

# Covid-19 and (In)mobility in the Americas THE UNITED STATES

NEW UPDATE: MAY 15<sup>TH</sup> - AUGUST 20<sup>TH</sup>

[last edited by Alvarez Velasco & Berg, Oct. 9, 2020]

1. Poverty rates: 12% of the total population.<sup>1</sup>

## 2. Migration data<sup>2</sup>

- a. Sending county: about <u>9 million Americans reside abroad</u> primarily in Mexico, India, and Germany.
- b. Destination country: about 45 million immigrants or 14% of the total population live in the US. The <u>main countries of origin</u> are Mexico (25%); China (6%); India (6%); Philippines (5%); and El Salvador (3%).
- c. Host country for asylees: In 2018, there were 38,678 people recognized as political asylees.
- d. Host country for refugees: since the fiscal year 2002, the majority of <u>refugees</u> have come from Burma (about 177,700), Iraq (144,400), and Somalia (104,100). Texas, Washington, New York, and California resettled approximately a quarter of all refugees in the fiscal year 2019.
- e. Country of deportation: between 2001 and 2020, <u>4 million migrants have been deported</u> from the U.S.
- f. DACA Deferred Action for Childhood Arrivals: There are about 652,880 active DACA beneficiaries of whom 80% are of Mexican origin. Almost 9% are from the Northern Triangle of Central America (El Salvador, Honduras and Guatemala). In 2019, around 1.7 million people were eligible for DACA.

## 3. Impact by COVID-19<sup>3</sup> (as of October 2, 2020)

a. Registered cases: 7'280,182

b. % of cases out of the total population: 1.9%

c. Number of deaths: 207,808

<sup>&</sup>lt;sup>1</sup> Poverty USA

https://www.pewresearch.org/fact-tank/2019/06/17/key-findings-about-u-s-immigrants/ https://worldpopulationreview.com/countries/canada-population/;

https://www.pewresearch.org/fact-tank/2020/03/02/how-border-apprehensions-ice-arrests-and-deportations-have-changed-under-trump/, https://usafacts.org/issues/immigration/

<sup>&</sup>lt;sup>3</sup> John Hopkins University (2020). "Coronavirus Resource Centre". https://coronavirus.jhu.edu/map.html



- ▶ The US is the main migratory destination in the world and one of the most diverse and complex migration contexts in the continent. It is the main destination for Latin American and Caribbean nationals. The US has the largest number of irregularized migrants: approximately 12 million migrants are undocumented; most are from Latin America and the Caribbean. Furthermore, the geopolitical weight that US migration control measures have in the Americas is decisive. The team that collected the information for the US underscored the following concerns:
  - The Trump administration, which before the pandemic outbreak had introduced some of the strictest immigration control measures in modern times, has been advancing its anti-immigrant goals in the name of a national health emergency. One example is the de facto dismantling of the asylum system.
  - A de facto state of emergency has been set up for immigration issues, invoking the Public Health Service Law of 1944. This Law has allowed the government to take the following exceptional measures: 1- closing and militarizing borders; 2- denying entry to populations deemed to pose a health risk, including children and adolescents; 3- de facto dismantling the asylum system; and, 4- accelerating deportations to get rid of illegalized migrants and people in need of international protection.
  - The measures taken to externalize the US border to the south of the continent adopted during the pandemic have had chain repercussions, especially in Mexico and the Central American countries that have been forced to act as "Safe Third Countries" (Guatemala, Honduras and El Salvador). This is particularly evident in the increase in deportations, particularly to Guatemala, and the number of asylum seekers stranded on the US-Mexico border.
  - Within the United States, increased xenophobia and the criminalization of migrants has not stopped, nor have raids and arrests. This situation produces fear within immigrant communities that operates as an internal control measure. As a result, not only illegalized migrants, but all migrants, refrain from seeking health services thus putting their lives at risk, and demanding labor protection measures. The production of fear, as a form of control, reveals the limited ways that various categories of non-citizens can exercise rights; this in turn demonstrates how deeply hierarchical civic engagement and substantive citizenship have become.
  - The United States has seen multiple forms of social activism, and actions of solidarity and resistance in support of migrant struggles. In response to the exceptional measures taken by the Trump administration, grassroots organizations and social groups have called for actions, protests, and requests for signatures on petitions to uphold the rule of law and fight to ensure the guarantee of rights for all.

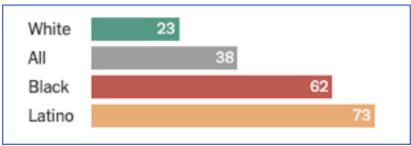


Since the beginning of the pandemic, detention and deportation has been ongoing. While the overall number of detainees in ICE contracted facilities has dropped to 19,791 (as of Sep. 25, 2020) from 50,165 in FY 2019, detentions, transfers between facilities, and deportations have continued throughout the pandemic contribution to the regional spread of the coronavirus. Guatemala, Honduras, Mexico, El Salvador and Ecuador account for 88% of all deportation flights. Other countries include Caribbean destinations such as Dominican Republic, Haiti, and Jamaica. According to ICE, a total of 6,271 detainees have tested positive since testing began in February 2020 and 8 detainees have died in ICE custody. Many organizations and media outlets have criticized this official number as an undercount.

