

Biden announces Trump-style measures against refugees

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US President Joe Biden announced Thursday that his administration will extend to migrants from Cuba, Haiti and Nicaragua restrictions already imposed on Venezuelans, aiming to push back into Mexico up to 30,000 migrants a month, without a hearing or any judicial review of their asylum claims.

The anti-migrant measure has already slashed the number of Venezuelans seeking to cross the US-Mexico border since it was introduced in November, Biden claimed. Secretary of Homeland Security Alejandro Mayorkas put the reduction at 90 percent, and hoped for similar “success” against migrants from the other three countries.

Combined, the four countries accounted for the bulk of cross-border migrants last year, under the combined impact of economic collapse, political repression, gang violence, and US economic sanctions against three of the four countries, all but Haiti.

In remarks at a White House press briefing, Biden presented the new policy as a part of a transition in the methods to be used in excluding immigrants at the US-Mexico border. For the first two years of his administration, the Customs and Border Protection (CBP) unit of Department of Homeland Security (DHS) has mainly used Title 42 of the Public Health Act as the grounds for immediate expulsion of migrants detained at the border.

This is a legal provision that allows the Border Patrol to deny entry summarily when the Centers for Disease Control and Prevention (CDC) certifies that there is a substantial danger that the migrants are carrying an infectious disease. The Trump administration used the COVID pandemic as a pretext for barring migrants, even when it was dismantling all public health measures against COVID in all other areas of public life.

Biden claimed to oppose the use of Title 42, but Republican-ruled states have obtained a series of court orders to continue the exclusion policy. The Supreme Court has agreed to take up the matter in its current session, but a decision could come as late as June.

In the meantime, DHS is already preparing new legal grounds for summary exclusion of migrants, claiming it has authority under another section of the US legal code, Title 8, to do so, and no longer requires the public health pretext, which clashes with Biden’s false claim that the coronavirus pandemic is over.

The substance of the new Biden policy is to require asylum seekers to apply from their home countries, not from US soil after entering the country without authorization. The asylum seekers must go through a series of tests, including a comprehensive security check, obtaining a financial supporter within the United States, and using an online form to verify their status. This effectively limits asylum status to those with substantial financial resources as well as computer literacy—excluding the vast majority of migrants driven to leave their home countries by poverty and oppression.

The policy also demonstrates the cynical falsity of the US claims to be opposing violations of “human rights” by the governments of Cuba, Venezuela and Nicaragua. Cubans, Venezuelans and Nicaraguans are supposed to stay in their countries and apply online for asylum, while remaining subject to the governments that are supposedly suppressing them.

The Biden administration has offered to accept up to 30,000 asylum seekers each month from the four countries, but only those who go through the online procedure, stay in their countries, and meet the other requirements. Any refugee from the four countries who shows up at the US-Mexico border will be

automatically ineligible to apply for asylum and kicked out.

The Mexican government of President Andrés Manuel López Obrador has shamefully agreed to accept 30,000 US rejects from each of the four countries per month. Because the four countries do not have repatriation agreements with the US, detained migrants cannot be flown straight back home, the policy applied to rejected refugees from El Salvador, Guatemala and Honduras.

In his press statement Thursday, Biden made it clear that he was acting in response to pressure from the Republican fascist right, which has made anti-migrant bigotry its political axis. He combined a pledge that “my administration is taking several steps to stiffen enforcement for those who try to come without a legal right to stay,” with the announcement that he would visit the US-Mexico border Sunday, on his way to a North American summit meeting in Mexico City with López Obrador and Canadian Prime Minister Justin Trudeau.

Congressional Republicans have repeatedly challenged Biden to visit the border, which they claim is “open,” even though the Border Patrol has detained more than 2 million migrants since Biden first entered the White House.

Biden complained that the Republicans had blocked plans to include \$3.5 billion in new spending for the DHS in the recent bipartisan budget legislation. This money would have gone to hire 2,000 more Border Patrol agents, 100 more immigration judges, and finance other measures to reinforce the ongoing border crackdown.

He nonetheless pledged to “sit down with anyone who, in good faith, wants to fix our broken immigration system.” He noted that “the most extreme Republicans continue to demagogue this issue and reject solutions.” This language is carefully chosen to suggest that all other Republicans besides the “most extreme” were suitable partners for a bipartisan approach to immigration policy.

DHS Secretary Mayorkas also revealed Thursday that Biden had approved a proposal to revive the transit ban first implemented by Trump’s fascist adviser on immigration policy, Stephen Miller, although calling it by a different name. The ban denies asylum to any migrant who travels through a third country, such as

Mexico, to reach the United States, if they did not first apply for asylum in that third country.

This ignores the reality that many more asylum seekers have relatives in the US than in Mexico, and that Mexico is a dubious refuge for people fleeing political repression and gang violence in nearby Latin American countries.

The Trump policy was allowed to expire when he left office, and the DHS would have to go through a rule-making procedure that requires months of public comment, hearings and review before it could take effect. Once in place, it would bar such migrants—the vast majority—from legal entry to the United States for five years.

The DHS announcement is one more confirmation that the Biden administration intends to continue the ruthless anti-immigrant policies of its predecessor, even if packaged in the language of caring, inclusion and Biden’s constant references to his own Irish ancestors, immigrants who came to America in the 1800s.



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