



BORDER OBSERVATORY

ABANDONED AT THE BORDER:
THE IMPACTS OF THE
EXPANSION OF TITLE 42
TO VENEZUELAN NATIONALS



The Hope Border Institute (HOPE) brings the perspective of Catholic social teaching to bear on the realities unique to our US-Mexico border region. Through a robust program of research and policy work, leadership development and action, we work to build justice and deepen solidarity across the borderlands.

Author

This report was researched and written by Patrick Giuliani, with support from Omar Ríos, both of the Hope Border Institute.

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We are grateful for the stories shared with us by vulnerable persons on the move. Their continued hopeful resistance to unjust policies such as Title 42 gives us strength to continue working for the humane treatment of persons at the border.

Border Observatory. Abandoned at the Border: The Impacts of the Expansion of Title 42 to Venezuelan Nationals

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Key Findings

- The Biden administration has expanded Title 42 to Venezuelan migrants and asylum seekers at the US-Mexico border, an unjustified and discriminatory use of a public health order as a migration management tool.
- This program can be used as a precedent to create similar asylum-denying programs applied to other nationalities, allowing for the further externalization of migration processing and enforcement.
- This dramatic expansion of Title 42 has left over 83,000 Venezuelans stranded with no ability to access international protection at the border.
- The removal process has separated family units and placed individuals, including vulnerable people such as young children, single mothers and elderly people on the streets, lacking access to food, shelter and medical support.



Background

On 12 October 2022, in response to the increase in the arrivals of Venezuelans at the border, the U.S. Department of Homeland Security (DHS) announced a 'New Migration Enforcement Process.'¹ The process, modeled in part on the 'Uniting for Ukraine' program, opened up the possibility of parole, under very strict conditions, for 24,000 Venezuelan nationals and their immediate family members fleeing the significant political, social and economic instability in their home country. However, the program was paired with a dramatic and unjustified expansion of the use of Title 42 for Venezuelans at the US-Mexico border.

The use of Title 42 as a migration management tool to mass expel migrants and asylum seekers at the border, first started under the Trump administration. While the Biden administration originally took steps to roll back its use, its recent expansion to Venezuelans represents a dramatic escalation and its openly discriminatory character exhibits the lack of public health rationale.² This extension of Title 42 is also concerning in that it might serve as a model or pilot to apply to other nationalities.

U.S. Customs and Border Protection (CBP), has encountered over 180,000 Venezuelan migrants along the Southwest border from October 2021 to September 2022.³ In September 2022 alone, there were over 33,804 Venezuelan migrants encountered, significantly exceeding the 24,000 cap that the new parole program plans to accept.⁴ Previously, in the absence of agreements with Venezuela or Mexico, the United States was unable to expel Venezuelans under Title 42 to either of those countries. That changed, however, on 12 October with the announcement of a bilateral agreement between the United States and Mexico, under which Mexico

would receive expelled Venezuelans in exchange for 40,000 additional non-agricultural temporary work visas for Mexico.⁴

Vulnerable persons on the move from Venezuela, including asylum seekers, who attempted to enter the United States or who crossed into Panama or Mexico irregularly after the announcement of the Venezuelan program are ineligible for the parole program. Strict eligibility requirements – having a sponsor, being able to pay the cost of plane tickets and having a passport – left no path for relief for the people in the most vulnerable situations and have left an estimated 83,000 Venezuelans in Mexico as of September 2022 in a cruel state of limbo.⁵

The recent expansion of Title 42 and its openly discriminatory character exhibits the **lack of public health rationale.**

Within the first two weeks of the Venezuelan program implementation, roughly 2,000 individuals were returned to Ciudad Juárez, and an estimated 5,100 were returned across the entire border to Mexico.⁶ To understand the human impacts of these actions in this sector of the US-Mexico border, the Hope Border Institute interviewed 43 individuals expelled under Title 42 to Ciudad Juárez immediately following the announcement of the new policy change. This brief summarizes our findings.



