

Congress of the United States

Washington, DC 20510

September 20, 2021

Dear Secretary Mayorkas and Secretary Blinken,

We write to express our deep concerns about the Department of Homeland Security's continued implementation of the 243(d) visa sanctions enacted under the Trump Administration, despite revocation of Executive Order 13768. These sanctions have led to a significant increase in removals of African asylum seekers and Southeast Asian refugees between 2017 and 2020, and some sanctions, such as those on Laos, continue to serve as a backdoor immigration ban to the United States. We urge you to lift the sanctions against Burma, Burundi, Cambodia, Eritrea, and Laos and conduct a full review of the remaining sanctions.

The visa sanctions continue to harm refugees and asylum seekers in the United States by tearing families apart and forcing governments seeking to harm asylum seekers to repatriate those individuals. Historically, 243(d) sanctions have only been employed once prior to the Trump Administration in 2003 against Guyana under President George W. Bush¹. It was not until the previous presidency that DHS wantonly sanctioned mostly sub-Saharan African and Southeast Asian countries, despite the extensive list of potentially recalcitrant countries.² The 2016 visa sanctions against Cambodia led to a massive 258% increase in removals of Cambodians and 47% increase in removals of Eritreans between 2017 and 2018 and a 28% increase in removals to Laos between 2018 and 2019³, contributing to the continued deportation crisis experienced by African asylum seekers and Southeast Asian refugee communities.

The 243(d) sanctions aggressively bully foreign governments into repatriating removable asylum seekers and refugees, despite the asylum seekers and refugees often having little or no ties to the current iteration of the country. The delays and outright refusal to issue travel documents by some of these countries prevent further harm to asylum seekers who face bodily harm and torture, were they to be deported back to countries like Eritrea or Laos. The American Team for Displaced Eritreans, along with dozens of other organizations, wrote to request the suspension of Eritrean deportations in 2017, explaining that "those removed to Eritrea would likely be tortured or killed by the Eritrean regime."

Other countries have been in political turmoil and economic crisis for years, with Burundi having been in a crisis since emerging out of its 12-year civil war. Eritrea only recently emerged out of a decades long war with its neighbor Ethiopia and its government still mandates military service by all its citizens, forced labor, along with a litany of other human rights violations. The continued visa sanctions on these countries only perpetuates the Trump administration's xenophobic agenda by targeting less economically developed, African and Southeast Asian countries.

1 <https://www.ice.gov/remove/visa-sanctions>

2 <https://fas.org/sgp/crs/homesec/IF11025.pdf>

3 Department of Homeland Security, 2019, Yearbook on Immigration Statistics

In addition to inflicting harm against African and Southeast Asian families, the 243(d) sanction against Laos also bans any immigration to the United States, with the U.S. embassy in Vientiane stating respectively that they discontinued issuing all immigrant visas to the United States⁴. These sanctions have left Hmong and Laotian refugee families indefinitely separated; prevented U.S. citizens from sponsoring family members and fiancées; and kept otherwise eligible Laotian nationals from immigrating to the United States. In light of the proactive administrative actions reversing other Trump era immigration bans, it is deeply concerning that these sanctions continue to be implemented despite having a similar impact.

Given their impact on our constituents in the United States and their role in escalating the deportation crisis faced by our communities, we request that you lift the sanctions on Burma, Burundi, Cambodia, Eritrea, and Laos. We also encourage you to conduct a full review of all 243(d) visa sanctions and consider lifting them in their entirety.

Sincerely,



Ilhan Omar
Member of Congress



Karen Bass
Member of Congress



Alexandria Ocasio-Cortez
Member of Congress

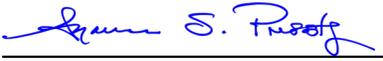


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⁴https://la.usembassy.gov/wp-content/uploads/sites/85/IV-website-text-English-lao-VS3.pdf?_ga=2.18287609.176295414.1624897069-2056390598.1624897069



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