

**CITY OF EL PASO, TEXAS
AGENDA ITEM
AGENDA SUMMARY FORM**

DEPARTMENT: Mayor and Council

AGENDA DATE: Tuesday, February 28, 2023

CONTACT PERSON NAME AND PHONE NUMBER: City Representative Henry Rivera, District 7 – 915-212-0007

DISTRICT(S) AFFECTED: All (Districts, 1, 2, 3, 4, 5, 6, 7, 8)

STRATEGIC GOAL:

Goal 2 – Set the Standard for a Safe and Secure City

Goal 6 – Set the Standard for Sound Governance and Fiscal Management

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Discussion and Action to direct the City Manager to provide information of any steps the City of El Paso has taken in preparation for an upcoming migrant surge as a result of the end of the national emergency and public health emergency declarations on May 11, 2023, related to the COVID-19 pandemic; what is the potential financial impact that will have on the City of El Paso.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns? **See attached.**

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

*****REQUIRED AUTHORIZATION*****

Future of Title 42, migrant impact uncertain as COVID emergency winds down

by Cindy Ramirez February 20, 2023

[Cindy Ramirez](#) February 20, 2023



Dozens of migrants cross the Rio Grande from Juárez to El Paso on Saturday, Sept. 10.
(Corrie Boudreaux/El Paso Matters)

The steep drop in the number of migrants arriving in El Paso won't likely last long, and immigration experts warn of another significant influx as Title 42 enters its third and

possibly last year.

A public health policy that's been used to deter migrants from seeking asylum in the United States, Title 42 is entering its third year this March. That's also when the Supreme Court was expected to hear from Republican-led states that wanted to intervene in ongoing litigation to keep Title 42 in place.

But the Supreme Court on Feb. 16 canceled arguments that were scheduled for March 1. Many experts expected the case to be moot as President Biden said he plans to end the COVID-19 public health emergency on May 11.

"Some legal analysts read that to mean that if the health declaration ends in May, it will bring down Title 42 with it, regardless of what the courts say," said Ariel Ruiz Soto, a policy analyst with the Migration Policy Institute, a nonpartisan think-tank.

If the policy ends, Soto said, the Southwest border will again be inundated with migrants seeking asylum. If it were to stay in place and legal pathways into the United States are blocked, the borderland could still see an increase in migrants making multiple attempts to enter the country – although many more unlawfully.



Migrants from Nicaragua, Peru and other countries waded into the Rio Grande to cross into El Paso on Sunday, Dec. 11. (Corrie Boudreaux/El Paso Matters)

The Justice Department in a Feb. 7 brief to the Supreme Court all but confirmed the end of Title 42: "Absent other relevant developments, the end of the public health emergency will (among other consequences) terminate the Title 42 orders and moot this case," the [brief](#) states.

But U.S. Rep. Veronica Escobar, D-El Paso, said because immigration policies can be so fluid, border communities like El Paso need to be prepared for the unknown.

"At times we've planned to be overwhelmed and see the numbers drop instead and vice versa – we expected numbers to drop with the cold weather and we were

overwhelmed," Escobar said. "In many respects we don't know what's around the corner. There may be more legal action in the courts to prevent the lifting of Title 42, although I think we need to move past it."

Saying "nothing is guaranteed," Adam Isacson agrees. He's the director of defense oversight with the Washington Office on Latin America human rights advocacy organization in Washington, D.C.

In his weekly U.S.-Mexico border newsletter, Isacson said Republican state governments have had success challenging Biden's policies in court, particularly in federal appellate courts known for their conservative judges.

"While these states have no interest in maintaining the COVID emergency — they have long chafed under pandemic restrictions — they may seek to convince a Fifth Circuit judge to concoct a means to exclude protection-seeking migrants, at a time of very high numbers of migrant encounters at the U.S.-Mexico border," Isacson said.

A bipartisan group of senators earlier this month also reintroduced legislation aimed at keeping Title 42 in place for two months following the end of the COVID emergency. It also seeks to require the administration to submit a plan to address the impact of the "post-Title 42 migrant influx."