Realities of the Policy

Soon after the announcement of the new policy on 12 October, CBP began to expel Venezuelan nationals to Mexico. While in the initial days the majority of those expelled were single men, expulsions soon came to also include women and family units. In the Ciudad Juárez and El Paso area, US immigration enforcement agencies set up temporary structures and barriers to be prepared for the processing and expedited expulsion of Venezuelans on the banks of the Rio Grande.

The migrant hospitality network in Ciudad Juárez, already significantly burdened by continuous expulsions of migrants under Title 42, struggled to meet the needs of the expanding population of expelled Venezuelans. Communication on the part

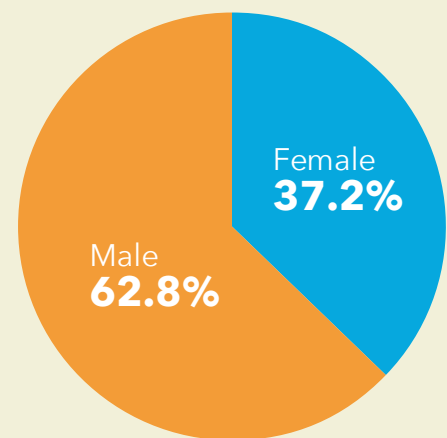
of the US and Mexican governments with the NGO and faith-based shelters was minimal. The State of Chihuahua established two additional shelters to meet the needs of Venezuelans, with a maximum capacity of 350.

Both the confusion regarding the policy change as well as the effective lack of shelter space led to the development of informal open-air camps, one in the vicinity of the Ciudad Juárez downtown as well as another nearby on the banks of the Rio Grande. The population of these camps, consistently around 300 persons, has varied depending on new arrivals, newly expelled migrants, the arrival of people from other nations and the departure of those who can secure space in shelters or housing elsewhere.

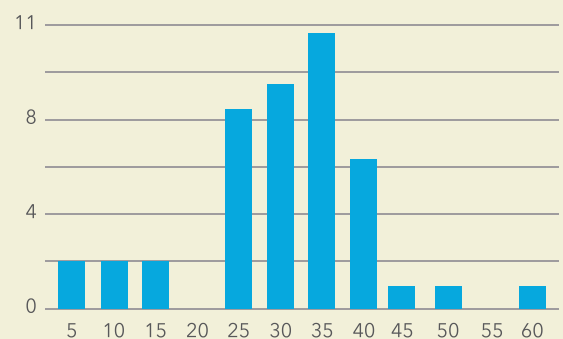
On 20-21 October, HOPE interviewed 43 persons staying in both open-air camps, including 40 Venezuelan nationals and 3 Colombian nationals, all of whom were attempting to access asylum at the US-Mexico border. Only 8 persons made the journey from Venezuela to the border on their own; the majority arrived as family units. The average length of the journey to the border was one month. The average age of those interviewed was 30 years old. The oldest person interviewed was aged 58, and children as young as 5 months old were observed in the camps. The vast majority of persons interviewed and observed were young adults who expressed frustrations and a lack of hope about current political and economic issues facing their home country. The lack of opportunity and humane conditions in their country of origin made it nearly impossible for them to sufficiently live a dignified life or provide for their family.

Most participants described the journey from South America to the border as arduous and challenging, especially the journey through the Darien Gap. Those that spoke of this part of their journey were shocked by the conditions they experienced and witnessed in the jungle.

