

Biden looking to delay end to Title 42 mass expulsions of migrants at US-Mexico border

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The Biden White House is looking to delay or reverse its pledge to terminate next month the policy known as Title 42, which sanctions the summary expulsion of migrants from Central and South America and the Caribbean who seek entry into the US from Mexico under the guise of combating the spread of COVID-19.

With his poll numbers plummeting and a virtual revolt by Democratic lawmakers who fear losing their positions in the November midterm elections, Biden is thrashing about for the best way to capitulate to a crescendo of attacks by Trump and the Republicans on the so-called immigrant “invasion” across the southern border.

The GOP has seized on the announced end of Title 42 to double down on its charge that Biden and the Democrats support “open borders” and the flooding of America with criminals, gang members and drug dealers from Central and South America.

The Republicans are at the same time using their parity in the Senate and near-parity in the House to block a bill for anti-COVID resources and possibly a bill to fund more military aid to Ukraine, unless they include provisions to block the lifting of Title 42. Democrats in both chambers, including Hispanic members and others from border states, are signaling their readiness to support such amendments.

The Democrats’ crisis over Title 42 has come to a head this week. On Monday, a federal district judge in Louisiana announced that he would rule in favor of 21 Republican state attorneys general who filed suit to block the lifting of Title 42 until the Department of Homeland Security presented a plan to Congress to “secure the border” following such a move.

The judge said he would issue a temporary restraining order that would block any departure from the strict provisions of Title 42 prior to its being lifted, unless the Biden administration comes to an agreement with the states that had sued it. He did not, however, make clear when he would issue the order or whether it would block the removal of Title 42 itself.

On the same day, House Minority Leader Kevin McCarthy led a group of far-right Republicans, including the fascist Marjorie Taylor Greene, to the border town of Eagle Pass, Texas. At a press conference, McCarthy said he would seek to impeach Homeland Security Director Alejandro Mayorkas should the Republicans take control of the House in November and he become House speaker.

Also on Monday, Biden held a closed-door 90-minute meeting with selected members of the Congressional Hispanic Caucus, who deferentially praised the president and vouched for his supposed commitment to lifting Title 42.

On Tuesday, *Politico* reported that a “senior administration official” said on a call with reporters, “If and when the court issues the TRO [temporary restraining order] the department is planning to comply with that order.” The official reportedly criticized the Republican suit on the grounds that keeping Title 42 in place would hinder the arrest, jailing and deportation of undocumented migrants and the “securing” of the border.

He made what has become the main argument of the Biden

administration: that mandatory expulsions encourage migrants to try to cross the border multiple times, because, unlike under the administration’s preferred method of “expedited removal,” repeat offenders cannot be criminally charged and jailed.

The official made the call to introduce a 20-page plan issued by the Department of Homeland Security to step up the crackdown on the border and halt the expected surge in border crossings once Title 42 is lifted.

The main provisions of the plan are:

- Stepped up use of expedited removal to quickly deport migrants found ineligible for asylum and a surge in border personnel, transportation and supplies.

- Increased prosecution of repeat border crossers and forging agreements with countries across Latin America to increase deportations and block migrants from reaching the US border.

- A dedicated intelligence unit to monitor groups of immigrants moving up through Latin America to help break up those groups before they reach the border.

- Increased Border Patrol holding capacity to accommodate up to 18,000 migrants a day, as compared to 13,000 at the beginning of 2021.

On Wednesday, Mayorkas testified before two House committees, where he was attacked by Republicans for refusing to state that the US is being overrun by criminal “illegals” and doing nothing to stop it. None of the Democrats denounced the brutal immigration policy of the Biden administration or the plans to make it even more repressive if and when Title 42 is removed.

The background to Title 42

The brutal policy of mass expulsions known as Title 42 was initiated in March 2020 by the Trump administration as part of its fascistic anti-immigrant vendetta. In line with his overall continuation of Trump’s anti-immigrant policies, Biden has maintained and, until recently, defended Title 42 as a public health measure.

Trump’s chief immigration advisor, the Hitler-lover Stephen Miller, came up with the idea of using the spreading COVID-19 pandemic as the pretext for invoking the little-known provision of a 1944 public health law as a club to terrorize and expel migrants seeking to cross the southern border, including those seeking asylum, without a shred of due process.

Human Rights Watch cites Olivia Troye, a former top aide to then-Vice President Mike Pence, who coordinated Trump’s White House coronavirus task force, as saying, “The policy was called a ‘Stephen Miller special.’”