## COVID-19 cases: Latinxs disproportionately affected

- As of August 2020, Latino and African-American residents of the United States have been **three times** as likely to become infected as their white neighbours.
- Latinxs between the ages of 40 and 59 have been infected at **five times** the rate of whites in the same age group, according data from the <u>Center for Disease Control and Prevention</u>.
- The counties with the highest rates of death from Covid-19 are those with large populations of agricultural workers, who do not speak English (mostly Latinx), and live in poverty.

As of July 2020, COVID-19 cases per 10,000 cases



Source: Oppel Jr., Gebeloff, Lai, Wright and Smith, 2020

## 4. State measures

Between May 15, 2020 - August 15, 2020

[As of August 2020]

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- Against the rise of illegalized crossings during the summer, aggressive emergency border control measures continue. This includes ongoing travel bans on travellers from China, Iran, Europe and Brazil, and suspending non-essential travel across the borders with Canada and Mexico.
- More than <u>100,000 migrants</u>, including children and families, have been summarily expelled from the country under these measures.
- The building of the border wall project central has been resumed to curb illegal migration using the argument that this will reduce the further spread of the coronavirus by infected irregularized immigrants.
- Border detentions have risen from 16,162 in April to 38,347 in July (137% increase) according to the U.S. Customs and Border Protection.
- The Trump administration maintains the suspension of the asylum program. Consequently, asylum seekers who had been waiting in Mexico for an opportunity to cross and apply to refuge, have left migrant shelters in border towns and returned to their home countries, settled in Mexico, or tried to cross into the United States without authorization.

#### Between March 15 - May 15, 2020

- US citizens, green card holders, and others with valid documentation are able to continue crossing into the U.S. through ports of entry.
- As of March 16, entry became restricted for citizens of China, Iran, Europe, the United Kingdom and Ireland until further notice, with the exception of green card holders and their partners or dependents.
- US embassies across the globe suspended appointments for visas and immigration procedures until further notice.
- On March 18, the Public Health Service Law of 1944 was invoked to:
  - Block the entry of foreigners who pose a risk to public health
  - Temporarily stall or prohibit immigration procedures, border crossing and asylum applications.
  - Militarize the border
  - Accelerate deportations, including those of unaccompanied children and adolescents.
- US Immigration and Customs Enforcement (ICE) adjusted its stance on "law enforcement" in the midst of the pandemic stating that:



- It will not carry out raids or arrests near health centers, "except in the most extraordinary circumstances."
- It will not apply protocols of random detention, focusing instead on public safety risks and on persons subject to mandatory detention. The list of offenses that demand mandatory detention has increased exponentially over the past decades.
- This should suggest that the majority of the estimated 11 million undocumented migrants in the US would be somewhat protected during the pandemic.
- However, ICE officers will not be deterred from enforcing the law outside of the newly designated priorities. Raids and arrests have not stopped even in the regions most affected by COVID-19, such as California and New York.
- <u>US Immigration Service (USCIS)</u> suspended until June 4th in-person services, including all interviews and naturalization ceremonies, to help mitigate the spread of the coronavirus
- On July 6, the Student and Exchange Visitor Program (SEVP) announced modifications to temporary exemptions for nonimmigrant students taking online classes due to the pandemic for the fall 2020 semester. These temporary exemptions for the fall 2020 semester include that nonimmigrant F-1 and M-1 students attending schools operating entirely online may not take a full online course load and remain in the United States. The U.S. Department of State will not issue visas to students enrolled in schools and/or programs that are fully online for the fall semester nor will U.S. Customs and Border Protection permit these students to enter the United States. This decision was challenged and withdrawn (see details in social responses).
- From March to August 29, ICE has signed collaborative memorandums of understanding with a total of 89 agencies including local Sheriff's Offices and correctional facilities in order to perform immigration control functions. This is part of the 1996 Programa 287(g) (Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act).
- The Justice Department closed 10 immigration courts through April 10 (Atlanta, Charlotte, Houston, Louisville, Memphis, New York City-Broadway, New York City-Federal Plaza, Newark, Sacramento, Seattle, and Los Angeles), and postponed all hearings for immigrant cases who are not detained. The Honolulu Immigration Court resumed hearings in non-detained cases on Monday, June 15, 2020. The Boston, Buffalo, Dallas, Hartford, Las Vegas, Memphis, and New Orleans Immigration



Courts will resume hearings in non-detained cases on Monday, June 29, 2020. Hearings in non-detained cases at all other immigration courts are postponed through, and including, Friday, June 26, 2020.