Gender and age breakdown of those interviewed by HOPE



Gender breakdown



Age breakdown

The Darien Gap



The Darién Gap is a 66-mile stretch of jungle terrain that connects South and Central America along the border of Panama and Colombia and which is notorious for being extremely dangerous and difficult to cross. Panama’s National Migration Service has documented over 151,000 individuals making this dangerous crossing so far in 2022, with over 48,000 crossing in September alone.⁷ Over 107,000 of those crossing are migrants coming from Venezuela with the next highest population crossing being Haitian migrants at 8,600.⁸

The large presence of Venezuelans crossing through the Darien gap has been attributed in part to the difficulty of gaining admittance to Mexico. Starting

on 21 January 2022, Mexico required Venezuelan nationals to obtain a visa in order to enter Mexico.⁹ Visas require the proper documentation and the paying of fees that even in the best of conditions can be complicated. As many Venezuelans and other individuals seeking protection are displaced throughout Latin America, attempting to make ends meet in a post-pandemic world, obtaining the proper documentation can become an insurmountable barrier. These changes in policy alongside the exacerbated economic and political issues have rerouted the flow of people to the Darien gap making it the main access point into Central America as they start their journey to the US.

Many described threats and dangers to their physical persons and displayed traits and behavior consistent with trauma. Nearly every single person spoke about being a victim of crime during their journey, including but not limited to assault, robbery, verbal harassment and being held for ransom. Over 30 of the 43 interviewees were victims of extortion, with the most common perpetrator being law

enforcement agents. All had personal experiences or had witnessed someone accompanying them who was extorted or abused by law enforcement or immigration enforcement personnel, especially in Central America. At least one-quarter of those interviewed had their money and personal belongings stolen.

Oliver's Story

Oliver* was a member of an opposition political party in Venezuela. He often attended political protests where he was routinely threatened, verbally abused, physically assaulted and even shot at by law enforcement officers. Fearing for his life, he fled Venezuela, first to Colombia, hoping he would be safe there. During his time in Colombia, he started a family, got married and had a child.

As he was working to provide for his family, he was coerced to comply with the local drug trafficking organization after they threatened to harm his family. As their demands escalated, Oliver was separated from his family and their well-being was used as leverage to obtain his continued compliance. He

endured this situation for over a year until after missing his son's first birthday, his desperation took over and he decided he could not live like this any longer.

Fleeing Colombia, he cut off all direct communication with his wife trying to protect his family from potential retaliation and came to seek asylum at the US-Mexico border. During his journey to the border, he was assaulted and robbed by law enforcement agents in Mexico who took his passport as well as important evidence corroborating his asylum claims.

** Name has been changed in order to maintain anonymity.*

Many of those expelled under the expansion of Title 42 to Venezuelans had crossed the border to make asylum claims several days before the announcement of the new policy.

One family crossed over as early as 7 October and was held for over a week before being returned to Mexico under the new policy.

While detained, 31 of the 43 individuals interviewed described having had no opportunity to talk to anyone about their asylum claim. Enforcement agents took their photographs and fingerprints and placed them in holding facilities, where many describe having to sleep on the floor and receiving indigestion-inducing food. Only some were asked about medical issues and Covid-19 vaccination status. People described being ignored when requesting information or voicing claims regarding asylum.

Following their expulsion to Ciudad Juárez, many participants described having had feelings of confusion and anxiety. Personal belongings were confiscated and not returned. One mother with a toddler was returned to Mexico without the clothing and diapers she had brought with her.

Participants also described being separated from their families. One mother traveling with her children was separated from her 17-year-old brother. While she was expelled to Ciudad Juárez, her brother was put into the custody of the US government. Another pair of siblings also reported being separated and were expelled to Ciudad Juárez from different locations at different times.

Mexican immigration authorities granted those that were expelled temporary authorization to remain in Mexico for two weeks. On 23 October,

the *Instituto Nacional de Migración* (National Institute of Immigration) provided a provisional extension, based on humanitarian grounds, to the original authorization, permitting Venezuelans removed under Title 42 to stay a total of 180 days with the opportunity to work.¹⁰ Elected officials in Mexico as well as border enforcement officials in the United States have reported ongoing negotiations between the US and Mexican governments to transport Venezuelans away from the border and into the interior of Mexico as well as to transport Venezuelans by air back to their home country, raising the specter of refoulement.¹¹

