# Biden administration preparing to detain tens of thousands of migrants after pandemic border restrictions are lifted

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The Biden administration is preparing for a record surge of migrants entering the US following the lifting Thursday of restrictions first implemented by Trump under the guise of the COVID-19 pandemic which allowed the US government to quickly deport migrant families with children on public health grounds. The rule, known as Title 42, was blocked by a federal court order last month.

A report by NBC News on Thursday said that Homeland Security Secretary Alejandro Mayorkas held a call this week with senior department officials and asked if the department, "was prepared for a worst-case scenario in which 350,000 to 400,000 migrants cross the border in October." The information was provided to NBC by two unnamed Department of Homeland Security (DHS) representatives.

According to NBC News the DHS officials said that Mayorkas's estimate is not based on intelligence information or immigration department calculations but was "meant to prepare the agency for what could be an overwhelming number of migrants who cross."

The officials also told NBC News that DHS is concerned that migrants may view the lifting of Title 42 as the time to cross the border and that they will be permitted to remain in the US "despite rulings on their asylum cases."

On September 16, US District Judge Emmet Sullivan ruled that Title 42—a Centers for Disease Control and Prevention (CDC) authority implemented by the Trump administration in March 2020—could not be used by the Biden administration to stop asylum seekers from entering the US through Mexico.

Judge Sullivan's ruling was in response to a lawsuit filed by immigrant rights groups and was scheduled to go into effect after 14 days on September 30. The Biden administration has appealed the ruling to the US Circuit Court of Appeals for Washington, D.C. and may also appeal it to the Supreme Court if the ruling is not overturned by the lower court.

The Trump administration used Title 42 early on in during the pandemic, not as a public health measure but to prevent asylum seekers from entering the US. The migrants were turned back to Mexico regardless of their nationality.

The CDC extended Title 42 indefinitely in August, saying it would remain in effect, "until the CDC Director determines that the danger of further introduction of COVID-19 into the United States from covered noncitizens has ceased to be a serious danger to the public health, and the Order is no longer necessary to protect the public health."

In his 58-page judgment striking down Title 42 blocking, Sullivan ruled that the border policy does not allow for expulsion of migrants and therefore does not allow for those removed to be denied the opportunity to seek asylum in the US. According to international and federal law, individuals coming to the US must be permitted to apply for asylum.

The Biden administration used the 14-day window provided by Judge Sullivan to deport more than 5,000 refugees, mostly from Haiti, who had arrived at Del Rio, Texas on the US-Mexico border. With the use of "expulsion and removal flights," the migrants were transported to Border Patrol facilities and then to planes which departed from San Antonio, Texas bound for the capital of Haiti, Port-Au-Prince. Most of these refugees have not lived in Haiti for decades, if they ever lived there at all.

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In August alone, the Biden administration used Title 42 to expel more than 93,000 people. More than 1 million migrants have been deported from the US under Title 42 since it was implemented by the Trump administration and nearly 700,000 of these have been carried out since Biden took office.

On Thursday, Secretary Alejandro Mayorkas issued a memorandum to the heads of the divisions within the Department of Homeland Security—including Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP)—outlining how immigration law is to be enforced in advance of what is expected to be the biggest increase in migrants crossing the southern US border in decades.

Indicating the intentions of the Biden administration, Mayorkas begins the document by noting, "This memorandum provides guidance for the apprehension and removal of noncitizens." The arrest and deportation guidelines, scheduled to take effect on November 29, are part of the Biden administration's effort to conceal the fact that it is extending and intensifying much of the border policy and immigration law enforcement tactics carried out by the fascistic, openly xenophobic Trump administration.

The memo states, for example, that DHS will "prioritize for apprehension and removal noncitizens who are a threat to our national security, public safety, and border security." In an interview with the *Washington Post*, Mayorkas presented the plans for a massive roundup of immigrants as a matter of resource management. He said, "Are we going to spend the time apprehending and removing the farmworker ... Because if we pursue that individual, we will not be spending those same resources on somebody who does, in fact, threaten our safety. And that is what this is about."

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