Title 42 empowers the Centers for Disease Control and Prevention (CDC) to temporarily block the entry of foreigners into the US during a public health emergency. It had never before been used as a measure to

exclude migrants at the border.

The use of Title 42 as a “border security” measure is a flagrant violation of international and domestic law. It effectively overturns the right to asylum along with all other legal rights of migrants. That Trump’s invocation of Title 42 was done for precisely that reason, and not out of public health concerns—Trump openly backed militia groups that carried out armed demonstrations against lockdowns and other anti-COVID measures—was widely recognized.

When Trump first imposed Title 42, virtually the entire Democratic Party expressed righteous indignation. Biden’s 2020 campaign website stated: “Trump has waged an unrelenting assault on our values and our history as a nation of immigrants. It is wrong, and it stops when Joe Biden is elected president.”

That did not prevent him from continuing Title 42 when he took office, and, in fact, jailing, expelling and deporting migrants at a faster pace than Trump.

For Biden, however, the pretext that Title 42 was necessitated by the pandemic became increasingly threadbare as he systematically dismantled all COVID-19 mitigation measures and openly adopted the “herd immunity” policies of his predecessor. And for the Democratic Party as a whole, which is wedded to gender-, race- and ethnicity-based politics, telling people that the pandemic was over and they should learn to “live with” the virus, while continuing to detain and expel thousands of black and Hispanic migrants every day due to COVID-19, became a political liability.

Moreover, once the US-NATO war against Russia in Ukraine broke out, opening the doors of the US to Ukrainians fleeing the fighting became a critical component of the propaganda campaign to demonize Russia and condition the public for direct military conflict with a nuclear-armed power.

As a result, there were scenes of hundreds of Ukrainian asylum seekers being escorted across the US-Mexico border, while thousands of Hispanic men, women and children were summarily arrested and thrown back across the border, in many cases left to languish in COVID-infested, crowded and unsanitary detention camps.

On April 1, the CDC announced that it would terminate Title 42 on May 23. Biden declared that, in keeping with his supposed policy of “following the science,” he would not oppose the change.

The horrific toll of Title 42

It must be stressed that Title 42, for all its inhumanity and lawlessness, is not an aberration. Rather, it exemplifies in concentrated form the barbarism of global imperialism toward the refugees created by its wars, political machinations and economic plunder of the world. Fortress Europe condemns hundreds of thousands of impoverished workers fleeing violence and state repression to death at sea or endless imprisonment in detention centers. The same can be said of the lesser imperialist powers—Australia, Japan, Canada, etc.

But the American ruling class claims first place in the ranks of infamy. It treats the tens of millions pauperized and terrorized by the dictatorships it installs and the economic plunder its corporations carry out as criminal and subhuman. This is particularly the case in US imperialism’s “back yard” of Central and Latin America.

Here are some figures on the impact of Title 42:

- Through February 2022, the US carried out 1.7 million expulsions under Title 42, of which 1.2 million occurred during the Biden administration.
- Before the practice of expelling unaccompanied children was blocked

in court and then later formally ended by the Biden administration in 2021, US Customs and Border Protection (CBP) used Title 42 to turn away and expel nearly 16,000 unaccompanied children. The Biden administration is now detaining more than 10,000 migrant children.

According to the Missing Migrants Project, an international organization that records migration incidents, 48,037 migrants have gone missing worldwide since 2014, with 6,141 dying or going missing in the Americas. Last year, there were 1,248 migrants who died or went missing in the Americas.

Against the backdrop of a pandemic, the years 2020 and 2021 set successive records for the number of dead or missing migrants along the US-Mexico border, while so far this year the grim toll has already climbed to 204. These numbers are likely gross undercounts. The group Border Angels estimates that since 1994, about 10,000 people have died in their attempts to cross the border, and for every body found five more are unaccounted for.

The US has made over 500,000 arrests at the border since October, the fastest pace of illegal border crossings in at least the past two decades, according to data from CBP. Border apprehensions last month climbed to 221,000, the highest since 2000.

The American Immigration Council reported in October of last year:

Advocates have documented through surveys and public media over 6,300 reports of violence against migrants expelled back to Mexico under Title 42. Hundreds of parents, fearing for the lives of their children, have chosen to self-separate and send their children across the border alone, knowing they’ll be safer in the United States than in northern Mexico.

