FAIR
FEDERATION FOR AMERICAN IMMIGRATION REFORM

April 21, 2021

Ms. Lauren Alder Reid
Assistant Director, Office of Policy
Executive Office of Immigration Review
5107 Lee Pike
Suite 1800
Arlington, VA 22041

RE: DHS Docket No. USCIS-2020-0013: Security Bars and Processing: Delay of Effective Date

Dear Ms. Alder Reid,

The Federation for American Immigration Reform (FAIR) respectfully submits the following public comment to the U.S. Department of Homeland Security and Department of Justices in response to the agency's request for comments, as published in the Federal Register on March 22, 2021. *See Security Bars and Processing: Delay of Effective Date* (DHS Docket No. USCIS-2020-0013).

FAIR is a national, nonprofit, public-interest organization comprised of millions of concerned citizens who share a common belief that our nation's immigration laws must be enforced, and that policies must be reformed to better serve the national interest. FAIR examines trends and effects, educates the public on the impacts of sustained high volume immigration, and advocates for sensible solutions that enhance America's environmental, societal, and economic interests today, and into the future.

I. INTRODUCTION

Security Bars and Processing, 85 Fed. Reg. 84160, (Dec. 23, 2021) (Security Bars rule) amended the Department of Homeland Security (DHS) and the Department of Justice (DOJ)'s regulations to clarify that the Departments may consider emergency public health concerns based on communicable disease due to potential international threats from the spread of pandemics when making a determination as to whether "there are reasonable grounds for regarding [an] alien as a danger to the security of the United

States" and, thus, ineligible to be granted asylum or the protection of withholding of removal in the United States under Immigration and Nationality Act (INA) sections 208 and 241 and pertinent DHS and DOJ regulations.[1] The Security Bars rule also provides that application of the statutory bars to eligibility for asylum and withholding of removal to be effectuated at the credible fear screening stage for aliens in expedited removal proceedings in order to streamline the protection review process and minimize the spread and possible introduction into the United States of communicable and widespread disease.

The proposed rule further allows DHS to exercise its prosecutorial discretion regarding how to process individuals subject to expedited removal who are determined to be ineligible for asylum in the United States on certain mandatory grounds, including being reasonably regarded as a danger to the security of the United States. Finally, the proposed rule modifies the process for evaluating the eligibility of aliens for deferral of removal who are ineligible for withholding of removal as presenting a danger to the security of the United States.

FAIR strongly supports this rule and urges the Departments to implement the rule without delay to mitigate the risk of another deadly communicable disease being brought to the United States, or being further spread within the country, by the entry of aliens from countries where the qualifying public health emergency is prevalent.

II. CLARIFYING THE "DANGER TO THE SECURITY OF THE UNITED STATES" BARS TO ASYLUM AND WITHHOLDING OF REMOVAL AND PROCESS IMPROVEMENTS

FAIR agrees with the Departments' conclusion that certain contagious public health crises could constitute reasonable grounds for regarding an alien as a danger to the security of the United States and, thus, subject to the "danger to the security of the United States" bars to asylum and withholding of removal.[2] The Security Bars rule appropriately requires DHS and DOJ to account for certain emergency public health concerns based on communicable diseases due to international threats from the spread of pandemics. As the Departments cited in the final rule, then-Secretary of Homeland Security, Michael Chertoff, stated in 2006, "[a] severe pandemic . . . may affect the lives of millions of Americans, cause significant numbers of illnesses and fatalities, and substantially disrupt our economic and social stability."[3]

---

[1] *See* INA § 208(b)(2)(A), INA § 241(b)(3)(B), 8 C.F.R. § 208.17, 1208.17.
[2] *Id*.
[3] U.S. Dep't of Homeland Security, *Pandemic Influenza: Preparedness, Response, and Recovery: Guide for Critical Infrastructure and Key Resources, Introduction* at 1 (2006) (Michael Chertoff, Secretary of Homeland Security), *available at* https://www.dhs.gov/sites/default/files/publications/cikrpandemicinfluenzaguide.pdf.

