

Between Peace, Carceration, and Expulsion:

21st Century Latinx Forced Migration to the United States and Contemporary Responses of Law and Order

Invited lecture, George Mason University

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Structure

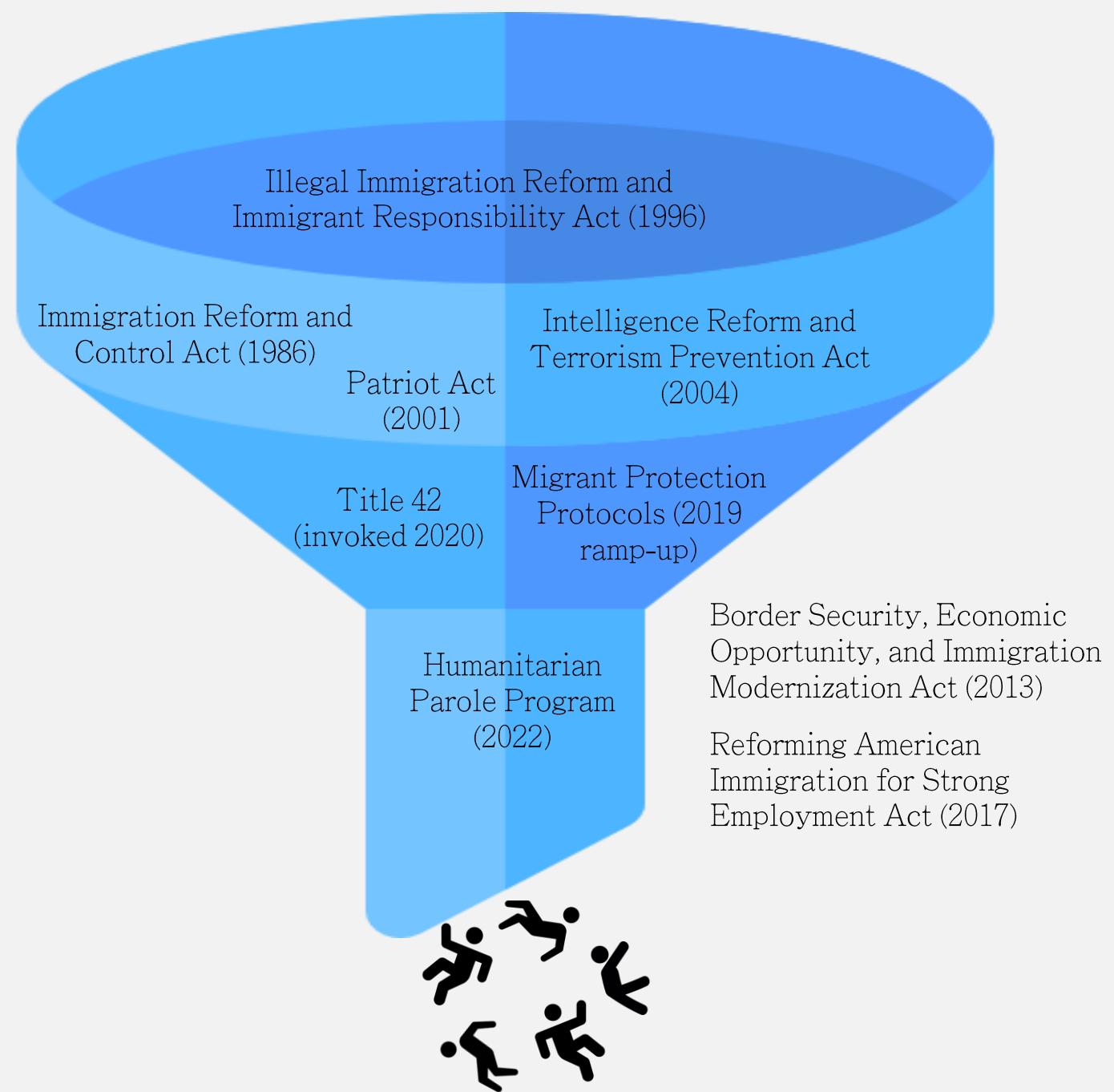
1. General overview of major Latinx refugee movements to the United States
2. 21st Century trends in U.S. refugee policy and admissions
3. Two cases: Central American migrant caravans & the Venezuelan exodus
4. Contemporary responses: Trump and Biden administrations