The *Instituto Nacional de Migración* has been facilitating discounted flights for people to return back to Caracas. On 5 November 2022 INM directly organized a return flight containing 140 individuals back to Venezuela with participation from officials from Venezuela's embassy.¹² Meanwhile, throughout Mexico other Venezuelan asylum seekers have decided to instead apply for asylum in Mexico after being expelled from the US. The Mexican government's Refugee Aid Commission (COMAR) received over 11,300 requests for protection during the month of October.¹³

In Ciudad Juárez, many people report fear of leaving the temporary camps, despite their challenges. Some persons have experienced harassment and theft at the hands of corrupt police officers. The camps are also frequented by several unknown individuals. People whispered about the presence of coyotes or smugglers prowling near the camp looking for new customers. Parents describe fears of losing their children to kidnappers. Two women mentioned that they had been sexually harassed and assaulted by people who they believed were part of the local criminal organizations.

Many others remain in the camp believing that US policy may soon change. Because a small number of Venezuelans have been paroled into the US, even after the announcement of the new policy, some continue to hold out hope that they might eventually be granted entry and fear losing any opportunities by abandoning the camp.

On 30 October, this combination of uncertainty, anxiety and hope led to an organized demonstration. Carrying large flags of their home country and processing along the riverside a couple of individuals crossed the Rio Grande and onto US territory to make asylum claims.¹⁴ Those who were part of the demonstration that crossed the river, including family units and children, were repelled with force, including by 'pepper pellets' fired by border enforcement agents.¹⁵ This violent incident is symbolic of the injustice of Title 42 and the fundamental untenability of blockade strategies to control migration at the border.

Civil society organizations and faith communities as well as some actions by government agencies in Mexico provided for the immediate needs of those returned to Ciudad Juárez, including the provision of additional shelter, clothing and food, as well as medical and psychological care. Nevertheless, the expansion of Title 42 represents a significant burden on an already strained safety net for migrants and refugees expelled to Mexico and it is unclear if the United States will expand Title 42 to additional nationalities. With the arrival of winter months, night temperatures risk falling below zero, putting the health and safety of vulnerable persons in danger.



Bishop Mark Seitz and HOPE together with Venezuelan asylum seekers camped out along the Rio Grande in Ciudad Juárez.

HOPE's Response

The Hope Border Institute, in partnership with Bishop Mark Seitz of the Diocese of El Paso, is investing over \$100,000 through its Border Refugee Assistance Fund to respond to the ongoing arrival of migrants and asylum seekers to the US-Mexico border, including the recent Venezuelans population.

As the expulsion of Venezuelans to Ciudad Juárez began, HOPE's initial focus was meeting the immediate needs of food, clothing and shelter. HOPE also established Clinica HOPE, a volunteer medical program with medical professionals from El Paso who volunteer their time to provide primary care to migrants. Additionally, HOPE has been partnering with other local partners in Ciudad Juárez to ensure that people on the move and in shelters have access to both basic medicine and mental health services.



Recommendations

- End Title 42, including the discriminatory use of Title 42 against Venezuelan nationals, and fully restore access to asylum across the southwestern border.
- Ensure that those who come to the US seeking protection and fleeing persecution are not sent back to their country of origin, in direct violation of the principle of non-refoulement.
- Prevent the use of Title 42 or similar policies that attempt to externalize migration and place restrictions on who may seek protection on discriminatory grounds such as nationality, means of entry or financial means.
- Prioritize maintaining family units together and reunifying those that have already been separated.
- Ensure people retain access to their personal property, including evidentiary materials relating to their asylum claims.
- Redouble efforts to rebuild and strengthen the capacity of the U.S. Refugee Admissions Program to process more refugees from Venezuela and other countries.
- Create a safe, humane and dignified system for the reception of vulnerable people on the move at the border, flexible and adaptable to changing migration flows and the unique needs of individuals and families.

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