In addition to the immense human toll, the threat of a pandemic or other contagious public health crisis has the potential to both devastate the economy, overload medical service providers, and to impede U.S. government operations, particularly with regard to border security or other national security related functions. Further, the U.S. military indicated that the global spread of pandemics can impact military readiness, thus posing a direct threat to U.S. national security.[4] As the U.S. Center for Disease Control and Prevention (CDC) concluded, the "faster a covered alien is returned . . . the lower the risk the alien poses of introducing, transmitting, or spreading COVID-19 into POEs, Border Patrol stations, other congregate settings, and the interior [of the United States]."[5] The Security Bars rule allows the Departments to return an alien who poses a danger to the security of the United States on such grounds as expeditiously as possible in order to mitigate the potentially catastrophic harm to the health of the American people and security of the United States. FAIR supports the Departments' determinations that the Security Bars rule:

- Appropriately interprets the security bars to include economic interests, as well as other non-terrorism related grounds;
- Is sufficiently tailored to respond to only public-health emergencies that warrant the bars application;
- Is necessary even with the potential availability of alternative health measures;
- Is Consistent with applicable law and treaty obligations;
- Makes necessary changes to increase efficiency and security in the expedited removal process.

A. The "Security of the United States" Includes Economic Interests and Other Non-Terrorism Related Grounds.

FAIR agrees with the Departments' assessment that threats to the security of the United States go beyond terrorism-related concerns or security concerns related to protection from war or invasion. Economic interests are also a direct concern with regard to national security. As the Departments acknowledged, the Attorney General has previously determined that "danger to the security of the United States" in the context of the bar to

[4] Diane DiEuliis & Laura Junor, *Ready or Not: Regaining Military Readiness During COVID19, Strategic Insights, U.S. Army Europe* (Apr. 10, 2020), available at https://www.eur.army.mil/COVID-19/COVID19Archive/Article/2145444/ready-or-not-regaining-military-readiness-during-covid19/ (discussing the spread within the military of twentieth-century pandemics and consequences of the spread this year of COVID-19).

[5] *Notice of Order Under Sections 362 and 365 of the Public Health Service Act Suspending Introduction of Certain Persons From Countries Where a Communicable Disease Exists*, 85 Fed. Reg. 17060, 17067 (Mar. 20, 2020).

eligibility for withholding of removal encompasses considerations of defense, foreign relations, and the economy, finding that,

> "The INA defines "national security" [in the context of the designation process for foreign terrorist organizations] to mean "the national defense, foreign relations, or economic interests of the United States." Section 219(c)(2) of the Act, 8 U.S.C. 1189(c)(2) (2000). Read as a whole, therefore, the phrase "danger to the security of the United States" is best understood to mean a risk to the Nation's defense, foreign relations, or economic interests."[6]

Additionally, there is no language in the INA suggesting that Congress intended to limit the "danger to the security" bars to asylum and withholding to only terrorism-related grounds. Rather, language in the INA suggests the opposite because it includes a separate statutory bar to asylum eligibility concerning terrorism-related activity. And the INA specifies that an alien engaging in such activity "shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States,"[7] thus indicating cases for whom terrorism-related grounds may apply only a subset of the larger category of aliens for whom there are reasonable grounds to believe are a danger to the security of the United States.

As the world has witnessed in 2020, public health concerns can rise to such magnitude that they create devastating economic conditions and impede the regular course of government security operations. The entry of such aliens could also pose a danger to national security, without regard to economic interests, by threatening DHS's ability to secure our border and facilitate lawful trade and commerce and by limiting military readiness. Thus, the entry of aliens who may carry communicable diseases or facilitate the spread of such disease within the interior of the country could pose a danger to U.S. security well within the scope of the statutory bars to eligibility for asylum and withholding of removal.

B. Transit through a Country Where a Contagious Disease is Prevalent May be Sufficient to Warrant Application of the Security Bars.

Relatedly, the danger posed by aliens who are arriving in the United States after transiting through a country where such contagious disease is prevalent, during the time period prescribed by the rule, is sufficient to warrant application of the "danger to the security of the United States" bars to asylum and withholding removal. In the statutory withholding of removal context specifically, the Attorney General has held that the "non-trivial degree of risk" standard is appropriate when considering application of the "danger to the security of the United States" bar is warranted.[8] The Attorney General concluded that any level of danger to national security is deemed unacceptable; it need not be a

---

[6] *Matter of A-H-*, 23 I&N Dec. 774, 788 (AG 2005).
[7] INA § 241(b)(3)(B).
[8] *Matter of A-H-*, 23 I&N Dec. at 788.

