

December 10, 2018

The Honorable Cory Gardner
United States Senate
354 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Gardner,

On this Human Rights Day of 2018, we the undersigned are writing today out of grave concern, imploring that you take immediate action to hold the Trump administration accountable to domestic and international law regarding human rights in the context of migration. We call upon you to stand in clear support of both the law and fundamental American values, by denouncing the Trump administration's cruel campaign to prevent individuals fleeing persecution in their home countries from entering and applying for asylum in the United States, and targeting our immigrant brothers and sisters with violence and family separation.

On November 8, 2018 the Trump administration announced that it will move forward with a new policy denying safe haven to asylum-seekers traveling with the Central American Exodus. The Trump administration, through Presidential Proclamation, ordered that only individuals who enter the United States at designated entry points can be considered for asylum, with all others to be deported immediately for unlawful entry. President Trump's attempt to overrule clear Congressional statute regarding asylum through a Presidential Proclamation is in clear contradiction to US obligations under international law, namely the Universal Declaration of Human Rights and the Refugee Convention, to which the United States is a party and which make clear that legitimate asylum seekers cannot be punished based on their place of arrival.

Since mid-October, migrants escaping violence and poverty have joined together to migrate in order to increase their safety as they travel from Central America through Mexico, to seek asylum in the United States. The group includes people of all ages, including families, children, elders, LGBTQI, and people with disabilities, with many fleeing pervasive gang violence, forced recruitment, and gender-based violence in El Salvador, Guatemala and Honduras. In Honduras, with homicide rates among the highest in the world, human rights activists cite the increasingly violent, authoritative and corrupt government of US-backed Juan Orlando Hernandez as among the root causes inducing civilian flight.

President Trump has continuously and falsely portrayed migrants as a security threat to advance the GOP administration's anti-immigrant agenda. Rather than responding with compassion and humanity, the Trump administration deployed thousands of military troops to the US border with Mexico in an attempt to intimidate the asylum claimants into returning home. In a confrontation with the asylum seekers, troops used excessive force, including rubber-coated steel bullets and tear gas, to drive these individuals, including women and small children, away from the border.

The actions by the Trump administration are causing irreparable damage not only to the thousands of human beings who desperately undertake a treacherous and dangerous journey to our border, to border communities themselves; but they also damage our moral authority and our ability to work with allies to resolve the underlying issues causing people to migrate for safety and refuge globally. Without a clear, vocal and unwavering challenge to the Trump administration's lawless agenda to criminalize migration, many asylum seekers will be forced to return to home countries where they are at real risk of sexual and gender-based violence, physical violence and torture. Already, there are credible reports that the Trump administration has deported asylum seekers to imminent and actual harm.

It is imperative that Congress activate bipartisan action to pass legislation that protects immigrants and refugees from racist and xenophobic policies, including laws to prevent family separations, prevent indefinite detention of families at the US-Mexico border, provide a pathway to citizenship for Dreamers, include gender-based violence as a legitimate claim for asylum, protect Temporary Protected Status (TPS) and allow for a robust refugee resettlement program.

As an elected member of the most powerful legislature in the world, we call on you to utilize every tool available at your disposal to hold the Trump administration accountable for reversing its destructive policies and abiding by our values and legal obligations to respect fundamental human rights in the context of migration.

Senator Gardner, we call upon you to utilize your role as a majority member of the Senate Committee on Foreign Relations to urgently convene a hearing regarding the appropriateness of the Administration's response to asylum claimants arriving at the southern border of the United States, to affirm United States domestic and international protection obligations regarding asylum, to examine the underlying causes of the crises in the countries producing the current exodus of refugees, and address the following specific actions:

1. Respect the human right to asylum and lift the executive order limiting access to asylum.
2. Defend the right to due process for individuals seeking asylum in the US by allocating specific funds to substantially increase the capacity of asylum officers and immigration judges to process more claims, allowing asylum claims to be heard in a safe and timely manner.
3. Form a commission to work with the incoming Mexican government to provide a permanent solution for refugees who choose to seek safety by staying in Mexico.
4. Reallocate appropriate federal funding from increased militarization of the border towards providing casework, trauma, mental health and legal aid services to asylum seekers on the US/Mexico border, as well as throughout the interior of the US.
5. End the criminalization of migration, putting an end to unethical and illegal methods which produce arbitrary, coerced and/or involuntary deportations.

6. Protect human rights in detention by allocating specific federal funding to support a system to report, address and hold accountable perpetrators of sexual and gender-based violence, physical violence, and torture in immigrant and child detention facilities, and provide for human rights observers in every detention process to ensure human rights of asylum seekers are respected.

Furthermore, we call upon you, in your role as our United States Senator for the state of Colorado, to urgently take the following actions to hold the GOP Administration accountable to United States domestic and international protection obligations regarding asylum and human rights law:

1. Call upon the Department of Justice to uphold asylum as protection against gender-based violence by including domestic violence as a legitimate claim for asylum.
2. Publicly denounce the Trump administration's human rights violations committed at the US/Mexico border and advocate that perpetrators are held accountable with transparency, outside of a CBP internal review.
3. Call for the public release of the names of the migrants who were denied the opportunity to submit legitimate claims for asylum and deported to their home countries, so impacted families can be alerted as to the whereabouts and wellbeing of their relatives.

American Friends Service Committee
Refugee Action Coalition of Colorado
Colorado Immigrant Rights Coalition
MUJERR
Colorado Coalition Against Sexual Assault
Abolish ICE Denver
Colorado People's Alliance
Indivisible Denver
Indivisible Front Range Resistance
Indivisible Douglas County CD4
Jewish Voice for Peace - Denver/Boulder
ACLU Colorado
Arvadans for Progressive Action
First Baptist Church of Denver

Representative Joe Salazar
Colorado Rapid Response Network
Spring Institute for Intercultural Learning
Colorado Muslim Speakers Bureau
Meet the Middle East
African Community Center
Colorado Muslim Society
Denver Justice and Peace Committee
#Fight4HER Colorado
Center for Health Progress
Colorado May Day Club
Democratic Socialists of America
The Resistance 5280
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