Reaching Record Highs

The El Paso-Juárez border saw a record number of migrants arrive at its doorstep late last year, leaving governments scrambling to process, shelter and transport them.

Hundreds [slept on the streets for weeks](#) as shelters burst at the seams.

In the El Paso sector, Border Patrol agents reported more than 162,600 encounters with migrants from October to December – more than triple over the same time in 2021. The sector, which covers El Paso and all of New Mexico, had the highest number of migrant encounters across the 20 sectors nationwide, followed by Del Rio at over 142,000. Across the entire Southwest border, 633,450 encounters were reported, up nearly 28%.

But the number of encounters and migrants arriving in El Paso have plummeted since Jan. 5, when [President Biden announced Title 42 restrictions](#) were being extended to expel migrants from Cuba, Haiti and Nicaragua back to Mexico without allowing them to request asylum in the United States at the border. The same restrictions have been applied to Venezuelans since October, and have also applied to migrants from four other countries.



President Joe Biden walks along the border fence with U.S. Border Patrol agents during a visit to El Paso on Jan. 8. (Omar Ornelas/El Paso Times via White House press pool)

"I think the stages of success of Title 42 have ebbed and flowed and they started by being counterproductive when it was mainly applied to Mexicans," Soto said. "But today, when it's applied to eight nationalities, coupled with a parole program, it has reduced, in the short term, irregular arrivals from nationalities that tend to be more sensitive to consequences in the U.S. or Mexico."

Across the Southwest border in all of January, Border Patrol reported more than 128,400 migrant encounters – a decrease of 42% over December – although about 25% of the total were repeat encounters.

The total encounters in January are the lowest since February 2021 when encounters began to increase "after the

most severe impacts of the COVID-19 pandemic on migration," Customs and Border Protection said in a news release.

In the El Paso sector, about 29,700 migrant encounters were reported in January – compared to the more than 53,000 in each October, November and December.

Calm Before the Storm?

It's estimated some 20,000 migrants are [stuck in Juárez](#), where they arrived over the last several months expecting to be able to seek asylum in El Paso. Most are from South and Central America; though a good number are [from Mexico](#).

On Feb. 9, more than 500 migrants crossed the Rio Grande from Juárez to the border gate in El Paso's Lower Valley, [reportedly after hearing rumors](#) via the WhatsApp messaging application that they would be allowed to stay in the country or bused to Canada. Most of those migrants were Venezuelan adult men.

About 400 of them were sent back across the river to Mexico that same night and others, primarily families with young children, were processed by Border Patrol, [Texas National Guardsmen said in a video](#) calling the crossings a "mass migration event." The guard assisted Border Patrol agents and state troopers from the Department of Public

Safety to manage the situation.

The video was an update to Operation Lone Star, Gov. Greg Abbott's controversial border security initiative that sent hundreds of state troops to the region after El Paso Mayor Oscar Leeser issued a disaster declaration over the migrant humanitarian crisis in December.

The Feb. 9 incident may be an indication of another migrant influx regardless of what happens with Title 42 – and Escobar said governments and nongovernmental agencies at all levels need to be prepared.

CBP in January opened a new soft-sided facility to serve as a temporary processing center with a capacity of up to 1,000 migrants and is now being used primarily to process women and families. The facility is intended to help with overflow at its Central Processing Center, which has a similar capacity.

A group of migrants – the majority of them Venezuelan – congregate around Sacred Heart Catholic Church in South El Paso on Jan. 4. Many of the migrants there crossed into the U.S. without being processed by Border Patrol. (Cindy Ramirez / El Paso Matters)

The migrants there are either expelled under Title 42 or immigration laws such as Title 8, or released to the community to await their asylum hearing in the United States.

Title 8 allows border agents to expeditiously remove

migrants who are ineligible for asylum because they do not claim a fear of persecution or torture or are determined not to have a credible fear. Under Title 8, migrants can be criminally prosecuted for attempting to enter the country without documentation and are subject to a five-year bar on admission.

Those that are released to the community are sent to shelters or other migrant programs, such as the El Paso County Migrant Support Services Center that work with migrants to help get them to their next destination.