"serious," "significant," or "grave" danger.[9] The Third Circuit also affirmed this holding, explaining that "Congress did not announce a clear intent that the danger to U.S. security be `serious' because such a modifier likely would be redundant. . . . [I]t would be illogical for us to hold that Congress clearly intended for an alien to be non-removable if he poses only a moderate danger to national security."[10] The Security Bars rule furthers Congress' intent to ensure grants of asylum program or withholding of removal endanger the security of the United States, economic or otherwise.

Accordingly, the application of these standards to historic interpretations of the security eligibility bar suggest that application of the bar in the context of a public health emergency need not be limited to instances where each individual alien demonstrates a significant danger themselves, or is definitively known to be carrying a particular disease. In fact, until mass testing for a particular disease becomes available and feasible to administer on the border, whether a particular alien is individually infected may be impossible for DHS or DOJ to know. It is sufficient that the prevalence of disease in a country through which the alien has traveled to reach the United States makes it reasonable to believe that the entry of aliens from that country presents a sufficient danger of introduction of the disease into the United States.

C. The Security Bars Rule is Adequately Tailored to Address Only Crises that Pose a Danger to the Security of the United States, and Does Not Impose a "General Health Bar" to Asylum or Withholding of Removal.

FAIR believes the Security Bars rule is adequately tailored to address only public health crises that pose a legitimate danger to the security of the United States. The Secretary of Homeland Security and the Attorney General must jointly, in consultation with the Secretary of Health and Human Services (HHS), designate a crisis as warranting application of the bars. The rule, however, does not permit DHS or DOJ to apply the security bars to asylum and withholding of removal for any health-related concerns unless certain triggers are met. Specifically, the rule requires the bars to only apply in certain delineated instances after a communicable disease has triggered an ongoing declaration of a public health emergency under Federal law. The Secretary of Homeland Security and the Attorney General, in consultation with the Secretary of HHS, must jointly determine that the physical presence in the United States of aliens who are coming from areas of the world where a communicable disease of public health significance is or was prevalent or epidemic would cause a danger to the public health and security in the United States, and must jointly designated the relevant areas and the period of time or circumstances under which it is necessary for the public health that aliens or classes of aliens who have come from those areas (and are still within the number of days

[9] *Id.*
[10] *Yusupov v. Attorney General*, 518 F.3d 185 (3rd Cir. 2008) (as amended Mar. 27, 2008).

equivalent to the longest known incubation and contagion period for the disease) be regarded as a danger to the security of the United States.[11]

Because the application of the security bars pursuant to this rule are tied to whether an alien has transited through a country and must be limited to a specific time period (the longest known incubation or contagious period), officers and immigration judges applying the rule only need to make straightforward factual determinations regarding an alien's recent activity. These types of inquiries are already standard in screenings and adjudications. Officers and immigration judges would not make any scientific or medical determinations about the status of the public health emergency or the condition of the applicant.

FAIR disagrees with commenters that argue that the Security Bars rule is overly broad because, in some circumstances, an alien is be most likely to spread a communicable disease upon and soon after arrival. For instance, in the context of the COVID-19 crisis, this time period would coincide with the period in which an alien placed into expedited removal proceedings would be processed through a credible fear screening. FAIR agrees with the Departments', as well as the CDC's, determination that this generalization is not true for all diseases. As the CDC has explained, there is an "ever-present risk that future pandemics may present new or different challenges . . . A new virus could have a longer incubation period than . . . the virus that causes COVID-19 . . . or cause a disease that takes longer to run its course."[12] For instance, the incubation period for hepatitis B can be up to 180 days and the incubation period for tuberculosis can last years.[13]

Given the diversity of diseases and unknown potential effects of future public health emergencies, FAIR supports the rule deferring to the Departments' assessment and tying the application of the rule to the incubation period of the disease warranting its application and regions to which the disease is prevalent. The Security Bars rule does not automatically trigger the bars to asylum and withholding of removal by mere the existence of any particular health crisis or disease, does not inappropriately require asylum officers or immigration judges to make medical assessments, nor create a general public health bar to asylum or withholding of removal.

D. The Potential Availability of Alternate Measures to Reduce the Spread of COVID-19 Do Not Reduce Need for the Security Bars Rule.