- Courts that are open require lawyers to wear an N95 mask, otherwise, they cannot enter, and migrants risk not being defended.
- At the end of April, President Trump issued an executive order to prohibit the granting of green cards for 60 days to curb legal migration to the US in a presumed effort to protect American workers.
- The Supreme Court authorized the deportation of legal residents who had committed crimes up to 7 years earlier. This measure gives way to the increase of deportation and criminalization of migrants.
- The Federal government launched the Covid-19 Emergency Bill Relief program with 2 billion USD. Under this aid program, US workers will receive a check for USD 1,200 or less depending on income. The program does not provide aid to undocumented migrants or mixed-status families where one member is undocumented.
- At the state and local levels, several states and counties have taken measures to promote the rights of migrants, regardless of immigration status. For example, in California, the governor issued a \$50 million aid program targeting unemployed undocumented migrant workers. He has extended two-week leave payments for those who have been recommended by a doctor to quarantine on suspicion or diagnosis of COVID-19 and has given financial support for farmers' child care. In the city of Fresno, California, evictions are suspended, and other assistance measures have been issued for the payment of rent, electricity and water services. This same measure was also applied in New York.

## Amidst up-coming elections:

- Anti-migration architecture (in the hands of Stephen Miller) has accelerated with the implementation of new measures: the non-government Migration Policy Institute estimates that the administration has made more than 400 immigration policy changes. A separate tally by advocacy groups puts the figure closer to 1,000.
- The Trump campaign spent more on immigration-themed ads on Facebook than on any other policy area from April to June, according to an analysis by Bully Pulpit Interactive, a Democratic public opinion firm based in Washington. Facebook has more than 160 million voting-age users in the United States, according to the company. The ads focused on the



border wall and criticism of Biden's support for a path to citizenship for an estimated 11 million immigrants who entered the country illegally or violated the terms of a visa. 4

## At risk populations:

- *llegalized (undocumented) migrants* (this population is extremely vulnerable to COVID-19)
  - Before the pandemic:
    - Illegalized migrants faced the threat of deportation, and had limited access to health services, public education and social security.
    - They were exploited, suffered abuses from employers and deception by recruitment agencies, lacked access to a path to permanent residence and citizenship.
    - Some "sanctuary cities" offered solidarity but in a more symbolic than material way.
    - The situation for illegalized migrants has NOT changed during the pandemic. Risks have been exacerbated, which directly affects the lives of illegalized migrants in the US.
  - During the pandemic:
    - Between March 15 May 15, 2020
      - Irregularized migrants are often among the least able to socially distance, isolate themselves, and seek the medical care that is essential to protect their health and slow the spread of disease.
      - They do not have the option to socially distance or quarantine at home, much less work from home.
      - Job loss or furloughs have meant loss of income.
      - Illegalized migrants do not access government programs for special federal support for the COVID-19 situation, except in selected states.
      - Those who keep their jobs do not have health protections in the workplace.
      - Many migrant workers live in overcrowded situations, in places that prevent conditions for good health through social distancing.
      - Most migrant workers use crowded public transportation to get to work which poses risk to their health.

<sup>&</sup>lt;sup>4</sup> Ibid.



## • Racial and ethnic disparity among Covid-19 victims:

- As of May 2020: NYC data showed that the Latinx population was disproportionately affected in this city: Hispanics accounted for 34% of COVID-19 deaths, followed by African Americans, with 28% of fatalities.
- [June 28] Millions of Latino workers kept the economy running. This is one of the reasons rates of coronavirus infection among Latinos are making up 34 percent of cases of COVID-19 nationwide, a much higher proportion than the group's 18 percent share of the population.

## Fear of exercising the right to health:

- 45% of illegalized migrants do not have health insurance.
- In most states, community clinics will serve people who need medical care, regardless of their immigration status and ability to pay.
- In some states, such as California, Massachusetts, New York, and Illinois, health care expenses for undocumented children are covered.

# **However:**

- Some migrants fear being detained and deported as raids have not stopped.
- Others fear that going to a public hospital or clinic will ruin their chances of getting a green card. On February 24, 2020, a new "public charge rule" went into effect that blocks eligibility for green cards for immigrants who have used - or are likely to use in the future - public benefits. Health care received for Covid treatment is not included in the public charge rule. But, in the context of criminalization of migrants, this rule inhibits many immigrants and their families, even if they are US citizens, from seeking health care.
- They also fear using hospital services because of the unpayable costs that would be incurred when accessing these services.
- NYC-specific Situation: due to its historical and present relevance for Latin American migrants, we highlight specific NYC data:
  - 3.2 million immigrants reside in New York City (5.3% are undocumented): 14.3% from the Dominican Republic; 5.4% from Jamaica; 5.0% from Mexico; 4.1% from Ecuador; 2.7% from Haiti.



