News



Migrants expelled from the U.S. and sent back to Mexico under Title 42 walk toward Mexico at the Paso del Norte International border bridge July 29, in this picture taken from Ciudad Juarez, Mexico. (CNS/Reuters/Jose Luis Gonzalez)

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Immigration advocates are calling for an end to a controversial Trump-era policy that expels people at the border without due process allegedly in the name of public health — a policy also being used against Haitian immigrants at the Texas border.

The Biden administration, however, continues to fight for the policy, called Title 42, even as a federal district court has ordered the administration stop using the law. The Biden administration is challenging that court ruling.

Put into place in March 2020, Title 42 relies on an obscure 1944 public health law to allow summary expulsion of noncitizens at the border. Immigration advocacy organizations point out that Title 42 is a violation of U.S. asylum laws and relies on "bad science," while public health experts have warned that it "serves to weaponize public health and undermine the apolitical nature of the CDC."

Many immigration advocates say they are frustrated with the Biden administration's response to immigration. "If you ask any organization along the border, they will tell you they're failing at immigration," said Dulce Garcia, executive director of Border Angels, a nonprofit organization that works to end fatalities along the US-Mexico border.

"The Biden administration has good intentions but has not been ready to move swiftly to correct the Trump administration, the biggest [mistake] being Title 42," she added. "The encampments [in Tijuana] are so bad, mothers are willing to send their children [to cross the border] alone because it might be safer."

Enrique Morones, founder of Gente Unida, a human rights border coalition, also has been disappointed, citing the Biden administration's choice to uphold the Title 42 policy; its back and forth with "Remain in Mexico," a policy that forces asylum-seekers to wait in Mexico while their asylum case is pending; and Vice President Kamala Harris' comments to Central Americans not to migrate to the United States.



Enrique Morones, pictured Aug. 27 in Chicano Park, in San Diego, California, points to a mural done for immigration. Morones appears in the mural. (Melissa Cedillo)

Garcia explained that Title 42 has led to an increase of people living in what she explained as "tent cities" on what used to be a port of entry on the Mexican side of the border. That port of entry was also closed due to COVID-19, she said.

Title 42 drives people to cross through the desert because there is no hope of being able to cross lawfully, she explained. Border Angels, an organization known for its "water drops," strategically leaves water and other humanitarian materials for those who cross in the desert.

According to Garcia, the group has seen the materials they leave in the desert be consumed quickly and an increase of distress calls from people who have family members who have decided to make the journey across the desert.

Even as Title 42 has made it nearly impossible for migrants and asylum-seekers who are trying to come to the U.S., some immigration advocates see a double standard: Americans can cross into Mexico and back with little to no testing or proof of

vaccine, but vulnerable asylum-seekers and migrants are told to stay out due to public health concerns.

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Migrants who could have COVID-19 are seen as a threat to the nation but not the American who went to Mexico to party and came back, pointed out Fr. Ramiro Sanchez Chan, a priest at Our Lady of Guadalupe in Chula Vista, California. He sees that as morally wrong.



San Diego Auxiliary Bishop Ramon Bejarano pictured Feb. 27 (CNS/Courtesy of the San Diego Diocese)

When making pastoral visits over the summer to the San Diego Convention Center, used as a holding facility for children waiting to be paired with their parents or sponsors, Chan observed that immigrants coming into the U.S. followed COVID-19 safety precautions by wearing masks and staying socially distant.

Advocates agree that reform and changes in immigration policy are needed immediately.

"It does not help to act out of fear. There's a safe way to still help even during a pandemic," said San Diego Auxiliary Bishop Ramón Bejarano.

"Decade after decade, immigration has been an issue for the United States. It's not going anywhere," he said. "If there's a good comprehensive reform, it will be good for all of us."

Catholics have a particular call to respond to what is happening at the border with welcome, Catholic advocates said.

"They [migrants] are knocking at your door. You must answer," said Chan. "You need to decide if you want to help or not."

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