---

[11] *Security Bars and Processing,* 85 Fed. Reg. 84160 (Dec. 23, 2021).
[12] *Control of Communicable Diseases; Foreign Quarantine: Suspension of the Right To Introduce and Prohibition of Introduction of Persons Into United States From Designated Foreign Countries or Places for Public Health Purposes*, 85 Fed. Reg. at 56527 (Mar. 20, 2020).
[13] Centers for Disease Control, *Principles of Epidemiology in Public Health Practice, Third Edition, An Introduction to Applied Epidemiology and Biostatistics* (May 2012) *available at* https://www.cdc.gov/csels/dsepd/ss1978/lesson1/section9.html.

FAIR strongly disagrees with commenters that suggest that the Security Bars rule is unnecessary because of the potential availability of alternate health measures (such as testing, social distancing, quarantining, or eliminating mandatory detention) the Departments could implement to mitigate the spread of disease.

During the current COVID-19 crisis, the Departments, including U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Executive Office of Immigration Review (EOIR), have all implemented significant measures and protocol to increase social distancing, sanitation, and otherwise reduce the spread of the virus.[14] The CDC, however, determined that these protocols are insufficient alone to mitigate the spread of the pandemic from aliens arriving at the border.[15] The CDC determined that the introduction into Border Patrol stations and POEs of those aliens traveling from Canada and Mexico who are usually held for "material lengths of time" in the congregate areas of these facilities "increases the serious danger of introducing COVID-19 to others in the facilities—including DHS personnel, U.S. citizens, U.S. nationals, and LPRs, and other aliens—and ultimately spreading COVID-19 into the interior of the United States."[16] The CDC based its assessment on the fact that:

> [T]here are structural and operational impediments to quarantining and isolating [such] aliens in CBP facilities that neither HHS/CDC nor CBP can overcome, especially given the large number of [such] aliens that move through the congregate areas of the facilities. Border Patrol stations and POEs were designed for short-term holding of individuals in congregate settings [and were] not designed and equipped with sufficient interior space or partitions to quarantine potentially infected persons, or isolate infected persons. They also are not equipped to provide on-site care to infected persons who present with severe disease.[17]

Commenters should be cognizant that the Security Bars rule, while drafted to provide the Departments a tool to protect the American public during the COVID-19 pandemic, is also drafted with the intent to protect against future public health emergencies as well.[18] In such cases, testing may be entirely unavailable or infeasible to conduct at the border, asymptomatic individuals may carry the disease, or DHS and DOJ officers may be unequipped to detect the symptoms for those who do display them. Experts can only speculate whether the Departments could feasibly and effectively implement additional

---

[14] *Security Bars and Processing*, 85 Fed. Reg. 84160 (Dec. 23, 2020).
[15] *Control of Communicable Diseases; Foreign Quarantine: Suspension of the Right To Introduce and Prohibition of Introduction of Persons Into United States From Designated Foreign Countries or Places for Public Health Purposes*, 85 Fed. Reg. 56424, 56433 (Sept. 11, 2020).
[16] *Id.*
[17] *Id.*
[18] *Security Bars and Processing*, 85 Fed. Reg. 84160 (Dec. 23, 2020).

measures to adequately reduce the spread of any future, undiscovered contagious illness that rises to the level of a danger to the security of the United States.

Further, eliminating detention requirements or releasing aliens from mandatory custody would only, as the CDC concluded, transfer the risk of transmission from DHS officers and other detainees to the general public. This proposal, while starkly in conflict with the mandatory detention provisions of the INA,[19] could significantly exacerbate community spread within the interior of the country. On this issue, the CDC determined that,

