

**Congress of the United States**  
**Washington, DC 20515**

September 3, 2020

Donald J. Trump  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear President Trump,

As members of Congress committed to advancing a return to democracy in Nicaragua, we strongly condemn your administration's recent decision to expel Nicaraguan activists who had reportedly been tortured by the regime of Daniel Ortega. We call for any such future asylum requests to be considered, in accordance with U.S. law, and urge your administration to cease collaborating with the Ortega regime in deporting Nicaraguans.

On August 28<sup>th</sup>, the *Washington Post* reported that Valeska Alemán, a 22-year-old Nicaraguan activist, had been deported back to Nicaragua in July, 17 days after crossing the border into Texas to seek asylum.<sup>1</sup> On paper, Alemán seemed to present a textbook case of persecution on political grounds, having reportedly been detained and tortured twice by Ortega regime officials in direct retaliation for her prominent political activism. However, when she arrived to the U.S., she was not allowed to pursue an asylum claim due to an executive order your administration issued in March that has been used to justify the immediate expulsion of virtually all asylum-seekers. The order, which relies on Title 42 of the U.S. code., has been criticized by legal experts as a violation of the Refugee Act,<sup>2</sup> and is currently being challenged in federal court for violating the Trafficking Victims Protection Reauthorization Act and other legal protections for asylum-seekers.<sup>3</sup>

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<sup>1</sup> "She fled detention and torture in Nicaragua for asylum in the United States. The government put her on a plane back home." *Washington Post*, 28 August 2020, [https://www.washingtonpost.com/world/the\\_americas/nicaragua-asylum-us-border/2020/08/27/9aaba414-e561-11ea-970a-64c73a1c2392\\_story](https://www.washingtonpost.com/world/the_americas/nicaragua-asylum-us-border/2020/08/27/9aaba414-e561-11ea-970a-64c73a1c2392_story).

<sup>2</sup> "Coronavirus Border Expulsions: CDC's Assault on Asylum Seekers and Unaccompanied Minors." *Just Security*, 13 April 2020, <https://www.justsecurity.org/69640/coronavirus-border-expulsions-cdcs-assault-on-asylum-seekers-and-unaccompanied-minors/>

<sup>3</sup> "Groups Challenge Trump Administration's Illegal Border Expulsions." *ACLU*, 10 June 2020, <https://www.aclu.org/press-releases/groups-file-challenge-trump-administrations-illegal-border-expulsions>

Moises Alberto Ortega Valdivia and his wife, Jessica Carolina Pavon Pavon, were also deported in July without even being granted a credible fear interview. Ortega Valdivia says Nicaraguan officials tortured him, while his wife says she was beaten by Nicaraguan police at a protest in 2018. They have reportedly faced harassment and threats since being deported to Nicaragua, and are currently hiding in safe houses to evade continued persecution.

These cases demonstrate the human cost of your administration's four-year effort to dismantle the U.S. asylum system and use cruelty to try to deter prospective asylum-seekers, even if it means collaborating with repressive regimes and undermining U.S. foreign policy goals.

Last year, a number of us voiced our concerns about your administration's treatment of Nicaraguan asylum-seekers and urged you to cease collaborating with the Ortega regime in deporting Nicaraguans.<sup>4</sup> In response, Immigration and Customs Enforcement (ICE) confirmed your administration's partnership with the Nicaraguan government to deport Nicaraguans.<sup>5</sup> What ICE did not address in its response is that deported Nicaraguans are often brought to detention facilities where they are interrogated by Ortega regime officials, as occurred in the cases of Ms. Alemán and Mr. Ortega Valdivia. The U.S. State Department's 2019 human rights report further details the serious consequences that could await the Nicaraguan asylum-seekers your administration expels, describing what it considers a "policy" under the Ortega regime of "'exile, jail, or death' for anyone perceived as opposition."<sup>6</sup> Your administration's continued deportations of politically persecuted Nicaraguans run counter to U.S. values and directly undermine the stated goals of U.S. policy toward Nicaragua.

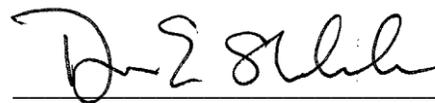
We urge you to stop deporting Nicaraguan asylum-seekers back into the arms of Daniel Ortega and look forward to your prompt response.

Sincerely,



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Albio Sires  
Chairman  
Western Hemisphere Subcommittee



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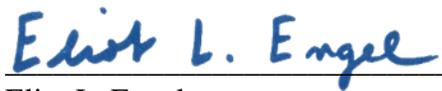
Donna Shalala  
Member of Congress

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<sup>4</sup> <https://shalala.house.gov/news/documentsingle.aspx?DocumentID=2168>

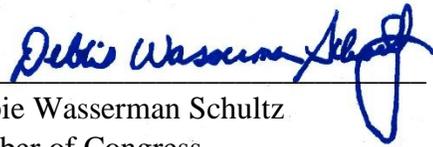
<sup>5</sup> <https://twitter.com/RepShalala/status/1258139489110761472/photo/2>

<sup>6</sup> "Nicaragua 2019 Human Rights Report," *State Department*. <https://www.state.gov/wp-content/uploads/2020/03/NICARAGUA-2019-HUMAN-RIGHTS-REPORT.pdf>



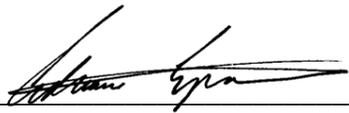
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Eliot L. Engel  
Chairman  
House Foreign Affairs Committee



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Debbie Wasserman Schultz  
Member of Congress



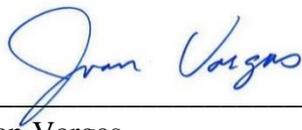
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Adriano Espaillat  
Member of Congress



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Debbie Mucarsel-Powell  
Member of Congress



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Juan Vargas  
Member of Congress