Biden administration announces end of Title 42 anti-asylum policy, issues a fast pass for Ukrainian refugees

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On Friday the Centers for Disease Control and Prevention (CDC) issued a Public Health announcement confirming it was terminating the use of the Title 42 Order on May 23. The move is in accordance with statements earlier this week by the Biden administration that it will halt the immigration ban initiated by the Trump administration at the onset of the COVID-19 pandemic. Trump cited public health concerns in order to justify the closure of the United States' borders to migrants and halt all applications for asylum.

As recently as last month the Biden administration defended the extension of the policy, lifting it only for unaccompanied minors, while continuing to deny asylum for families and adults.

However, in recent weeks a growing number of Ukrainian refugees have landed at US border crossings fleeing the US/NATO-led war. Many are arriving in Mexico on flights from Paris to Mexico City and Tijuana. These refugees are presenting themselves primarily at the San Ysidro crossing at the US/Mexico border in San Diego, the most frequently crossed border in the world.

Unlike their counterparts from Latin America, the Ukrainian refugees are being processed and entering the United States in a matter of hours or days, what is essentially a fast track as tens of thousands wallow in migrant encampments along the border awaiting their turn for the processing of asylum.

Despite their quick turnaround, many are commenting on the inhumane conditions in the border processing jails. Mark Lehmkuhler, a US citizen, reported that his fiancée who is a Ukrainian citizen was held overnight in a detention center. He told NBC news that she had to sleep in a holding cell with metal benches cramped with nine other women. They were given thin mats and forced to use an open toilet in the room.

"There is no rhyme or reason why they treated people like this. Nobody was prepared," Lehmkuhler said.

The announcement of the ending of Title 42 and the arrival of a growing number of Ukrainian refugees are treated in the mainstream media as entirely separate phenomena.

The reality of the situation is that the Biden administration and the Democratic Party, which oversaw unprecedented numbers of deportations under the Obama administration, had no intention of lifting Title 42. Since assuming office in January 2021 the Biden administration has defended the anti-migrant policy in response to litigation brought by the American Civil Liberties Union (ACLU) and immigrant rights groups.

The Biden administration is compelled to formally drop the immigration policy because it cannot justify the hypocrisy of allowing Ukrainian refugees into the country, an act which directly undermines the Title 42 policy currently in place.

Simultaneously, all COVID-19 mitigation measures have been dropped throughout the country even as the US reached the grim milestone of over 1 million dead. Despite growing case numbers of infections by the BA.2 Omicron subvariant, the administration has overseen the lifting of all mask mandates in schools and indoor settings. The argument that Title 42 was needed in the "interest of public health" no longer holds water with the dropping of all COVID-19 restrictions and the full resumption of international travel.

Title 42 was first invoked in March 2020 by the Trump administration, which cited the COVID-19 pandemic as justification for halting the processing of asylum cases for hundreds of thousands of migrants. Title 42 is part of a 1944 law which grants the US president broad powers to block foreigners from entering the country in order to prevent the "serious threat" of a dangerous disease.

Stephen Miller, Trump's fascistic immigration adviser, who long saw the special protections children are granted under asylum law as a major hurdle, seized on the crisis to carry out this policy. Miller had, in fact, attempted to invoke the law twice before, during a mumps outbreak in the immigration jails and once again during the flu season.

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Trump, Miller and the Republican Party and its far-right allies have been at the forefront of the lifting of restrictions and reopening campaigns. Yet the public was supposed to believe the lie that Title 42 was invoked to stop the spread of COVID-19, while the administration simultaneously pushed for the full reopening of the economy and herd immunity policies.

Millions turned out to the polls in 2020 believing a Biden administration would provide a more humane response to the COVID-19 pandemic, as well as moderate the ruthless immigration policies of Trump, but the opposite has been the case. The Democratic Party has shown its bipartisan agreement with brutal crackdowns on immigration, defending both Trump-era policies of Title 42 and the 2019 Migrant Protection Protocols (MPP), also known as "remain in Mexico," that require every person seeking asylum in the US to wait in Mexico while a judge evaluates his or her claim.

In February the Biden administration deported its 20,000th Haitian migrant, according to the Washington Office on Latin America (WOLA), as the administration has chartered flights filled with deportees.

In the run-up to the May 23 expiration of Title 42, the Biden administration has been working to stop migrants from Central and South America before they reach the southern border. Washington, which has historically treated Latin America as its backyard, is demanding that governments step up their immigration controls and crackdown on travel without visas. In his State of the Union address last month, Biden confirmed, "We're securing commitments and supporting partners in South and Central America to host more refugees and secure their own borders."

During March, Biden hosted Colombian President Iván Duque at the White House, and US Homeland Security Secretary Alejandro Mayorkas met with officials in Costa Rica and Mexico, which play key roles in transit routes from South America and abroad.

Costa Rica began requiring visas for Venezuelans and Cubans in February with the purpose of slowing their migration north. Mexico began requiring the same from the two countries in January.

As a result of these new visa requirements, Al Jazeera reported that "US authorities encountered Venezuelans along the US-Mexico border 3,072 times in February, down sharply from 22,779 times a month earlier" which "demonstrate[s] the impact of Mexico's new requirement for Venezuelans which took effect January 21. Colombians, who do not require visas for Mexico travel, were encountered 9,600 times, up from 3,911 times in January."

These countries have been targeted because they host growing numbers of migrants. Thousands of Haitians seeking asylum in the US pass through Colombia every week. Colombia is also home to some 1.8 million Venezuelans fleeing political and economic turmoil. Costa Rica has been receiving tens of thousands of Nicaraguans annually since political protests and crackdown began there in 2018.

The lifting of Title 42 and the crackdown on migrants in Central and South America are for the purpose of stopping migrants before they reach the border, whatever the cost, while saving face and allowing Ukrainians to enter the US who take direct flights to Tijuana and Mexico City.

Pseudo-left radicals and other middle class layers, who view the world entirely through racial lenses, are denouncing the acceptance of Ukrainian refugees as "racist double standard." But such a stance neglects the connection of the plight of ordinary Ukrainians fleeing war to Washington's war aims, which are bound up with the threat of a nuclear world war that would engulf the entire planet and bear the heaviest tolls on the working masses in each country and of all races.

As the WSWS wrote last month, "If Title 42 should in fact be lifted, it will not be because the right to asylum under international law has been reinstated or has been strengthened. It will be for the purpose of public consumption and propaganda to justify the US/NATO-provoked war against Russia all while the tens of thousands of poor souls from Mexico, the Northern Triangle and Latin America will continue to confront the same brutality."

Only a revolutionary socialist movement led by the international working class can stop a nuclear third world war which Washington-led NATO is recklessly risking to prop up its declining global hegemony. The working class, which is itself international, must build its political leadership to fight for a world free from war, immigration jails, borders, and the horrors bound up with the division of the world into nation-states under capitalism.

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