Human Rights Watch wrote in April 2021:

The Title 42 expulsion policy is illegal and violates the human rights of those subjected to it. The Biden administration [is] now complicit in those rights violations.

Human Rights Watch research shows that the consequences of returning asylum seekers to danger can be catastrophic—resulting in sexual assault, torture, and death.

The crisis within the Democratic Party

Since the CDC announced its intention to terminate Title 42 on May 23, an increasingly broad and vocal opposition to the move has developed among Democratic lawmakers and officials. Those urging Biden to delay or drop altogether the removal of Title 42 echo the Republicans’ warnings of a looming and catastrophic surge of “illegals” across the US-Mexico border. Virtually nothing is said about the crushing of migrants’ rights or the human toll in suffering and death.

At least seven House Democrats have joined Republican legislation to block the ending of Title 42, along with five Senate Democrats. The House Democrats include Tom O’Halloran of Arizona, Jared Golden of Maine, Stephanie Murphy of Florida, Chris Pappas of New Hampshire, Greg Stanton of Arizona and Tim Ryan of Ohio.

The Senate Democrats are Kyrsten Sinema of Arizona, Joe Manchin of West Virginia, Mark Kelly of Arizona, Maggie Hassan of New Hampshire and Jon Tester of Montana.

Last week Hassan went to the US-Mexico border and told the press,

“Our front-line personnel need significant additional numbers, people on the ground at the border. They need more technology. The need access roads and, in some places, they need physical barriers.”

Besides the Democrats who have signed onto Republican bills, there are a host of others who are urging Biden to delay lifting the mass expulsion program, perhaps until after the November congressional elections.

These include Hispanic House members in politically vulnerable districts, such as Henry Cuellar of Texas (“We don’t want chaos at the border. We want law and order at the border”).

Florida Representative Val Demings, who is challenging Marco Rubio for his US Senate seat, said through her campaign spokesman that Title 42 should not be lifted “until there is a plan to put more boots on the ground and support our law enforcement officers at the border.” A former Orlando police chief, Demings was touted as a potential running mate for Biden in 2020.

Representatives Abigail Spanberger of Virginia and Elissa Slotkin of Michigan sent a letter last week to the administration urging it to keep Title 42 in place “until you have a plan...” Both are former CIA operatives.

In the Senate, at least nine Democrats are urging Biden to reconsider his plan to end Title 42. These include Gary Peters of Michigan, chair of the Democratic Senatorial Campaign Committee. Also on the list are Michael Bennet of Colorado, Raphael Warnock of Georgia and Catherine Cortez Masto of Nevada, the Senate’s first Latina member.

Particularly significant is Chris Coons from Biden’s home state of Delaware. Known as Biden’s proxy in the Senate, Coons appeared on “Face the Nation” last Sunday and used the current rise in COVID-19 infections nationally as justification for delaying the ending of Title 42.

Last week, Axios reported that “President Biden’s inner circle has been discussing delaying the repeal of Title 42 border restrictions, now set to end May 23, according to a source with direct knowledge of the internal discussion.”

The *Wall Street Journal* reported Wednesday that House Speaker Nancy Pelosi raised concerns over Title 42 and the border with White House Chief of Staff Ron Klain on Tuesday. The *Journal* also reported that Pelosi told members of the Democratic leadership that the Senate would be unable to block a provision blocking the lifting of Title 42 being added onto a bill either for COVID-19 funding or more aid to Ukraine.

Conclusion

There are no fundamental or principled differences between the two right-wing parties of American capitalism on the rights of immigrants, or of the working class as a whole. The claim by “progressive” imposters such as Bernie Sanders and Alexandria Ocasio-Cortez (both of whom have been notably silent on the dispute over Title 42) and their pseudo-left promoters, that Biden and the Democrats would end Trump’s vicious persecution, have been totally shattered.

The entire framework of “immigration policy” under capitalism is reactionary and bankrupt. All workers all over the world must be able to live and work in the country of their choice with full citizenship rights and without harassment or persecution.

The working class has no country. Its problems and struggles are international. All workers have the same enemy—the capitalist ruling class. The savage attacks on migrants are part of the attack on the rights, living standards and jobs of the working class as a whole.

Workers are rising up to fight around the world. The program of socialism is to unite across all national and racial boundaries to put an end to capitalism and its nation-state system and establish a new and genuinely democratic society based on social equality and the satisfaction of social

needs, not private profit.



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