> "[I]t is not reasonable to assume that all . . . aliens [entering the United States illegally or without proper documents, who would need to be placed in congregate setting,] can or will comply with conditional release orders or safely self-quarantine or self-isolate after introduction into the country. That has not been HHS/CDC's experience with foreign nationals arriving in the United States on commercial flights, which require valid travel documents and clearance of customs. Even some foreign nationals who produce valid travel documents, fly internationally, and clear customs do not comply with self-quarantine or self-isolation protocols, or provide contact information to HHS/CDC for use in public health monitoring and contract tracing investigations. . . . Persons who are unprepared to comply with U.S. legal processes and lack transportation and a permanent U.S. residence would likely encounter difficulties complying with conditional release orders or self-quarantine or self-isolation protocols. For such orders or protocols to be effective, persons who HHS/CDC temporarily apprehends and then conditionally releases with orders—or, alternatively, persons to whom HHS/CDC recommends self-quarantine or self-isolation—must be able to travel to suitable quarantine or isolation locations, and then quarantine or isolate for the time period prescribed or recommended by HHS/CDC. Many [aliens entering the United States illegally or without proper documents, who would need to be placed in congregate settings,] would have to overcome significant hurdles to meet those basic requirements. Moreover, implementation of conditional release orders for covered aliens would divert substantial HHS/CDC resources away from existing public health operations during the COVID-19 pandemic. . . .To implement conditional release orders for covered aliens, HHS/CDC would have to open and operate new quarantine stations at numerous Border Patrol stations and POEs, surge technical support to CBP at the same locations, or do some combination of both. HHS/CDC would also have to monitor the health of tens of thousands of . . . aliens introduced into the United States, and alert public health departments about any health issues that need follow-up. HHS/CDC does not have resources and personnel available to execute those additional functions; HHS/CDC would have to reallocate personnel from existing quarantine operations, which would jeopardize the effectiveness of those operations, endanger public health, and impose additional costs on U.S. taxpayers."[20]

---

[19] The INA requires that all aliens placed into expedited removal proceedings are subject to mandatory detention from the commencement of proceedings until their credible fear interviews, INA § 235(b)(1)(B)(iii)(IV), subject to mandatory detention if found not to have a credible fear, id., and also subject to mandatory detention if found to have a credible fear "for further consideration of their application for asylum" in asylum-and-withholding-only proceedings. Such aliens can be released by paroling them pursuant to section 212(d)(5) of the INA or on bond.

[20] *Control of Communicable Diseases; Foreign Quarantine: Suspension of the Right To Introduce and Prohibition of Introduction of Persons Into United States From Designated Foreign Countries or Places for Public Health Purposes*, 85 Fed. Reg. at 56452-53 (Mar. 20, 2020).

Instead, the Departments must reject the notion of stopping or reducing the enforcement of immigration laws as a means of reducing the strain on the nation's immigration system. The Departments have both a legal and moral responsibility to the American public to promote compliance with the law and to increase the efficiency of the nation's immigration system while protecting the security of the United States.

E. The Security Bars Rule is Consistent with Applicable Laws and Treaty Obligations.

FAIR strongly disagrees with commenters that argue the Security Bars rule is inconsistent with the United States' international obligations under the Convention relating to the Status of Refugees (1951 Refugee Convention); the Protocol Relating to the Status of Refugees (Refugee Protocol); Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the Universal Declaration of Human Rights; or United Nations High Commissioner for Refugees (UNHCR) guidance. As explained by the Departments, the United States continues to fulfill its *nonrefoulement* obligations under all applicable laws and treaties. As the Departments' explained in its rulemaking, these treaties are not self-executing and only bind the United States to the extent that they have been implemented by Congress, through statute or through delegation via regulation. UNHCR guidance is likewise not binding on U.S. government, but is merely an interpretative aid that does not itself have the effect of domestic law.[21]

As explained in above and in greater detail by the Departments, the Security Bars rule is both consistent with Congress' decision to bar asylum and withholding of removal eligibility from aliens who for which it is reasonable to conclude pose a danger to the security of the United States and with the Refugee Convention. Article 33 of the Refugee Convention includes an exception from *nonrefoulement* obligations, nearly identical to security bars enacted by Congress, which provides that the benefit of those obligations "may not . . . be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is." Again, national security concerns encompass security risks, including economic concerns, associated with an international public health emergency or other communicable diseases of public health significance that may arise in the future.[22] Additionally, an alien who is subject to a mandatory bar of asylum or withholding of removal may still, if eligible for protection under the regulations implementing CAT, receive protection under deferral of removal.[23]

This rule appropriately reflects the need to protect the American public during times of extraordinary threats to public health from pandemic diseases, as permitted by those laws.

---

[21] *INS v. Aguirre-Aguirre,* 526 U.S. 415, 427 (1999).
[22] *See Matter of A-H-*, 23 I&N Dec. at 788.
[23] *See* 8 C.F.R. § 208.17.