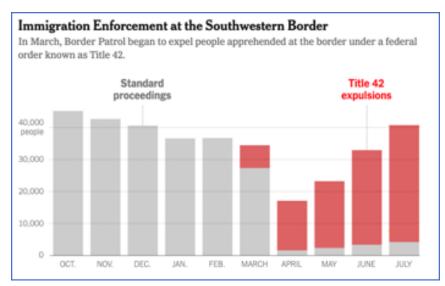
- Of the total number of undocumented people in the city, 47.1% do not have medical insurance.
- Of the total number of undocumented children, 18.6% do not have health insurance.
- 22% of the immigrant population in NYC lives in overcrowded housing (more than one person per room), and 8% live in extremely overcrowded housing (more than 1.5 people per room). The latter percentage increases among undocumented people: 21.5% live in overcrowded and 13.9% in extremely overcrowded housing.
- Approximately 15.000 New Yorkers have Temporary Protected Status (TPS). The beneficiaries are from Haiti (5.400), El Salvador (4.300) and Honduras (3.100).
- The number of resettled refugees has dropped dramatically, from 340 in 2016 to just 164 in 2017.
- 13% of households in NYC are mixed status families where at least one family member is undocumented.
- Under the Trump administration, Immigration and Customs Enforcement (ICE) has increased arrests overall by 88% and arrests of individuals with no criminal record in the city by 414%.
- Immigrants constitute 31% of New York State's essential workers and 70% of the state's undocumented workforce works in essential businesses:

https://cmsny.org/new-york-essential-workers/

All of these circumstances pose a major risk to the health and lives of irregularized migrants in NYC. In fact, the COVID-19 data for Hispanics in this city confirm the daily precariousness in which they live.

- Between May 15, 2020 August 15, 2020
  - After illegalized crossing plunged in the spring, when nations went into lockdown and shut down borders in an effort to curb the spread of the virus, the number of migrants arrested along the United States border with Mexico more than doubled between April and July, according to the U.S. government. While crossing by migrants from the Northern Triangle have gone down, in July 2020, 78 % of those apprehended on the southwestern border were from Mexico.
  - A recent surge in arrests along the US-Mexico border has been partly driven by expelled migrants trying to re-enter the United States, as emergency pandemic measures that rapidly "expel" most detainees have had the unintended consequence of allowing them to try repeat illegal crossings, according to two Department of Homeland Security officials with knowledge of the <u>unpublished statistics</u>.





Source: Lutz, 2020.

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# Illegalized migrant workers

- Federal data shows that unemployment among foreign-born Hispanics in the United States has outpaced that of the general population. As of June, the unemployment rate for foreign-born Hispanics in the United States was 13.5 percent, even though many did work deemed essential. The rate for all groups was 11.2 percent.
- In August 2020, Uber and Lyft were ordered by a California court to reclassify their drivers from contractors to employees, marking the latest escalation in an ongoing legal battle over a new law impacting much of the on-demand economy. Many undocumented migrants work as drivers in both companies.

Asylum seekers (legal limbo, this population is extremely vulnerable to COVID-19)

## o Before the pandemic:

- Migrants and asylum seekers are ineligible for federal relief funds during the pandemic and only some states extend pandemic relief to undocumened migrants. Funding cuts for legal aid limit provision of advice on preparing applications.
- Refusal to extend the right to refuge leads to de facto reduction in the number of refugee recognitions.
- The "Remain in Mexico" and "Safe Third Country" agreements were implemented in Guatemala, Honduras and El Salvador, to



- transfer asylum applications from the US to those countries and for "off-shore" the protection of asylum seekers to those countries.
- The situation for asylum seekers exacerbated during the pandemic, and the de facto dismantling of the US asylum system is directly affecting the lives of asylum seekers.
- Asylum seekers, including children and adolescents, are waiting in Mexico, particularly at the northern border, for their asylum hearing to take place.
- Illegalized migrants crossing the border were taken to border posts where they would have an opportunity to file a claim for humanitarian protection and access to the US immigration courts.

## During the pandemic:

- Due to the border closure, it is no longer possible to receive new cases. This confines applicants and their families to protracted waiting and legal limbo in migrant shelters along the border including the refugee camp in Matamoros.
  - [May 13] Citing the novel coronavirus pandemic, the Trump administration has sealed the U.S. immigration system so tightly that just **two people** seeking humanitarian protection at the southern border between March 21 and May 13 were allowed to stay.
  - [July 28] A new Trump administration policy has been implemented where hundreds of people who came to the United States seeking asylum have been secretly held in hotels for days on end before being expelled from the country, often with little or no paper trail. The administration has been using the COVID pandemic to create a cloud of secrecy over their asylum process, which are indeed illegal asylum policies at the border.
- Mainly Central American but also Mexican, Venezuelan, African, and Caribbean asylum seekers have been confined to the Mexican side of the border and to protracted waiting and legal limbo until the possibility of requesting asylum resumes. Many migrants have been waiting for months for their hearing to be rescheduled. Some have returned to precarious and dangerous situations in their home countries.
- Illegalized crossings along the border with Mexico have declined by almost 40%: irregularized migrants crossing the border used to be taken to border crossing check-points where they used to have the opportunity to file an application for humanitarian protection



