



Mónica Vereá*

Biden's "De-Trumpization" of Migration Policy: The López Obrador Response

Traditional issues such as migration, border management, security, drug trafficking, organized crime, trade, and the environment have always been present in U.S.-Mexico relations. Sometimes a positive perception would prevail and other times an ongoing process would deal with problems resolved either institutionally or directly by the executives of the two governments. During the Trump era the relationship was damaged by

* Mónica is a researcher and the founding director of the the Center for Research on North America, National Autonomous University of Mexico (1989-1997); you can contact her at mvereá@unam.mx.

his coercive approach, which Biden has tried to soften, attempting to dismantle some of his aggressive anti-immigrant stance. Andrés Manuel López Obrador's response has been ambivalent: agreeable to Trump and defensive and aggressive toward Biden, thus raising a red flag in the White House. This article will describe Trump's and Biden's migration policies and López's stance and response.

President Donald Trump (2017-2021) was a xenophobe with a destructive, anti-immigrant, pro-white-nationalist discourse that became his signature. Looking beyond his rhetoric, Trump took a highly hostile approach to both unauthorized and legal migration. During his presidency, he made an important institutional effort to transform immigration through rule changes, adjustments to asylum officers' guidelines, modifications to enforcement norms, and other measures that are difficult to reverse. Objections from several U.S. courts were crucial for stopping these harsh anti-immigrant policies.

As part of his hard line immigration policy, Trump established actions such as significantly reinforcing the U.S.-Mexico border by rebuilding some parts of the wall and deploying thousands of troops to increase apprehensions and detentions of non-criminal undocumented migrants; implementing a "zero-tolerance" policy that resulted in the cruel separation of families; prosecuting asylum seekers and forcing them to apply only at points of entry; coercing Mexico to formally accept the Migrant Protections Protocol (MPP), better known as the "Remain-in-Mexico" policy; responding aggressively to sanctuary policies; establishing a travel ban targeting Muslims; ending Temporary Protected Status (TPS) for hundreds of migrants; significantly decreasing refugee admissions; curbing and slowing the entry of legal immigrants and temporary workers; and making life hard for many immigrants already in the United States, among many other actions.

Furthermore, the COVID-19 pandemic gave Trump a perfect excuse to establish even harsher immigration policies as part of his anti-immigrant agenda. So, during 2020, he pressed to increase apprehensions; separate families; abandon migrants and asylum seekers in Mexican border towns; end the right to asylum in order to "protect" the border through the establishment of Title 42;¹ promote general shutdowns of the legal immigration system for some permanent residence applicants; and block the entry of high- and low-skilled seasonal workers. This situation

During the Trump era the relationship was damaged by his coercive approach, which Biden has tried to soften, attempting to dismantle some of his aggressive anti-immigrant stance.

negatively affected Mexicans: the issuance of different types of visas for Mexican temporary workers decreased from 297,778, in 2019 to 265,333 in 2020, an 11% drop.² For comparison purposes, Central Americans from the Northern Triangle (Guatemala, Honduras, and El Salvador) received a total of 5,811 temporary visas in 2020. In this regard, Biden has proposed to issue an additional 22,000 non-agricultural H2-B visas in 2021 over the 66,000-yearly cap. Six thousand of them will be granted to Central Americans, which bodes well for the future. The opening of legal pathways in the U.S. market, meaning an extension of temporary agricultural and non-agricultural worker visas (H2-A and H2-B), is essential for the safe entry of Mexicans and Central Americans into the U.S. Trump did huge damage to migrants and the U.S.-Mexico relationship.

In the middle of a terrible pandemic, President Biden took office on January 20, 2021. Since the beginning of his administration, he has had a more positive attitude toward migration and has changed the official narrative on immigration with a more humane approach. His administration has been trying to reverse or undo the damage caused by Trump's anti-immigrant policies, signing several executive orders to reverse them, a difficult task that requires substantial structural changes. His administration is focusing extensively on issues related to entry into the United States through new directives and regulations. During his one year in office, he has

- limited the construction of the border wall;
- ended the Zero Tolerance Policy and promoted family reunification;
- increased the refugee cap and ended the “Muslim Ban”;
- revoked punishments to sanctuary cities;
- increased inclusion efforts for new U.S. Americans, incentivizing them to become citizens;
- decreased internal deportations;
- expanded the number of beds in different shelters;
- facilitated the release of parents with children;
- promised to shorten the paperwork review process

- for asylum seekers with a hearing;
- stopped the expulsion of unaccompanied children under Title 42;
- tried to phase out the Migrant Protection Protocols (MPP);³
- strengthened the Deferred Action for Childhood Arrivals (DACA) initiative as well as the Temporary Protected Status (TPS);
- focused on the existing root causes that push migrants out of their countries of origin and proposed investment in the Central America region.