Refugee movements (selected)

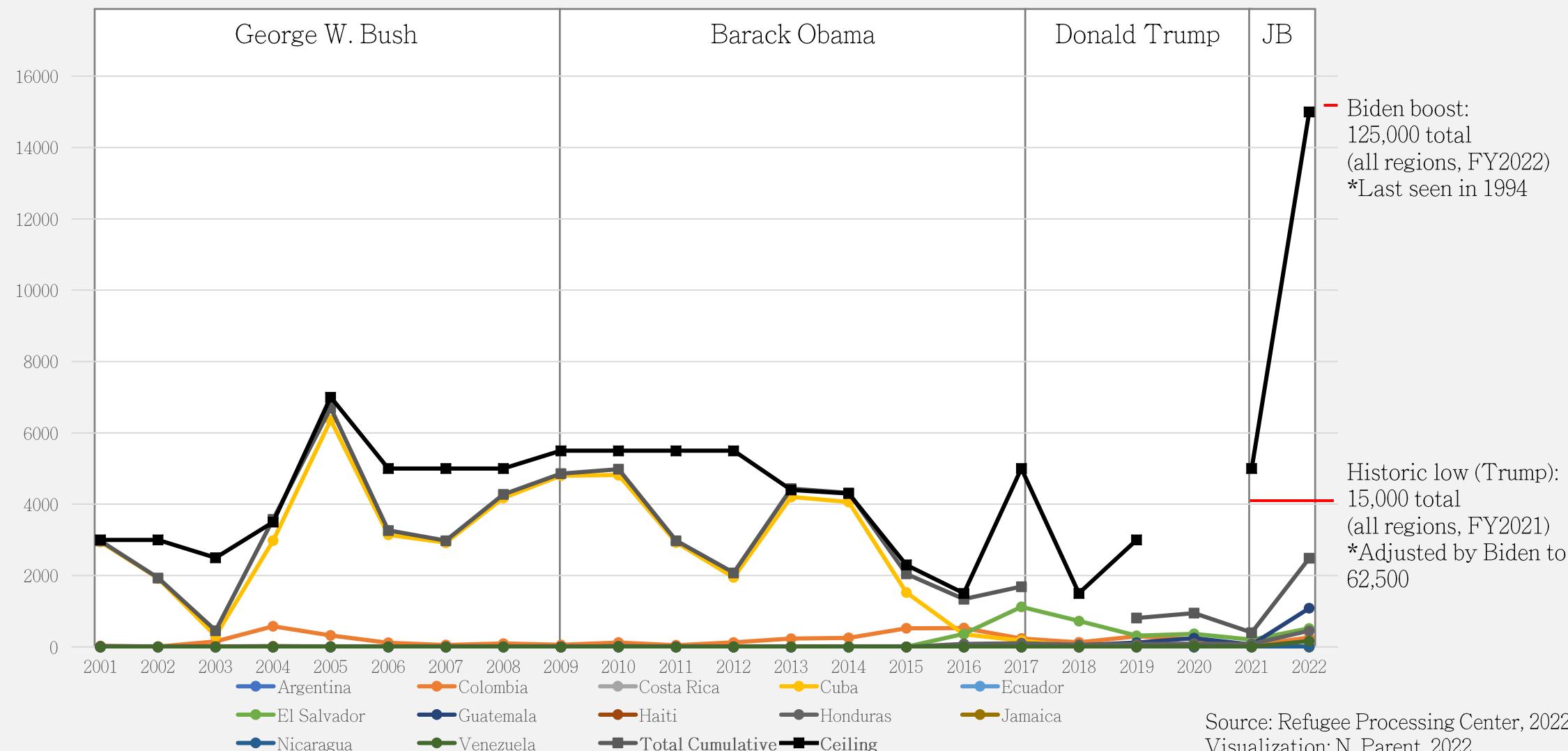


Legal landscape

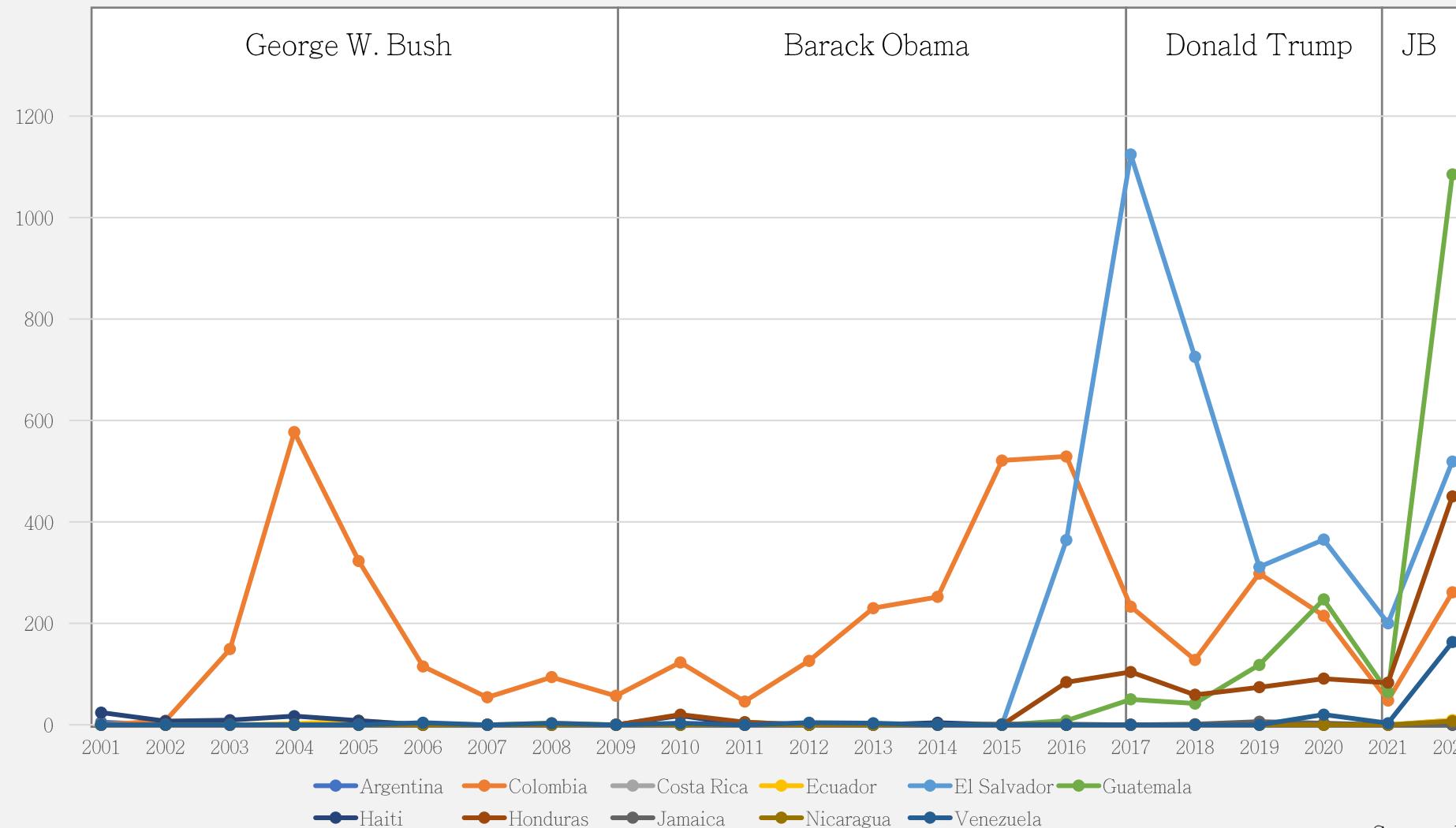
- Increased funding towards border enforcement and technologization (migration-security nexus)
- Lowering of refugee resettlement ceiling
- Increased interceptions and longer detention periods
- Increase in expulsions and deportations
- Expansion of carceral territories



Resettled refugees from Latin America and the Caribbean in the United States (2001-2022)