- and access to the immigration courts of the US. However, now they are immediately returned to Mexico.
- Hearings are to be held in Mexico under the "Remain in Mexico" policy. When that happens, migrants will have to obtain new hearing dates and new government documents.
- **[June 25]** The Supreme Court sided with the Trump administration's efforts to speed up the deportation of asylum seekers. The Supreme Court ruled in a 7-2 vote that some people seeking asylum in the U.S. can be deported without additional court hearings saying that people who fail to make a valid case for asylum in their initial screenings, by credibly claiming that they fear persecution at home, can be fast-tracked for deportation and cannot challenge that decision in federal court.
- [June 15, 2020] The Department of Justice and the Department of Homeland Security issued a major proposed asylum regulation: "Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review". This proposal would dramatically curtail eligibility for asylum in the United States by barring or discrediting broad categories of claims and making it extremely difficult for asylum seekers to get a fair or full hearing.
- [June 30] A federal judge in Washington struck down a Trump administration policy that is aimed at blocking Central American migration by requiring asylum seekers from Honduras, El Salvador, Guatemala and elsewhere first to apply for asylum in countries they pass through on the way to the United States, particularly Mexico or Guatemala.

## - Refugees

- O Before the pandemic:
  - Refugee admissions in the US declined substantially during the Trump administration. In fiscal year 2017, the US was resettling approximately 53,700 refugees. For Trump's first year, he set a ceiling of 45,000 refugees; in 2019, it was lowered to 30,000 refugees. For 2020, the Trump administration set a limit of a maximum of 18,000 refugees resettled in the US, the lowest level since 1980.
  - Since fiscal year 1980, 55% of refugees have come from Asia, a much higher proportion than from Europe (28%), Africa (13%) or Latin America (4%).
  - Since fiscal year 2002, the majority of refugees have come from Burma (about 177,700), Iraq (144,400), and Somalia (104,100).



Texas, Washington, New York, and California resettled approximately a quarter of all refugees in fiscal year 2019.

# O During the pandemic:

- There is little or no information on the impact of COVID-19 on these communities in the US.
- [March 17] Amidst travel restrictions and other government responses to the growing COVID-19 pandemic, the United Nations High Commissioner for Refugees, as of March 17, 2020, temporarily suspended refugee resettlement departures.
- [April 21] The U.S. continued to accept refugees for resettlement until the UNHCR suspended resettlement departures—according to data from the Refugee Processing Center, the U.S. admitted 1,584 refugees in February and 1,110 refugees in March.
- **[June 1]** The CDC posted information about COVID-19 in Newly Resettled Refugee Populations. In the communication, the CDC states that "the impact of COVID-19 on the lives of resettled refugees remains unknown, as COVID-19 is a new disease".
- **[July]** Several refugee programs struggle as funding and resettlements are dwindling.

Agricultural and food industry workers, particularly meat-packing industry (this population is extremely vulnerable to Covid-19)

## Before the pandemic:

- H2-A workers hold work permits which depend on the employer. These workers were already exploited and often abused by employers, some were deceived by recruitment agencies, and lacked access to a path to permanent residence or citizenship and to health care.
- Illegalized farm workers lived under constant threat of deportation because of their legal status situation.
- The situation for agricultural and food industry workers has NOT changed during the pandemic. Risks have been exacerbated, which directly affects the lives of these essential workers in the US.

## During the pandemic:

- As of March 3, the list of "essential workers" included agricultural and food industry workers.
- Being an essential worker implies not having the option to stop working, or to stay at home to socially distance or quarantine.



- Most farm and food workers live in overcrowded places and unhealthy conditions.
- They use crowded public transportation to get to work which also pose health risks.
- In agricultural fields, there are no guarantees of good health conditions for workers.
- Many farm and food workers are illegalized and do not qualify for emergency relief aid.
- In the meat-packing industry, in several plants located throughout the country, there have been reports of outbreaks and spread among employees who have been asked to continue to work without being provided PPE (Personal Protective Equipment).
- In late April, President Trump used the Defense Production Act to compel meat packing plants to remain open, despite being high infection and spread sites for illegalized migrant workers.
- Between May 15, 2020 August 15, 2020
  - 2.5 million farmworkers, about half of whom the government estimates are undocumented, are absolutely critical to keeping the food system working. Six months into the pandemic these workers appear to be victims of the worst of the Covid-19 crisis.
  - The vast majority of states, county and local health departments are not collecting data on how many individual farmworkers have tested positive for coronavirus, nor how many have been hospitalized or died from the virus. The Food and Environment Reporting Network estimates that at least 57,000 food system workers, including 6,700 farmworkers, have tested positive for Covid-19 nationally, but that's just a partial snapshot because testing is limited. The lack of data makes it impossible to quantify the impact on workers in each state and county, yet data shows key agricultural counties in the Central Valley shows the disproportionate infection rate extends across multiple states.
  - Roughly 10 percent of the workforce is in the country on H-2A visas, which allow foreign workers to come to the U.S. and work seasonal farm jobs. Most are from Mexico.
  - A lack of access to testing and protective gear, an aging and consolidated health care system and rampant fear of the Trump administration's strict immigration policies has created ideal conditions for the virus to spread across farmworker camps and small towns
  - Detainees (this population is extremely vulnerable to COVID-19).

