

April 23, 2020

Submitted via [regulations.gov](https://www.regulations.gov)

Kyle McGowan
Office of the Chief of Staff
Centers for Disease Control and Prevention
1600 Clifton Road NE, MS H21-10
Atlanta, GA 30329.

Re: CDC Docket No. CDC-2020-0033, RIN: 0920-AA76, Comments in Response to Interim Final Rule Control of Communicable Diseases; Foreign Quarantine: Suspension of Introduction of Persons into the United States from Designated Foreign Countries or Places for Public Health Purposes

Dear Mr. McGowan,

I am writing on behalf of Casa de Esperanza: National Latino Network for Healthy Families and Communities to express strong opposition to the Centers for Disease Control and Prevention (“CDC”) Interim Final Rule (“Rule”), published in the Federal Register on March 24, 2020. The Rule is the basis for the CDC’s Order dated March 20, 2020, “Suspending the Introduction of Certain Persons from Countries Where a Communicable Disease Exists” (“CDC Order”).

Casa de Esperanza was founded in 1982 in Minnesota to provide emergency shelter and support services for women and children experiencing domestic violence. Additionally, in 2009 Casa de Esperanza launched the National Latino Network for Healthy Families and Communities, which is a national resource center that provides training & technical assistance, research, and national policy advocacy focused on addressing and preventing gender based violence, primarily in Latino and immigrant communities. Our organization works directly with immigrant victims of domestic and sexual violence seeking services and safety. Additionally, our research staff has been involved in community participatory research projects that highlight the experiences and traumatic impact on immigrant women and their children who have fled gender-based violence from their countries of origin.¹ Based upon these local and national experiences, we strongly oppose the proposed rule.

Both the Rule and the CDC Order fail to address US obligations to asylum seekers and unaccompanied migrant children, who are also often asylum seekers, under US and international law. As a result, US Customs and Border Protection (“CBP”) is now expelling unauthorized migrants, including children, without considering whether they are eligible for protection under US law. The Rule, ostensibly intended to protect human life, is instead putting asylum seekers’ lives at serious risk. We urge that the rule be withdrawn in its entirety.

¹ Casa de Esperanza’s research director collaborated with two other researchers to conduct a study regarding the impact of detention on immigrant women and children who were fleeing gender-based violence. See Heffron, Laurie Cook; Serrata, Josie V.; and Hurtado, Gabriela, "Latina Immigrant Women & Children’s Well-Being & Access to Services After Detention" (2018). *Latino Public Policy*. 6. <https://scholar.smu.edu/latino-policy/6>

Immigrant survivors who flee to the U.S. to seek asylum have endured horrific domestic violence, sexual assault, rape, and other gender-based forms of abuse that have threatened their and their children's lives. The journey to the U.S. is a dangerous one. Still, survivors traverse the hundreds to thousands of miles because they strongly believe that it is safer to make the journey for the possibility of finding safety and protection in the U.S. than to stay in their home countries where their governments fail to provide adequate protections for them from their abusers and perpetrators.

Many survivors of domestic violence and their children have endured years of abuse, terror, fear, and powerlessness before they finally take the steps to escape from their abusers to come to the U.S.² Many immigrant survivors of sexual assault and rape are subjected to multiple attacks, stalked, or at risk of being murdered by their perpetrators. They are compelled to flee to the U.S. because they recognize that they will never be able to feel safe again if they remain in their home countries.³ Asylum is therefore for many immigrant survivors their only chance of finally obtaining safety and protection. Immigrant survivors of violence do not make the decision to seek asylum in the U.S. lightly.

Under US law and the 1967 Protocol Relating to the Status of Refugees, to which the US is party, the United States may not return asylum seekers to face threats to their lives or freedom without affording them an opportunity to apply for asylum or for protection against facing the threat of torture. Furthermore, under international law it is necessary to conduct a full and fair examination of those claims.

Even in times of emergency, governments remain obliged to protect refugees from return to a threat of persecution, exposure to torture or inhuman and degrading conditions, or threats to life and physical security. Travel by refugees fleeing threats to their life and safety constitutes essential travel, as it can mean the difference between life or death.

Summary expulsions under the Rule also deprive unaccompanied children of important safeguards against human trafficking. The 2008 Trafficking Victims Protection Reauthorization Act, passed with strong bipartisan support and signed by President George W. Bush, requires specialized screening of unaccompanied children and their expeditious transfer to appropriate care. Without these critical protections, children run the risk of serious harm. Already thousands of expelled migrants, including hundreds of unaccompanied children, have been deprived of their rights.

We understand and appreciate the seriousness of the situation that CDC is engaged in addressing, and that rational, evidence-based public health measures are warranted given the threat posed by the COVID-19 pandemic. However, returning refugees to persecution or other grave threats

² See for example, Dilawar, A. (August 10, 2018). How Anti-Immigration Policy Spurs Domestic Violence. *Pacific Standard*. Retrieved from <https://psmag.com/social-justice/how-anti-immigration-policy-spurs-domestic-violence>; Morrisey, K. (October 1, 2018). Refugee women struggle to confront domestic violence amid deportation fears. *San Diego Union Tribune*. Retrieved from <https://www.sandiegouniontribune.com/news/immigration/sd-me-refugees-dv-20181001-story.html> ; Stillman, S. (January 8, 2018). When Deportation Is a Death Sentence. *The New Yorker*. Retrieved from <https://www.newyorker.com/magazine/2018/01/15/when-deportation-is-a-death-sentence>.

³ *Id.*

constitutes a serious human rights violation that is not permitted under international law even in times of emergency. It is imperative that the United States implement policies that protect the health of immigrants and the public at large without overbroad new regulations that turn away asylum seekers.

For the foregoing reasons, Casa de Esperanza: National Latino Network for Healthy Families and Communities urges the Center for Disease Control to rescind the proposed rule, which violates our nation's laws and moral obligations and cruelly prevents many survivors of domestic violence, sexual assault, and human trafficking who are fleeing persecution from obtaining the asylum protections they need and deserve. We instead urge the CDC to promote policies that account for the dire reality that traumatized refugees face and seek to maximize their access to safety and protection throughout the asylum process, while also balancing public health concerns.

Thank you for the opportunity to submit comments on the proposed rule. Please contact me if you have any questions relating to these comments.

Respectfully submitted,



Rosemarie Hidalgo, J.D.

Senior Director of Public Policy

Casa de Esperanza: National Latin@ Network for Healthy Families and Communities

540 Fairview Ave. N

St. Paul, MN 55104

Tel: 651-646-5553