We cannot deny that Biden has taken constructive steps, but they have been slow in some respects, and in others, not very visible. The Democrats and their base assumed that Biden had the ability to easily reverse or “de-Trumpize” the changes established in the immigration system, but this has not been the case, since it has been logistically and politically difficult because the Trumpist bureaucracy has been very difficult to reverse. It is important to mention that during the first year of the Biden administration, the number of apprehensions at the border increased significantly: in 1.66 million events, migrants were apprehended in fiscal year 2021 trying to cross the border. The arrests represented almost double those of 2019 (859,501) and triple those of 2020 (405,036).⁴ Hence, Republicans have been very critical of his stance on the handling of migration flows and asylum seekers at the border, which has represented a great challenge for him.

At the beginning of his term, Andrés Manuel López Obrador (AMLO or López from here on) established an “open door” migration policy oriented to respect their human rights and, in that vein, welcomed migrants and gave them proper permits to stay and even work, moving freely with a legal permit card through Mexican territory. AMLO's attitude was drastically reversed in May 2019 due to Trump's threat to impose trade tariffs—an incremental 5%—if Mexico did not halt all illegal migration and implement a high enforcement policy. This program aims to send non-Mexican asylum seekers to Mexican border cities that are not necessarily safe. López agreed and accepted the MPP, a bilateral agreement, to allow asylum seekers to be removed without a hearing and/or access to an immigration attorney. This agreement provided Trump with shelters in different Mexican border cities, converting them in the U.S. backyard for approximately 70,000 asylum

seekers in the U.S. since 2020.⁵ Asylum seekers find themselves in deplorable conditions and migrants can wait, months or even years at our political, economic, and social expense. At the same time, Mexico's migration management strategy has become increasingly militarized. In the first eleven months of 2021, Mexico deported over 80,000 migrants and detained over a quarter of a million, a 200% increase from 2020, 192,000 of whom were Central Americans, the vast majority from Honduras and Guatemala.⁶ The Mexican National Guard, despite a lack of relevant training, has taken on a significant role in migration management, coupled with people smugglers, cartel members, and even National Guardsmen who target vulnerable migrants and asylum seekers, resulting in highly unsafe conditions with abuses and violation of human rights.

In this sense, Trump managed symbolically to get the Mexican government to pay for the controversial wall and move the border further south. López accepted the temporary stay of non-Mexicans on our northern border in shelters with deplorable conditions where many await a decision by immigration judges, knowing in advance the important consequences for Mexico and its relationship with the United States.

At a bilateral level, Biden has forced AMLO's government, as Trump did before, to collaborate contentiously by assigning additional 10,000 Mexican National Guard troops on both borders to contain the growing number of migrants coming from Central America and Mexico as asylum seekers or undocumented migrants. For this purpose, Biden and AMLO reached an agreement in March 2021: although not a *quid pro quo*, it resulted in an exchange of the supply of 2.7 million AstraZeneca vaccine doses, the closing of Mexico's southern border for non-essential travel, and the dispatch of additional troops, at the expense of Mexico's economy and security. These troops, who are highly needed throughout Mexico due to the fact that that insecurity has gotten worse than ever, are serv-

The Democrats and their base assumed that Biden had the ability to easily reverse or "de-Trumpize" the changes established in the immigration system, but this has not been the case.

ing as inexperienced border patrol officers. The Biden administration is highly concerned about López Obrador's autocratic projects, such as the energy reform, that would cause a great deal of harm to the United States-Mexico-Canada Agreement (USMCA),⁷ his dismantling of institutions, and anti-democratic attitudes. Therefore, senior Biden administration officials have engaged in an increased number of visits that have resulted in institutional meetings with the Department of Homeland Security and the State Department,⁸ dealing with border management as well as security and economic issues.

At a regional level, with a Trumpism-containment approach, Biden has reached similar agreements with Central American countries to establish greater surveillance at their respective borders in order to contain their flows of migrants. In an effort to deal with the situation, Biden designated Vice President Kamala Harris to reach a regional agreement, a vision contrasting with that of Trump, who drastically cut off the annual aid offered to Central American countries. Both governments have agreed to establish a mechanism for U.S.-Mexico cooperation to address the causes of migration from southeastern Mexico and Central America, through a program called Sowing Opportunities. Under this framework, the United States Agency for International Development (USAID) and the Mexican Agency for International Development and Cooperation (AMEXCID) plan to coordinate resources and expertise to help citizens of Central America build projects in their home communities. Biden has recognized that shared problems need to be overcome together with his country's neighbors. He knows that the most effective and sustainable way to reduce migration from the Central American Northern Triangle countries is to address its root causes. We hope that the program in charge of Vice President Kamala Harris, a four-year, US\$4-billion regional strategy of aid to the region, will prove effective in addressing the factors driving migration to the U.S.