# **NEW DATA**

Before the pandemic:



- The USA has the largest immigration detention system in the world. In FY 2018, ICE expanded the detention bed capacity to 48,000 in more than 200 centers and prisons across the country. ICE's average daily population in FY 2019 was 50,165.
- According to Freedom for Immigrants, <u>70% of detainees</u> are held in privately run prisons.
- The general conditions include overcrowding, constant contact with others, and limited medical services which combine to make detainees particularly vulnerable to the transmission and spread of COVID-19.

# During the pandemic:

#### Between March 15, 2020- May 15, 2020

- Detention centers are antithetical to social distancing measures to prevent the spread of the coronavirus. Most facilities have not provided soap and disinfectants nor have they introduced viable social distancing measures.
- Visiting has been suspended.
- ICE has continued to perform unnecessary transfers of detainees between facilities thus risking the spread of the virus, as they routinely move thousands of people in and out of the centers.
- As of March 21, the population of detainees increased to 38,058 people, of whom only 39% were convicted criminals. These data confirm that raids and arrests have continued.
- As of April 4, the Immigration and Customs Service announced that it would release detainees deemed especially vulnerable to the coronavirus: people 60 years of age or older, pregnant women, or others with higher risk factors such as underlying medical conditions.
- As of May 16, 372 detainees had been released.
- There have been certain exceptional cases of local release of detainees where ICE detainers have not been honored.
- Two detainees and two guards have died from Covid during the pandemic.
- As of June 11, ICE confirmed 1,849 cases of covid among migrants in detention.
- The facilities with the most cases:
  - 164 detainees at the Otay Mesa Detention Center (San Diego, CA)
  - 135 detainees at the Bluebonnet Detention Center (Anson, TX)
  - 116 detainees at Winn Correctional Center (Winnfield, LA)
  - 103 detainees at Houston Contract Detention Facility (TX)

Between June 15, 2020- October 1, 2020



- Between June and September 2020, the total detainee population has dropped to 19,742 (Oct. 2, 2020)
- Since Feb. 2020, 6,435 detainees have tested positive for corona while in ICE custody
- As of the month of September, ICE has registered a total of 8 detainee deaths.
- Transfers between detention centers have caused new infection hotspots. For example, in early June, 74 detainees from Arizona and Florida were transferred to Farmville Detention Center in Virginia, and of these 51 eventually tested positive for the coronavirus. At the end of July, <u>75% of detainees in Farmville</u> tested positive.
- In October, DHS officials acknowledge in a <u>leaked report</u> that transfers of detainees between facilities had "contributed to outbreaks"
- Deportees (this population is extremely vulnerable to COVID-19)
  - o Before the pandemic:
    - Deportation, by air or land, to countries of origin of irregularized migrants detained while crossing the border, or by immigration raids within the country, was a routine process.
    - Irregularized migrants, mostly Latin Americans, were expelled and sent handcuffed on deportation flights from the US or expelled through the land border with Mexico.
  - During the pandemic:

Between March 15, 2020- May 15, 2020

- Invoking the health law of 1944, the Trump administration has promoted aggressive deportation of migrants to countries of origin, including some who are sick with the virus.
- The expulsion processes have been streamlined to practice express deportations in less than 96 hours. Since the start of the pandemic, 6,300 undocumented immigrants have been deported.
- In mid-March, Guatemala and El Salvador temporarily objected to receiving deportation flights from the US due to the pandemic. However, President Trump threatened to deny visas to nationals of countries that refuse to receive their deported citizens. Thus, deportation flights to both countries were resumed.