Resettled refugees from Latin America and the Caribbean in the United States, excluding Cuba (2001-2022)

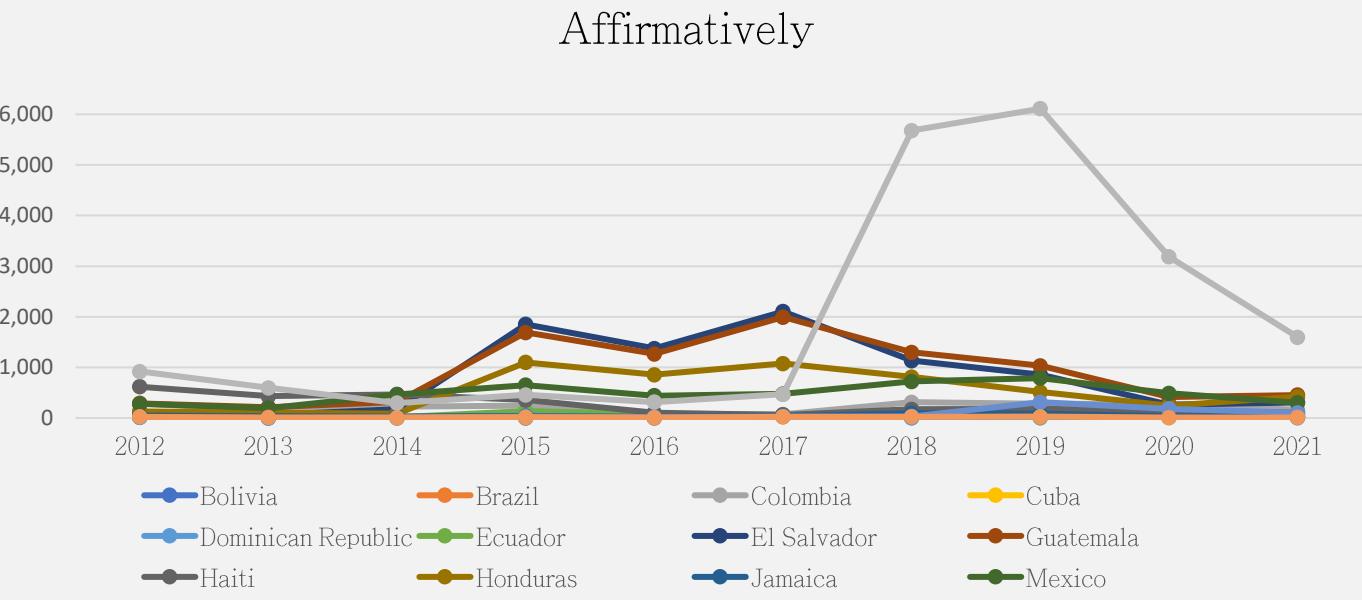


Source: Refugee Processing Center, 2022
Visualization: N. Parent, 2022

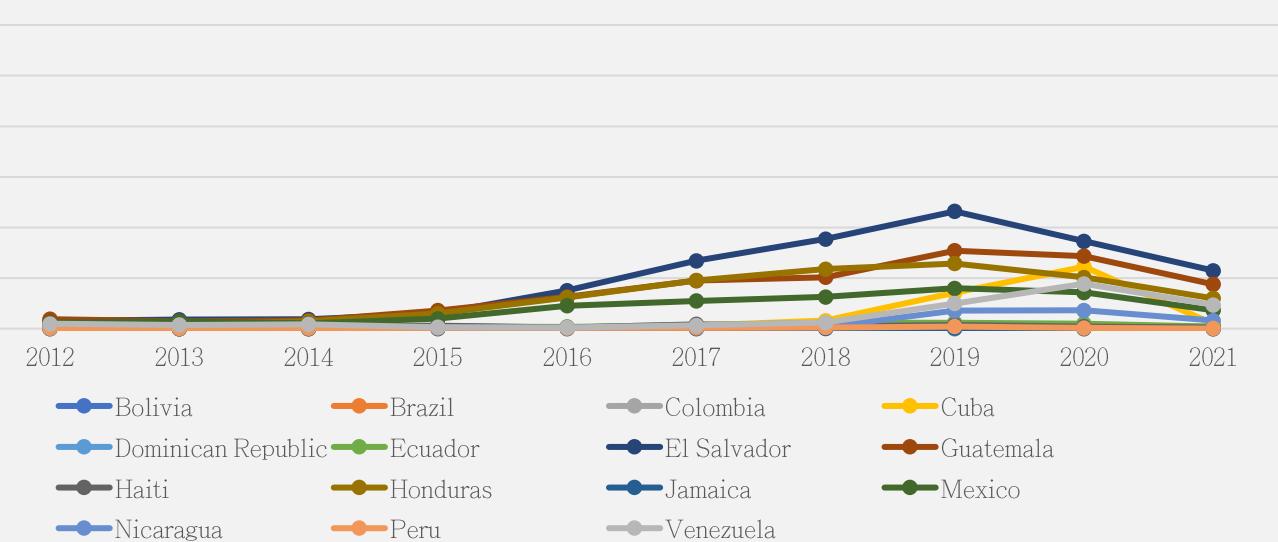
Individuals granted asylum (border entries)

