



**Office of the Mayor**

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May 11, 2023

The Honorable Joseph R. Biden  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

Re: Declaration of National Emergency

Dear President Biden:

On behalf of the citizens of Yuma, Arizona, I write with urgency to demand your declaration of a national state of emergency due to the immigration crisis at the southern border. With that declaration of emergency under Title 50 (50 USC 1621), you will be committing to protect American communities that are subject to detrimental impacts of the unfettered flow of migrants into this country.

I am the Mayor of Yuma, Ariz., representing this border city for the last nine years. While the citizens of Yuma are generous and work hard to address all challenges, the extended migration surge today is far greater than any previous situation in both total numbers and duration. This was not unforeseen, yet you have failed to enact proper and diligent policies and actions.

As Mayor, I proclaimed a local emergency on December 15, 2021, to turn back this tide of humanity coming across the border. The State of Arizona declared a state of emergency under Governor Doug Ducey which remains in effect under Governor Katie Hobbs. In December of 2022, Yuma County and the cities of San Luis and Somerton also proclaimed local emergencies. Our economies are hurt, our hospital's medical care can be overwhelmed by these projected numbers, and the safety of American citizens is at risk. Since passage of the National Emergencies Act in 1976, every U.S. President has declared multiple national emergencies to address crises just like this one. Despite all these proclamations, we have none from you.

Yuma, like many communities located along the border, is subject to a grave lack of federal government commitment to provide effective policy under current immigration laws. We see the costs of illegal activity as many migrants fall victim to cartels, who traffic both drugs and humans across the border and into the U.S. in dangerous and often deadly manners. These activities are business operations to cartels, and lead to the exploitation, abuse, rapes, and neglect of migrants. Not providing effective policy to stop these actions facilitates the continuation of these atrocities.

Other impacts to Yuma include the loss of job growth and sustainment of the local economy. Domestic and international capital investment opportunities in Yuma have been lost due to perception of our city being heavily impacted by the migrant crisis, though our economic development is primed for growth.

A state of emergency for our nation is dire, and opens numerous immediate actions that will address the very real need for personnel and resources in Yuma. A full response by FEMA and the National Guard becomes possible. That would entail the deployment of FEMA personnel to establish transportation facilities for released migrants and aid from the National Guard to support the full mission of the Border Patrol to transport migrants to nonprofits in communities with more robust transportation and nonprofit options as allowed under Title 32.

In the current release program, smaller border communities have a difficult time providing the volume of NGO resources needed for the humanitarian demands. It created an unsustainable situation. This could be resolved by preventing the release of migrants into any community with less than one million residents.

The lack of access to the asylum process is dramatically increasing the number of releases into communities. Evaluating asylum claims before releasing migrants would divert those without valid credible fear claims from being released. It would provide quicker official asylum status for migrants with valid asylum protection needs. This can be achieved through assigning the authority to evaluate credible fear claims to senior Border Patrol and ICE agents, so that credible fear claims can be determined within days of the claim being made.

Providing more access to the immigration judicial process would also help protect those in danger and repatriate those not eligible for asylum status. Temporary assignment of immigration judges to the border communities, or establishing a video-conference capability to remotely hear the cases, is one solution. This would allow judges to stay in their home courts and allocate portions of their dockets to video proceedings.

While I appreciate the full complexity of the situation, failure to prevent harm that falls on American citizens and the integrity of a proper immigration system comes at the expense of our border communities. I urge you to act quickly and declare a national emergency at the border.

Sincerely,



Douglas J. Nicholls  
Mayor

CC: Hon. Governor Katie Hobbs (Via Email)  
Hon. Kyrsten Sinema (Via Email)  
Hon. Mark Kelly (Via Email)  
Hon. David Schweikert (Via Email)  
Hon. Eli Crane (Via Email)  
Hon. Ruben Gallego (Via Email)  
Hon. Greg Stanton (Via Email)  
Hon. Andy Biggs (Via Email)  
Hon. Juan Ciscomani (Via Email)  
Hon. Raul Grijalva (Via Email)  
Hon. Debbie Lesko (Via Email)  
Hon. Paul Gosar (Via Email)