Between May 15, 2020 - August 15, 2020

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- o In June, The Trump administration made an <u>agreement with Guatemala</u> to transfer asylum seekers despite them facing dangers in the home country.
- Witness at the Border, an organization tracking deportation flights, reports that year-to-date August 2020, 610 deportation flights have left to 16 countries in Latin America and the Caribbean.
- On August 21, a deportation flight carried 60 unaccompanied minors to Guatemala of which <u>8 tested positive</u> for Covid upon arrival.
- As of August 27, 2020, the Trump administration has defended expelling more than 100,000 adults and children, saying the practice is necessary to protect border agents and stop the virus from spreading.
- *Migrant children and adolescents* (this population is extremely vulnerable to COVID-19).
  - Before the pandemic:
    - At the national level, more than 3,600 children and adolescents were detained, mostly in private centers, operating under the authority of the Office of Refugee Resettlement (ORR), which is part of the Department of Health and Human Services. Of these, 2.500 were put under the authority of the Refugee Resettlement Office, and another 3,300 were in detention centers with their parents, in custody of the Immigration and Customs Service (ICE).
    - ORR's budget was cut in 2019 by the Trump Administration. Several offices were shut down; which reduced public service provision for refugees. During the Trump administration, instructions were given to reduce refugee acceptance rates \, including for children and adolescents.
    - Since 2019, Trump administration officials have instructed the Courts to treat children as detainees if they are in shelters or in foster care in the custody of the Office of Refugee Resettlement. Immigration judges must complete detention cases within 60 days to deport children.
    - The situation in NYC offers a useful "case study:"
      - 8.7% of the illegalized population in NYC is between the ages of 0 to 17 years.
      - Due to stronger immigration and detention measures, there has been an increase in the detention of unaccompanied minors as well as a massive increase in the number of cases in detention centers, where people are warehoused pending deportation.
  - During the pandemic:

Between March 15, 2020 - May 15, 2020



- Before the pandemic, children and adolescents who crossed the border alone were transferred to the Department of Health and Human Services for protection. The same situation occurred with children and adolescents who were accompanied by a family member. Now they are returned by land to Mexico, or by plane to Guatemala, Honduras and El Salvador. Several have been deported without their parents.
  - [May-Jul] The Trump administration is detaining immigrant children as young as one in hotels, sometimes for weeks, before deporting them to their home countries. ICE is using a private contractor to take children to three Hampton Inn & Suites hotels in Arizona and at the Texas-Mexico border.
    - There is a lot of secrecy and lack of transparency in these procedures. There are big discrepancies among figures offered between US Customs and Border Protection and the Department of Health and Human Services. Aljazeera reported that CBP made 1,564 apprehensions of unaccompanied children at the southern border in June, HHS said it received just 61.
- Migrant children face hearings alone, only to have their deportation fast-tracked (or "express" style). In NYC, hearings for unaccompanied children are proceeding rapidly in two courts. Such hearings are also happening in Los Angeles, San Francisco, Seattle, Chicago and Boston.
- Deportations of children and adolescents who arrived at the border without an adult guardian have increased considerably in the wake of the increase in border restrictions adopted during the pandemic.
- In April, 37 migrant children living in shelter housing for underage migrants in Chicago tested positive for COVID-19.
- [June 26] A federal judge in Los Angeles ordered ICE to release children held in the country's three family detention centers by July 17 because of the danger posed by the coronavirus pandemic.

Between May 15, 2020 - August 15, 2020

Between April and June, Customs and Border Protection officials encountered <u>3,379</u> unaccompanied minors at or between ports of entry. Of those, just 162 were sent to federal shelters for immigrant children run by the Office of Refugee Resettlement, the



Health and Human Services agency tasked with their care. CBP would not say whether the remaining minors had been expelled or explain what had happened to them<sup>5</sup>

- The Trump administration has sharply increased its use of hotels to detain immigrant children as young as 1-year-old before expelling them from the United States during the coronavirus pandemic despite facing outcry from lawmakers and human-rights advocates.
- ICE has refused to release statistics on children expelled by the agency, including those
  it detained in hotels, or provide the repatriation agreements that the U.S. holds with
  at least eight countries including Guatemala, El Salvador and Honduras that
  would shed light on how those countries have agreed to accept expelled children and
  under which circumstances.<sup>6</sup>
- The Federal Immigration and Customs Enforcement agency has detained at least 860 migrants at a Quality Suites in San Diego; Hampton Inns in Phoenix and in McAllen and El Paso, Texas; a Comfort Suites Hotel in Miami; a Best Western in Los Angeles; and an Econo Lodge in Seattle. Data does not specify ages, it was likely that most or all were either children traveling alone or with their parents, because single adult migrants tend to be housed in Border Patrol holding stations.<sup>7</sup>



Source: Lutz, 2020. https://www.nytimes.com/2020/08/16/us/migrant-children-hotels-coronavirus.html

<sup>5</sup> 

<sup>&</sup>lt;sup>6</sup> Ibid.

<sup>7</sup> 



#### DACA Beneficiaries

## o Before the pandemic:

- DACA (Deferred Action for Childhood Arrivals) was a program created by the Obama administration to provide protection against deportation and work permits to undocumented youth who were brought to the US as children before their 16th birthday, and it was renewable every two years. In August 2016, Candidate Trump promised to immediately end DACA which he did by September 2017. In January 2018, a judge ordered Trump to resume renewals for current DACA recipients.
- Since September 2017, several lawsuits have been filed against the Trump administration arguing the illegality of the program's withdrawal. The Supreme Court has blocked the administration's plan to dismantle an Obama-era program that has protected 700,000 so-called DREAMers from deportation.
- As of September 2019, there were 652,880 active DACA recipients. An unfavorable decision by the Supreme Court would have meant the loss of a work permit, access to work and school opportunities and the risk of deportation, and therefore, family separation.
- Ending DACA would have directly impacted 329,600 US citizen children of DACA beneficiary parents.