The county's center near the airport has also seen a fluctuation in numbers: More than 560 migrants received assistance there the week of Jan. 2-8; while only 25 came through the center Jan. 9-15. From Jan. 30 to Feb. 12, however, the county's center received nearly 400 migrants, including from countries such as Columbia, Peru, Ecuador, Venezuela, Bolivia, Guatemala, Cuba and Paraguay. The county has also seen migrants from Afghanistan, Spain, Turkey, Brazil and Senegal.

Since opening on Oct. 10, the county's migrant center has assisted more than 27,200 migrants through the process of finding and buying plane or bus tickets or connecting them with sponsors. The county does not pay for their travel, but rather, helps them arrange it.

While the county scaled down its migrant operations after the latest Title 42 pause, it hasn't demobilized them, county officials said. In anticipation of another influx, the county recently leased a larger building to be prepared for any emergency migrant response. The new facility will open March 1. The county is also recruiting staff to oversee its emergency migrant response efforts, officials said.

City officials didn't respond to requests for comments for this story, but have two [vacant schools](#) on standby to serve as migrant shelters if needed. The city with the Red Cross had opened the Judson F. Williams Convention Center as a migrant shelter in December, but soon closed when the number of migrants arriving in El Paso began to dwindle.

"We'll see an uptick without Title 42, although it likely won't be El Paso alone," Soto said, adding that different border cities could see migrant encounters increase depending on their trajectory.

Why Are So Many Migrants Still Entering the Country?

While migrants are arriving in El Paso in much lower numbers, they're still arriving.

The Title 42 measure doesn't cover all nationalities and is full of exemptions – including for some traveling with children or protected under humanitarian laws.

"A lot of our response to the use of Title 42 was in supporting people through the exception process," said Marisa Limón Garza, executive director of Las Americas Immigration Advocacy Center in El Paso. "We've worked directly with CBP to make sure that the people in need of protection were able to secure that."

Limón Garza said the nonprofit organization was most able to help Haitian migrants – at least until policies shifted and made it more difficult for them to seek asylum. The changing immigration policies – particularly under Title 42 – has made it difficult for organizations like Las Americas to keep up.

That's also the case with the El Paso Diocesan Migrant and Refugee Services organization.

"It's been incredibly difficult for us because sometimes we even get confused about what's happening day-to-day because so much changes," said Melissa Lopez, executive director and an attorney with DMRS. "Sometimes we're sitting giving information to somebody and literally something changes in that minute."

And with those measures in place limiting asylum opportunities, migrants are entering the country without being processed by border agents.

"We're still here, just waiting. We're not sure for what. A

miracle, maybe," said Orlando, a 28-year-old Venezuelan who crossed into El Paso in early January. He was among a group of migrants who entered the U.S. unlawfully after Biden extended Title 42, frustrated after having waited in Mexico since November in anticipation that the policy would be lifted in December.

Migrant children play in front of Sacred Heart Catholic Church on Jan. 4. (Cindy Ramirez / El Paso Matters)

Orlando bounced a soccer ball from his feet to his knees and back again at Sacred Heart Catholic Church in late January. He sought refuge there after Border Patrol cracked down on migrants sleeping on sidewalks in Downtown and South El Paso but didn't block access to migrants' access to churches or shelters.

"It's been a hardship, but we're here out of need and desperation," Orlando said. "We're looking for jobs, opportunities, not handouts."

In early February, as the number of migrants at Sacred Heart dwindled to about a dozen from more than 500 in December, Orlando was nowhere to be found. The sidewalks around the church are now mostly clear.

Calling the migrant influx a humanitarian crisis, Lopez and Limón Garza point to efforts to curb asylum opportunities as inhumane.

"All of the measures that have been put into place to impede the ability to seek asylum need to be rescinded and rescinded immediately because the right to seek asylum is built into the very foundation of our immigration laws," Lopez said.

No matter what happens, Title 42 and its impact will long be debated, some experts said.

"Title 42 was never intended to be a long term solution to addressing migration management," Soto said. "That was clear in the beginning, even under a Trump administration. It was a tool to use to try to manage the numbers. It was controversial and it still continues to be controversial."

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