The United States' treaty obligations protect an alien from being removed to a country in which they face a well-founded fear of persecution on account of a protected ground or a clear likelihood of torture, but do not entitle an alien to receive asylum, which is a discretionary benefit,[24] nor allow an alien to impose a danger to the security of the United States by receiving protection in a country of their choosing. These *nonrefoulement* protections are upheld in the Security Bars rule.

F. The Security Bars Rule Makes Necessary Reforms to the Expedited Removal Process to Maximize the Efficiency of Government Resources and Mitigate the Spread of Disease.

FAIR agrees with the Departments assessment that DHS should amend the expedited removal process to allow asylum officers to analyze whether an alien is subject to a mandatory bar for asylum or withholding of removal. Under the Security Bars rule, asylum officers would consider whether an alien is subject to the mandatory "danger to the security of the United States" bars when determining whether an alien has a significant possibility of eligibility for asylum or a reasonable possibility of eligibility for withholding of removal.[25] This change would allow aliens to avoid potentially lengthy periods of detention for awaiting the adjudication of their asylum and withholding claims and minimize the inefficient use of government resources during a public-health crisis. Asylum officers are equipped to make these determinations at the credible fear screening-stage because asylum officers are already trained to make mandatory bar assessments in the course of adjudicating an affirmative asylum claim.

Given the unprecedented numbers of inadmissible aliens claiming credible fear at the border since 2014, applying the mandatory bars to asylum and withholding of removal at the credible fear stage is a common-sense reform to more effectively screen out aliens with the lowest chances of receiving a grant of asylum or withholding of removal. These provisions allow DHS to remove aliens with insufficient claims as expeditiously as possible and as securely as possible, while also prioritizing the claims of aliens not subject to mandatory bars and reducing the overall strain on the immigration system.

IV. ALTERNATE OR CONGRUANT STRATEGIES TO PROTECT THE SECURITY OF THE UNITED STATES AND RESOLVE THE CRISIS ON THE SOUTHERN BORDER

In addition to implementing the Security Bars rule without delay, FAIR strongly urges DHS to resume implementation of section 235(b)(2)(C) of the INA through the Migrant

[24] *See DHS v. Thuraissigiam*, 140 S. Ct. 1959, 1965 n.4 (2020) ("[E]ven if an applicant qualifies, an actual grant of asylum is discretionary."); *See also Cardoza-Fonseca*, 480 U.S. at 441, *Grace v. Sessions*, 856 F.3d 27, 40 (1st Cir. 2017).
[25] *Security Bars and Processing*, 85 Fed. Reg. 84160 (Dec. 23, 2020).

Protection Protocols (MPP) in order to reduce the spread of COVID-19 into the United States and effectively address the current mass illegal migration crisis at the southern border. Utilizing MPP, in addition to or at least as an alternative to, implementation of the Security Bars rule would allow the government to reduce the strain on the immigration system, humanely address the border crisis by eliminating pull factors for illegal border crossing, mitigate the spread of disease into American communities, reduce the need for detention within the United States, and discourage illegal immigration into the United States.

Additionally, implementation of the *Asylum Eligibility and Procedural Modifications*, 85 Fed. Reg. 82260 (Dec. 17, 2020), known as the Third-Country Transit final rule, would also protect the security of the United States during times if pandemic or other emergency public health crises. By barring aliens who fail to apply for asylum (or equivalent protection) in any third-country they transit through *en route* to the United States from asylum eligibility, this rule ensures that that the U.S. government is able to devote its resources to aliens who are most in need of protection, while reducing the strain on the immigration system and deterring aliens from making fraudulent asylum claims for the sole purpose of remaining in the United States. Implementation of the Third-Country Transit final rule would also more evenly distribute the asylum burden to other signatories of the 1951 Refugee Convention.

V. CONCLUSION

FAIR strongly supports the Security Bars rule's clarification of the "danger to the United States" bars to asylum and withholding of removal to include certain designated public health emergencies and believes the process changes the rule makes will significantly mitigate the risk of another deadly communicable disease being brought to the United States, or being further spread within the country, by the entry of aliens from countries where the disease is prevalent. Accordingly, FAIR urges the Departments to swiftly implement the rule in order and apply the bars to any public health crises emergency determined to be a danger to the security of the United States.

Sincerely,

Dan Stein
President
Federation for American Immigration Reform (FAIR)