southern border. From his ineffective attempts to build a wall, to the Remain in Mexico Policy, to threatening via Twitter to close US-Mexico ports of entry, closing the border was never about public safety or health for the last administration. The pandemic simply provided Trump with an excuse to implement a long-desired political goal. Now the Biden-Harris Administration is carefully and strategically unwinding the damage the Trump presidency wrought, including with Title 42.

## **Title 42 Should be Premised on Public Health.**

President Trump used Title 42 to accomplish a political goal, needlessly polarizing this law that is an important part of keeping Americans safe. As the country beats back the pandemic, the right thing for our both our population and our values is to roll back the use of Title 42. The Biden-Harris Administration is serious about properly managing the border. They know we can keep Americans healthy while also living up to our values and processing those who have valid claims to asylum under our laws.

Much of the country is now fully vaccinated, and the challenges we have faced through this pandemic did not come from Central America or those seeking asylum at our border. Even at the height of the COVID crisis, while asylum seekers bore the brunt of Title 42, other means of entry from the region (like air travel) remained open. Our vaccination effort is how we truly keep America healthy—not by keeping our Southern border shuttered.

## **Title 42 Makes the Border Harder to Properly Manage.**

We want asylum seekers to enter through ports of entry and to make their case under our laws. When they do, it helps American personnel along the border do their jobs and protects those already in our country as well as those seeking asylum from bad actors. Prolonging the use of Title 42 only pushes those who want to make their case the right way into the shadows and encourages them to try to get in between ports of entry. The right to petition for asylum is a legal process that works best when the border operates under normal order. Rescinding the use of Title 42 better ensures that those with credible asylum cases come are admitted in an orderly and efficient manner.

## **Other Means of Entry from Mexico Remain Open.**

Title 42 was implemented by the Trump Administration solely to turn away lawful asylum applicants. This is clear because even during the height of the pandemic, essential travel was permitted across both our Northern and Southern land borders. Rail, air, and seaports along the border all also continued to allow movement across these borders during the pandemic. Senator Ted Cruz was even able to fly to Mexico for vacation. As we begin to emerge from the global pandemic, we must reestablish the essential right to apply for asylum through an orderly process.

**We Need Serious Security and Management of the**

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The Biden-Harris Administration is taking its responsibilities around managing the border seriously and acting based on science and the reality on the ground. The President is committed to improving effective and humane border management through new technology, ports of entry improvements, and more efficient use of our border personnel. Instead of shying away from the challenges of the border or using it as a political prop, this Administration has levied the resources of the federal government for good, ensuring that the Department of Homeland Security and Department of Health and Human Services are equipped to deal with the tasks at hand.

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