- Affirmative asylum process:
 - Not in removal proceedings
 - Handled by U.S. Citizenship and Immigration Services)
- Defensive asylum process
 - In removal proceedings (ex: apprehended by U.S. Customs and Border Protection or Immigration and Customs Enforcement)
 - Handled by the Executive Office for Immigration Review at the DOJ

Source: Department of Homeland Security, 2022
Visualization: N. Parent, 2022



Defensively



Externalization of U.S. border

- Pre 9/11: George W. Bush and Vicente Fox initiate talks for safe and orderly migration → Changes towards securitization following September 11th attacks
- 2002: Smart Borders Program
- 2002: High-Level Group on Mexico-Guatemala Border Security (GANSEG) established → Belize added in 2005 to form GANSEF
- 2008: George W. Bush and Felipe Calderon establish Merida Initiative
- 2014: Kids in cages crisis under Obama Administration → *Operation Soconusco II* and *Programa Frontera Sur* in Mexico → increase in detention centers in Mexico
- 2019: Mexican cooperation with Migrant Protection Protocols (MPP)
- Etc.

Central American migrant caravans

- Starting as early as 2013; gains prominence in 2017
- Coordination through migrant solidarity groups such as *Pueblo Sin Fronteras*
- 2018 caravan numbers vary between 1,000-7,500
- More caravans in 2020, 2021, and 2022 (the latter included many Venezuelans)
- Increased deployment of Mexican and Guatemalan military in border areas



Source: Pedro Pardo / AFP / Getty, 2018



Venezuelan exodus

- First phase begins in 2000
- Second phase between 2006-2015
- Current phase begins in 2015



2000-2006



2006-2015



2015-Present

Routes of Venezuelan migration



Source: UNHCR

BBC

Source: BBC / UNHCR, 2018

Regional snapshot

- Most Venezuelans have remained in Latin America
- Usage of expanded refugee definition based on 1984 Cartagena Declaration
- Remaining migration policy liberalization architecture from the Pink Tide period
- Regional solidarity facing stresses and political shifts of the Conservative Wave



Title 42: COVID-19 measure limiting entries

"Whenever the Surgeon General determines that by reason of the existence of any **communicable disease in a foreign country there is serious danger of the introduction of such disease into the United States**, and that this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce such persons and property is required in the interest of the public health, the Surgeon General, in accordance with regulations approved by the President, **shall have the power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate in order to avert such danger, and for such period of time as he may deem necessary for such purpose.**"

(July 1, 1944, ch. 373, title III, § 362, 58 Stat. 704.)