Mexicans had high expectations when Biden was elected president, after having been constantly threatened and continuously insulted by Trump. In contrast, López, who bet on Trump's reelection, demonstrated not only indifference but uncomprehending hostility toward Biden when he won the election, not congratulating him until the Electoral College certified the vote. This was a signal of a typical totalitarian leader sending a message that

Trump and, so far, Biden have gotten what they wanted from AMLO, specifically in limiting immigration through Mexican territory and on both borders.

his sovereignty is untouchable: he will not intervene in any international domestic issue so no government interferes in Mexican decisions, specifically Washington. In fact, he seldom participates in foreign meetings and his priority has not been foreign policy, unless it has a positive impact on internal politics. He recently invoked a “friendship with Russia” and will not impose any economic sanctions on Russia for invading Ukraine; this was unnecessary, but it sends a signal to the U.S. government. Nevertheless, Trump and, so far, Biden have gotten what they wanted from AMLO, specifically in limiting immigration through Mexican territory and on both borders. Trump stayed silent at López’s anti-institutional policies adopted in his first years at government; in contrast, Biden, aware of his anti-constitutional and antidemocratic initiatives, has sent several high-level officials to deal with different bilateral issues besides migration, that potentially could negatively affect the U.S.-Mexican relationship, specifically the USMCA agreements.

Biden announced that Title 42 would be rescinded in May 2022. However, the Republicans, fearful that this would increase immigration not only from Mexico and Central America, but from the world over, exerted a great deal of pressure to prevent it. Finally, a Louisiana judge blocked the move and Title 42 continues to be in place. Also, it is essential and urgent to rescind again the “Remain-in-Mexico” program as Biden did at the beginning of his mandate. Nevertheless, we are not sure if immigration will be a priority for Biden in the short term, due to the midterm elections and Republicans’ awareness of any intention to eliminate the MPP. **NM**

Further Reading

Chishti, Muzaffar, and Jessica Bolter, “Controversial U.S. Title 42 Expulsions Policy Is Coming to an End, Bringing New Border Challenges,” *Migration Policy Institute*, *Migration Information Source*, March 31, 2022,

<https://www.migrationpolicy.org/article/title-42-expulsions-policy>

Sarukhan, Arturo, “America Must Not Ignore Mexico’s Democratic Decay: Washington’s Obsession with Migrants Is Warping U.S. Policy,” February 18, 2022, <https://www.foreignaffairs.com/articles/central-america-caribbean/2022-02-18/america-must-not-ignore-mexicos-democratic-decay>.

Stillman, Sarah, “The Race to Dismantle Trump’s Immigration Policies,” *The New Yorker*, February 8, 2021, <https://www.newyorker.com/magazine/2021/02/08/the-race-to-dismantle-trumps-immigration-policies>.

Verea, Mónica, “La política migratoria de Biden a un año de su administración,” *Norteamérica* (Mexico City: CISAN-UNAM, at press).

Verea, Mónica, and Camelia Tigau, *Trump’s Legacy in Migration Policy and COVID-19: Challenges for Biden* (Mexico City: CISAN-UNAM, at press).

Notes

1 Title 42 policy uses covid-19 to authorize immediate expulsions of migrants, including would-be asylum seekers at the U.S.-Mexico border. Up to February 2022, 1.7 million expulsions had been carried out under this policy, 1.2 million of them since January 2021 under the Biden administration. During the Trump presidency, 83 percent of migrant encounters at the border led to expulsions, compared to 55 percent so far under Biden.

2 The only increase was for agricultural workers with H2-A visas, which rose from 188,758 in 2019 to 197,908 in 2020 (Bureau of Consular Affairs, U. S. Department of State, 2021, “Nonimmigrant Visa Statistics, Nonimmigrant Visa Issuances by Visa Class and Nationality,” fiscal years 1997-2020, <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/nonimmigrant-visa-statistics.html>).

3 Blocked by Supreme Court Judge Samuel Alito, who argued that the Biden administration did not give an adequate reason to cancel the program.

4 U.S. Customs and Border Protection (CBP), “CBP Enforcement Statistics, Fiscal Year 2021,” *Newsroom*, 2021, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

5 Kevin Appleby “U.S. Policy Developments: March 2020-July 2020,” Center for Migration Studies, July 31, 2020, <https://cmsny.org/us-policy-developments-2020-covid/>.

6 *Forbes* staff, “México rebasa 228,000 arrestos de migrantes y 82,000 deportaciones en 2021,” *Forbes*, December 4, 2021, <https://www.forbes.com.mx/mexico-rebasa-228000-arrestos-de-migrantes-y-82000-deportaciones-en-2021/>.

7 The USMCA, which replaced the North America Free Trade Agreement (NAFTA), entered into force on July 1, 2020.

8 Duncan Wood and Alexandra Helfgott, “Seeking Process and Predictability: An Evaluation of U.S.-Mexico Relations under President Biden,” January 24, 2022, The Wilson Center, <https://www.wilsoncenter.org/article/seeking-process-and-predictability-evaluation-us-mexico-relations-under-president-biden>.