



CaliBaja Moving Forward Together *CaliBaja Avanzando Juntos*

Takeaways from meeting on Migration

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At the end of fiscal year 2021 (October 1, 2020-September 30, 2021), the Border Patrol reported over 1.7 million encounters or apprehensions along the border with Mexico. The great majority of these people remained in Mexico, not in the U.S., through the repatriation of Mexicans under Title 42 expulsions, a policy established with the pandemic. Nearly 90% of Mexican migrants are returned to Mexico through Title 42 while this figure is 60-65% for people from Honduras, El Salvador, and Guatemala. No all expulsions are immediate.

Title 42 was broadly used in the region to return Mexicans during the pandemic, and it replaced regular repatriation procedures to a large degree. Baja California received a daily average of 157 expulsions under Title 42 in calendar year 2020, which increased to 363 daily expulsions in 2021. In contrast, daily average repatriations to Baja California were 181 in 2019, which decreased to 24 in April-December 2020 and to 35 in January-October 2021. The removals of Mexicans to Baja California decreased 1% in 2019-2020, but regular repatriations declined 69.4%.

In 2021 through October 24, there were 118,269 repatriations under regular procedures and Title 42, which was an increase of 184% compared to the same period in 2020. Most removals under Title 42 in Baja California are to Tijuana, followed by Mexicali. Of the 166,070 removals through Baja California between March 2020 and October 2021, only 13,164 were people other than Mexicans.

Lateral expulsions are very common as well. These refer to those expulsions in which migrants are removed through different states than where they entered the United States. A large number of people, mostly Central Americans, cross through Reynosa, are detained by the Border Patrol, spend 2-7 days in detention centers, and are returned by air to San Diego or El Paso for expulsion to Tijuana or Ciudad Juárez. There were 39 of these flights with over 100 people each in September 2021. Baja California received 8,190 non-Mexicans through lateral expulsions under Title 42 between March 2020 and October 2021.

Interviews at the Centro Integrador para el Migrante (Migrant Integration Center, CIM) in Tijuana suggest that people with COVID-19 symptoms get tested after being returned to Mexico and were isolated if the test resulted positive. Most interviewees who had not had COVID-19 received at least one vaccine dose, but none of the interviewees who were expelled under Title 42 and confined for multiple days in overcrowded detention centers

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were tested despite having symptoms. Sick people reported that they asked for medical assistance that was not provided and they likely infected 30-40 people in the detention center.

A more representative study conducted by a COLEF researcher suggests that being detained by the Border Patrol increased the likelihood of becoming infected with COVID-19. The Title 42 policy, implemented with the excuse of avoiding infections, actually facilitated them. Given the resources that the Border Patrol has, it should be able to test every detained person. However, Mexico has undertaken this responsibility, at least in Tijuana and Ciudad Juárez.

Regarding U.S. migration policy, the Biden administration ordered the suspension of the Migrant Protection Protocols (MPP) on his inauguration day, January 20, 2021, as well as an evaluation of the program. In August, a federal judge ruled in the *Texas v. Biden* case that this policy suspension was illegal, and that the U.S. government should reinstate MPP. On October 14, 2021, the Department of Homeland Security reported holding conversations with the Mexican government for the reimplementation of MPP. It was mentioned that the Mexican government has four main concerns: hearings delays, access to legal representation, the identification by the U.S. government of vulnerable people, and the timing of expulsions to Mexico given that families have been expelled in the early morning hours without the consent of Mexican authorities. There are pending cases contesting the legality of MPP or demanding access to legal assistance in its implementation, including *Innovation Law Lab v. Mayorkas*, *Doe v. Mayorkas*, and *Immigrant Defenders Law Center et al. v. Mayorkas*. There have also been cases contesting the legality of Title 42, such as *J.B.B.C. v. Wolf* which managed to ban its implementation against unaccompanied children.

Reinstating MPP will negatively affect migrant shelters in Mexico, which already face significant overcrowding due to the increasing arrivals of families and Mexicans, many of whom are victims of forced displacement due to violence of organized crime, domestic violence, gender-based violence, and discrimination. Other challenges in shelters include language barriers with migrants who do not speak Spanish nor English from countries such as Bangladesh and Russia, guaranteeing the safety of migrants and people assisting in shelters, and preparations needed to accommodate larger groups of migrants.

Although civil society does great work for migrants, these tasks are considered the responsibilities of governments of both countries and there should be greater planning and collaboration. Migration policy decisions are often made in the capitals despite the fact that the most affected are the border regions. So, greater coordination is required with the federal agencies that have a presence on the border to influence these decisions.

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