

REGIONAL DIALOGUE ON IMMIGRATION POLICY IN THE BIDEN-HARRIS ADMINISTRATION

On February 23, 2021, the Human Migration and Mobility program of the Latin America and the Caribbean Regional Office and the AFSC United States Human Migration and Mobility Network convened a space for discussion with the aim of constructing a regional analysis on the scope, effects, risks, and omissions of the new administration in the United States on forced mobility in the region. More than 60 people participated, representing civil organizations with a presence in Costa Rica, El Salvador, Honduras, Guatemala, Mexico, and the United States. Below are the main contributions and reflections shared in the dialogue.

A brief regional context

The incoming Biden-Harris administration brought with it a series of expectations regarding changes in internal migration policy and cooperation with Mexico and Central America. These perspectives arise from the need to modify a racist immigration system exacerbated by Trump's anti-immigrant policies, which created structural limitations for access to citizenship and regularization, while prioritizing the use of border security and immigration control with multiple complaints of rights violations.

The new government, in its promise to reverse Trump's policy, has promulgated 10 executive orders related to the immigration issue that can be grouped into three major issues.

Comprehensive Regional Framework of Migration: materialized in actions such as the process of elimination of the Asylum Cooperation Agreements (ACA) with Honduras, El Salvador and Guatemala. As well as the launch of two regional strategies, that of root causes - focused on the investment of billions of dollars in the north of Central America to address corruption, violence, democracy, and economic development. The other is the Collaborative Management Strategy - which, despite the lack of information, raises issues such as resettlement of migrants, humanitarian assistance and migration management to the countries of the region.

Managing the crisis on the United States-Mexico border: from orders for the suspension of the construction of the wall and a focus on investment in "smart" surveillance technologies. As well as the suspension of including more people in the Migrant Protection Protocols (MPP) program and the study for its termination.

In spite of this, Title 42 remains in place, which practically closes the border and expulsions of migrants continue.

On February 19, 2021, the processing of people with active MPP cases began - about 25,000 - with 25 people from Honduras, Peru, Nicaragua, Guatemala and Cuba processed through the San Ysidro Port of Entry between Tijuana and San Diego. The procedure is coordinated by UNHCR with other international organizations through a virtual registry. In this same place, hundreds of mostly Haitian people gathered to request information about their cases and the possibilities of initiating or continuing their asylum applications. However, neither US, Mexican, or international authorities in charge have been present to share information stating that everything is on the registration page, which has presented connection problems at different times.

Civil society organizations in Mexico and the United States have assumed government responsibilities of sharing information and monitoring the humanitarian and security situation of people who have gathered at crossing points waiting for official government responses.

Review of internal detention and deportation procedures: which are aligned with the legislative reform proposal to facilitate access to citizenship and regularization of 10 million people who were in the United States before January 1, 2021. However, it is worth noting that about 15,000 people remain in detention centers in the United States and deportation flights continue to occur, especially to countries in Asia and Africa.

Faced with this new context of promises, orders and legislative projects in the United States, the response from the Mexican and Central American governments has focused on remembering the historical relationship between their nations and prioritizing issues, such as the defense of the Temporary Protection Status (TPS), on the agenda and development cooperation. The president of El Salvador even traveled to the United States seeking meetings with representatives of the new administration, without success.

After a month into the new administration, there has been greater clarity around the issues of interest for regional cooperation that predict the consolidation of strategies promoted years ago. On the one hand, actions positioning and advancing the outsourcing of the border already transcend Guatemalan territory under the justification of stopping irregular and massive migration in reference to migrant caravans.

Likewise, in recent weeks there has been a strengthening of the outsourcing migration and asylum processing under the precepts of the Global Pact on Migration and Refugees that are turning international organizations such as UNHCR, IOM and UNICEF into key actors in strengthening asylum systems in Mexico and Central America, and direct program managers in the United States. A process that highlights the concern about the displacement of responsibilities to international agencies that do not have clear transparency obligations and diffuse mechanisms of citizen control.

In this sense, a complex regional panorama is envisaged, taking into account the serious effects of the consolidation of the national security approach to migration and the militarization of borders. Recent events such as the repression of the Honduran caravan in January 2021 by Guatemalan military and police forces in the midst of the presidential decree of a state of prevention account for this. In addition, the outrageous massacre in Camargo, Tamaulipas on January 22 where 16 migrants from Guatemala were murdered and where the participation of State Police and the INM representatives, associated with organized crime, has been demonstrated.

In-depth analysis

After the context analysis proposed by AFSC, three spaces for reflection on central issues to regional mobility were proposed, as taken up by the Biden-Harris administration and the governments of Mexico and Central American countries.

Changes in the asylum system

The announcement by the US government of the end of the ACAs with Guatemala, Honduras, and El Salvador; as well as the suspension of the Migrant Protection Protocols (MPP) that sent asylum seekers to the northern border of Mexico - where hundreds were transferred to other parts of the country or returned to their countries by the Mexican government - are perceived as important steps towards the reopening of the United States asylum system. However, they have also increased uncertainty and misinformation for people in mobility trapped by border closures and affected by the lack of state care and a greater precariousness of living conditions related to the COVID-19 pandemic.

The organizations present in the dialogue shared a hopeless context despite the recent start of the re-entry procedure for asylum seekers with active MPP¹ cases to the United States. This measure only resolves the situation for about 25,000 people.

¹ The procedure is carried out virtually and only on the UNHCR website:
<https://conecta.acnur.org/>

In contrast, there is no response to more than 45,000 people with closed and inactive MPP² cases, asylum seekers waiting through the illegal metering practice, and who continue to be expelled to Mexico under Title 42, practically closing off the Southern Border of the United States to those seeking international protection.