## During the pandemic:

- Many DACA beneficiaries are essential workers and part of the frontline response to the COVID-19 pandemic. 43,500 DACA recipients work in the health care and welfare sectors, including 10,300 in hospitals and 2,000 in nursing homes. 21,100 work in transportation and warehouses. Another 32,800 are employed in retail, including 12,400 in supermarkets, 3,200 in pharmacies and 5,200 in other retail stores.
- Due to the pandemic, the USCIS offices are closed for DACA renewals and processing of work permits, heightening the risk of deportation and irregularized employment.

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## Migrant struggles:

- Detainees in various detention centers have started hunger strikes to demand their release and to protest against dangerous and inadequate hygiene and sanitary conditions.
- Relatives of migrants and grassroots organizations have protested in front of multiple detention centers demanding the release of detainees, including children and adolescents.
- In Los Angeles, there have been legal actions for the release of detainees, denying the release and ordering inspections before April 9. The legal action establishes a deadline of April 6 for releases and actions of family reunification of minors.
- Migrant and human rights organizations warn that despite the fact that agricultural workers offer essential services to communities, employers do not inform them about protection measures or benefits in the event of them becoming ill or losing their job. Concerns are also expressed about the care of these workers' children.

#### - Solidarity Networks:

- Pro-immigrant rights organizations advocate for putting an end to detention and deportation of all migrants immediately. Several NGOs have launched campaigns to publicize the situation of irregularized migrants.
- Across the country, advocates demand that the Immigration and Customs Enforcement (ICE) stop operations amid the coronavirus outbreak.
- Lawyers and groups of immigrant and civil rights organizations have fought for the release of detained immigrant populations often under the hashtag #FreeThemAll.
- Lawyers and migrant's organizations have been highly critical about the health risks facing migrants and have generated a media campaign: #closecourts.
- Binational initiatives have been created to defend the rights of migrants on both sides of the border. Health advocates have warned that the coronavirus could spread rampantly.
- Habeas Corpus Petitions were filed on behalf of 14 detainees at the Mesa Verde (9) and Yuba (5) detention centers in Southern California.
- Human rights and migrant organizations have made applications to petition for the immediate release of migrant minors.
- Lawyers representing detainees at the Elizabeth Detention Center in New Jersey filed a class action lawsuit in May demanding the release of all 114 detainees at the facility.
- Jason Flores-Williams, advocate for migrant rights in the US, warned of the situation of more than 60,000 migrants living in makeshift camps where, in addition to violence, the sanitary conditions are sickening as they do not have access to clean water or hygienic toilets.



- Multiple public actions and digital/social media campaigns that include petitions, declarations and demands have been initiated by by migrant rights organizations.
- o Campaigns:
  - #Freethemall
  - #closecourts
  - Legalization for essential workers (<a href="https://www.nytimes.com/2020/05/06/opinion/sunday/coronavirus-essential-workers.html">https://www.nytimes.com/2020/05/06/opinion/sunday/coronavirus-essential-workers.html</a>)
  - #CovidHeroes #KeepingUSafe: Campaign to make TPS visible as essential workers.
  - #CareForUs, #ShutItDown: Call to action to protect workers at Foster Farms.
- DACA as essential workers:
  - A campaign to visibilize DACA beneficiaries as essential workers and important part of the frontline workers against Covid-19, as a Supreme Court decision looms: https://cmsny.org/daca-essential-workers-covid/
- Access to information:
  - <u>Derechos y recursos durante COVID-19</u> Rights and resources during COVID-19
  - COVID-19 Recursos para la comunidad migrante en NYC -Covid-19 resources for the migrant community in NYC:
- [As of July 15] Campaigns to oppose the dismantling of the asylum system. Withdrawal
  of "Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable
  Fear Review"
  - <u>Doctors without borders.</u>
  - Statement by UN High Commissioner for Refugees.

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- [July 2020] Against the use of hotels as detention centres for family and migrants children: advocacy groups and Democratic lawmakers criticized the administration, with U.S. Sen. Bob Casey of Pennsylvania tweeting, "This is child abuse."
- Against the use of hotels as detention centres for family and migrants children: American Civil Liberties Union sued on behalf of people detained at the <u>McAllen hotel</u>.
- Against the predictions of economists Across the United States, migrants and the children of migrants say they have <u>prioritized sending money</u> to family in Mexico and Central America during the pandemic<sup>9</sup>

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- Against The Student and Exchange Visitor Program (SEVP) modifications that would strip foreign college students of their visas if the courses they take this fall are entirely online, Harvard University and the Massachusetts Institute of Technology sued the Trump administration in federal court. In addition to that, several lawsuits, amicus and temporary restraint measures were presented. On July 14, these modifications were withdrawn.
- [Aug 20] Farmworker and Latino Advocates File Amicus Brief Supporting Michigan's Emergency Public Health Order.

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