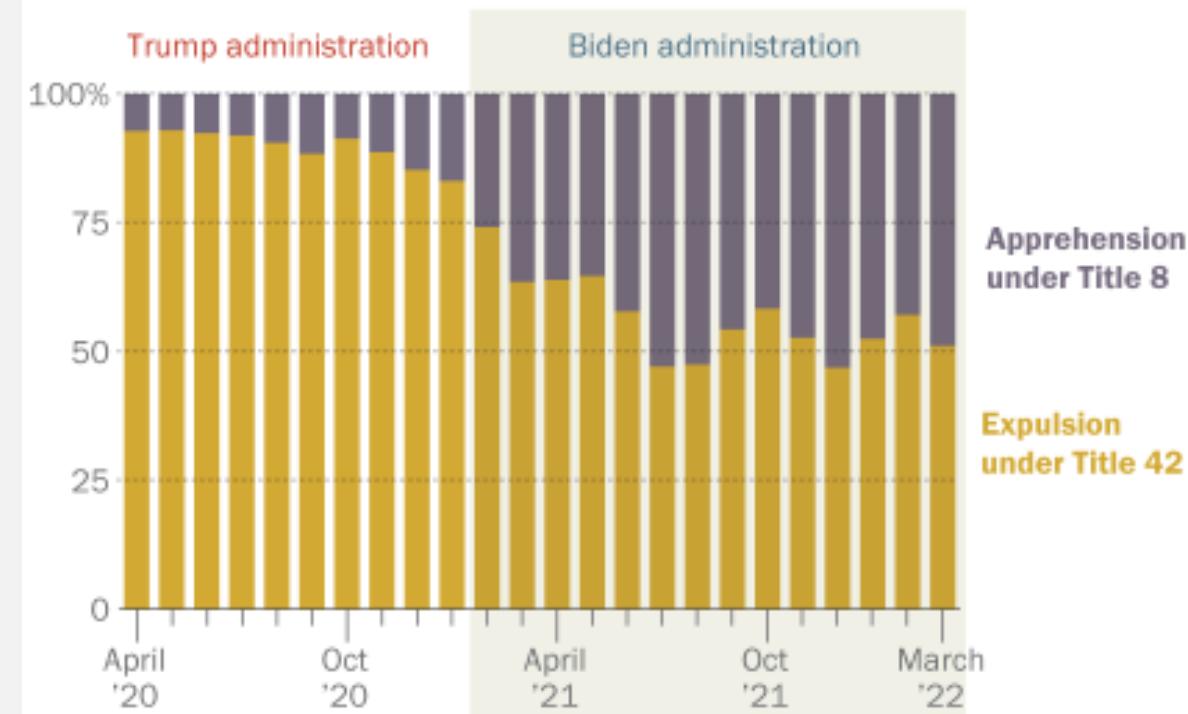
Title 42

Public health meets securitization

- Under pressure from the Trump Administration, the CDC invokes Title 42 in March 2020
- Allows Border Patrol agents to expel migrants without honoring the right to seek asylum (as allowed through Title 8), either back to their country of origin or to the country of transit (i.e., Mexico)
- Biden Administration announces lifting of Title 42 as of May 23rd, 2022
- Blocked by District Judge Robert R. Summerhays, supported by 20 Republican-controlled states, in April 2022

Use of Title 42 declined in the first months of the Biden administration

% of migrant encounters at U.S.-Mexico border that resulted in ...



Note: Encounters include expulsions, in which migrants are immediately sent back to their home country or last country of transit, and apprehensions, in which migrants are detained in the United States, at least temporarily.

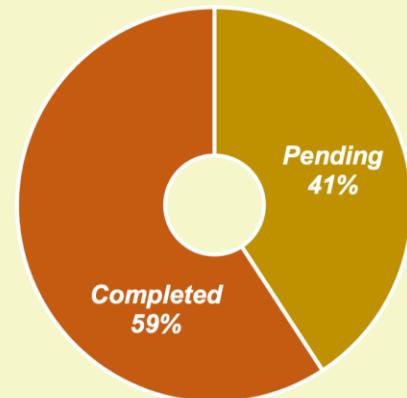
Source: U.S. Customs and Border Protection.