Even so, the new measures that also include the presentation of an immigration reform bill in the United States, have generated great expectations in the region. In Central America, the restarting of the migratory transit of people with MPP cases who returned to their countries and of those fleeing to request asylum has been documented. However, many are becoming victims of trafficking networks and scammers who take advantage of misinformation by promising to take them to the United States and even process their citizenship. Others have tried to cross the United States-Mexico border, thinking that they will not be deported by the presidential order to suspend deportations for 100 days, without knowing that this measure covers people who entered before November 2020 and is currently suspended by court order. Additionally, in Mexico there is an increase in traffic to the north and an increase in the abandonment of cases of refugee applicants in the country.

In this context, the organizations present shared different initiatives that they have deployed in the face of uncertainty and misinformation. In the case of organizations on the United States-Mexico border, there are actions on the ground to provide information to hundreds of people who have not received attention from government institutions and international organizations. Also, documentation of cases has occurred of high-risk individuals attempting to enter the United States to safeguard their lives. The information is disseminated to other organizations throughout the region so that they can better accompany people in transit.

In terms of advocacy, in the United States a campaign has initiated to restore the asylum system so that the entry of asylum seekers into its territory is quickly and effectively guaranteed - not only those under MPP - and that all Trump administration presidential orders making the entry and approval of asylum almost impossible be changed, as they are only under review at this point. Finally, the needs to regionally articulate the generation and dissemination of information on changes in policies, the inclusion and effective communication with applicants for international protection, and the search for channels of dialogue with government institutions in the region and with international agencies for their new role in managing entry procedures and collaboration with governments.

² Information based on TRAC's Immigration Project registry:
<https://trac.syr.edu/phptools/immigration/mpp/>

Immigration detention and deportation

The recent executive orders of the Biden-Harris government on detention and deportation have generated much expectation and hope in the population detained in the United States for their possible release; as well as people who try to cross the United States-Mexico border seeking not to be deported. However, reality is far from these expectations.

Within the United States, although there are advances with measures such as restricting deportations for 100 days only to people who entered the country since November 1, who are considered a national security danger, and who have voluntarily signed to be deported. On the ground, organizations have documented the continuation of transfers of detainees between detention centers, especially to southern states, and deportation flights have even been recorded, mainly of people from Cameroon and Asian countries. The absence of practical measures that guarantee release and non-deportation are related to actions such as hunger strikes in New Jersey detention centers due to infrastructure conditions and the desperation to regain freedom.

On the other hand, on the United States-Mexico border, the announcements of the moratorium and the changes in the priorities of the immigration agencies have been perceived as an opportunity to cross without the risk of deportation. However, these measures have no effect for people migrating who instead face arrest and expulsion under Title 42 imposed by the Trump administration, and which is currently only under review by the Biden administration.

In Mexico, it is worth noting that since the end of 2020 a reform to the Migration Law prohibits the detention of children and adolescents by the National Institute of Migration (INM). Although this has been a historic step in terms of defending human rights, cases of detention of children and adolescents and an increase in family separations continue to be reported. Furthermore, in the absence of the regulation of the law, agreements have been signed where the INM makes "adjustments" to detention centers so that children and adolescents can be housed there to "resolve" their immigration status or be deported.

Regarding the announcements in the United States and the changes in Mexico, the participating organizations mentioned they carry out the main initiatives in two main areas. On the one hand, they have seen the need to analyze the new context and the effect on the population. Disinformation, confusion, and lack of transparency are perceived as part of a strategy to prevent individuals and communities from having the conditions to organize and defend their cases. Ads without clear information on procedures generate a "rise and fall of emotions that immobilizes and exhausts organizations and communities." Therefore, the second line of action is the effort to inform as accurately as possible about the changes, their effects, scope, and limitations so that people can advocate for their deportation cases or make an informed decision about crossing the border.

Meanwhile, from Central America there is an expectation about changes in policies and announcements of cooperation to face the so-called root causes of migration. Conditions that are worth noting have been exacerbated by more authoritarian governments that have exacerbated the economic and social crisis linked to the last hurricane season and the pandemic. On this last issue, the organizations continue to perceive the rejection and discrimination towards detained and deported people by linking them as carriers of the virus, so it is necessary to maintain informational and social awareness actions with governments.

Regional cooperation for security and development

The organizations participating in this space share a view of skepticism about the cooperation announcements on root causes and migration management. For example, it is complex to foresee a positive effect of policies focused on the fight against corruption in northern Central American countries linked to serious cases of corruption and drug trafficking, which in turn are necessary to maintain control over migratory transit to the north.

This situation reflects the complexity in addressing the root causes of migration, because in a certain sense, these same cooperation policies have directly and indirectly generated forced migration. That is, the agreements and economic investment for development from the United States and recently Mexico to the north of Central America are connected with population expulsion factors. Likewise, they fuel corruption among political and economic elites - for example, in El Salvador the final destination of the 30 million dollars invested by Mexico in social programs to prevent migration - which are aligned with the security agendas of the United States, is not known. under pain of suffering coups or economic blockades.

Although the importance of cooperation on issues such as human rights, violence against women, and corruption is recognized, it is clear that it is only conceived as an assistance package focused solely on the transfer of resources to corrupt governments, without clear control mechanisms, consultation, and participation of citizens and organized civil society. From this point of view, there is the need to influence and pressure that these packages be consulted with civil society in the United States and the recipient countries to recognize which programs should be implemented or reinforced. Likewise, it is important to emphasize that the urgent matter is to ensure the protection of people in their territories and in mobility, and not militarization within and outside the borders of the United States. Finally, it is important to analyze and build from the territories and in cross-border spaces the alternatives to create dignified conditions so that people are not forced to migrate risking their lives until they reach hostile communities and under military siege.