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Administrative backlog

“Over four out of every ten Immigration Court cases in which asylum applications have been filed since October 2000 are still pending. That means that of the 1.6 million Court cases in which asylum applications were filed, two-thirds of a million asylum seekers (667,229) are still waiting for hearings to resolve their cases. These wait times have ballooned. Current wait times for cases in the asylum backlog now average 1,621 days. This translates into 54 months or nearly four and a half years”

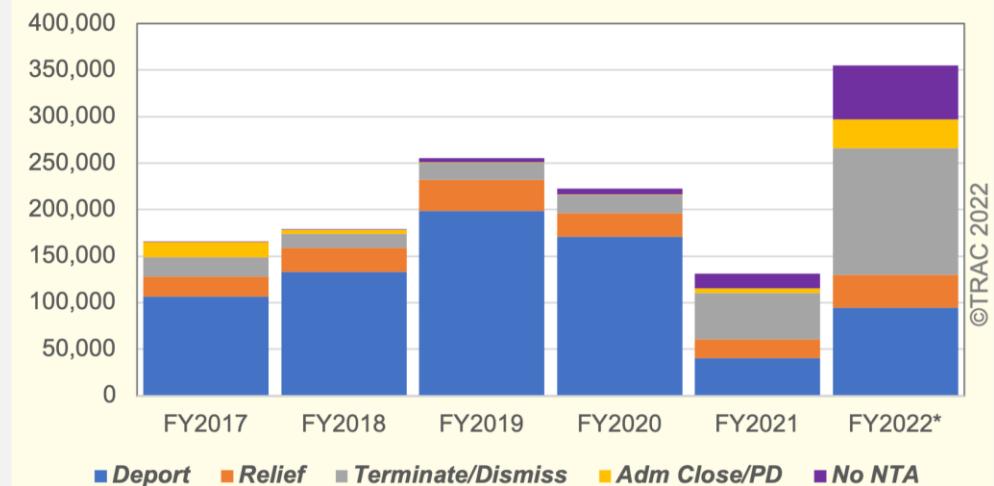
Asylum Applications Filed in Immigration Court,
FY 2001 - FY 2021



©TRAC 2021

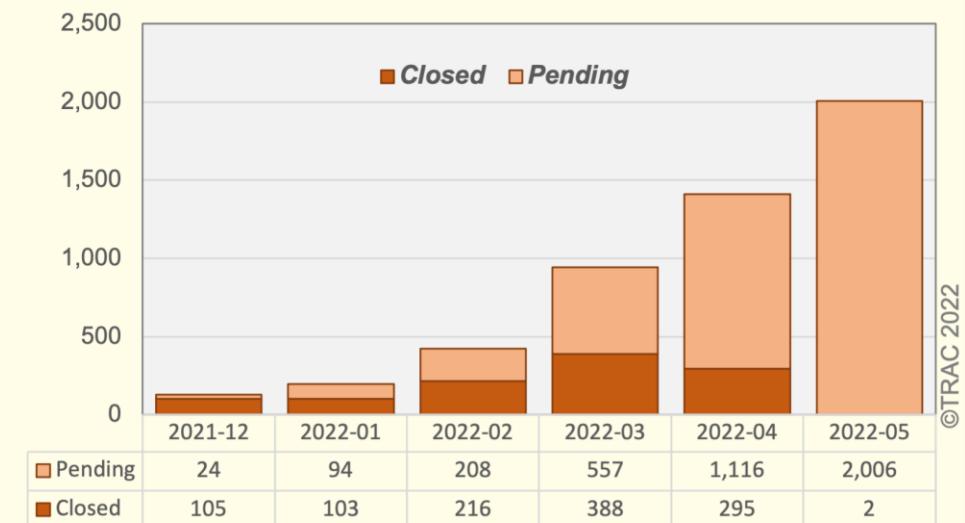
Source: TRAC Immigration, 2021

Immigration Court Removal Case Completions,
FY 2017 - FY 2022 (August)



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Immigration Court Cases Assigned to MPP 2.0



©TRAC 2022

Source: TRAC Immigration, 2022

Venezuelan Parole Program

- 24,000 Venezuelans maximum
- Application is done remotely; those accepted are flown to the U.S.
- Must have contact person (sponsor) in the U.S. that can financially support the applicant
- Comparable to ‘Uniting for Ukraine’ program (over 100,000 applicants accepted, no limits applied)
- Ramping up of expulsions (political back peddling; continuation of Title 42)
 - Approximately 150,000 Venezuelans apprehended between October 2021-August 2022
- Dissuasion of southern border entries

THANK YOU!

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