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Immigration Policy After COVID-19 and Cultural Resistance at the U.S.-Mexico Border

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Abstract

What I examine here is how the global COVID-19 pandemic altered asylum and refugee responsibility among Global North countries. In particular, I look at cultural responses to restrictive pandemic policies which speak to the level of intensity of the current humanitarian crisis at the United States southern border with Mexico. The US-Mexico border functions well as a case study because of its highly publicized and discussed nature, along with the strong influence held by the US over the rest of the world. The cultural moment surrounding Title 42 and other pandemic policies represents a shift in public recognition of the failures of restrictive neoliberal policy.

Introduction

In the spring of 2014, a group of bishops from across the US and Mexico gathered in Nogales, Arizona to be led in mass by Cardinal Sean O'Malley, leader of the Boston Archdiocese.¹ They held a bilingual mass in the shadow of the intimidatingly large border wall, right next to a Customs and Border Patrol security booth. Through narrow gaps in the metal fence, the bishops gave communion. Hands on one side touched hands on the other—an act that today would lead to potentially violent action on behalf of border patrol.²

Media coverage of the unique ceremony was abundant. It was commended as a heartwarming tribute to the many immigrants who make the dire trek through the desert into the US, especially the large number who died trying. The bishops were further acclaimed for their call to Congress for improved immigration laws to relieve the humanitarian crisis at the southern border. Other congregations, most of them smaller and local, aimed to follow suit and offer communion through the wall, but this was soon made impossible. In a move that reflected the brutal nature of its immigration system, the US government covered certain sections of the border wall with excessive razor wire, including the area where the communion was given in 2014. They also installed railings a few feet back from the wall at certain sections, which trigger border patrol action if crossed. Many leaders of humanitarian organizations in the region believe these fortifying additions to be directly caused by the high amount of media attention that the

¹ “Bishops Offer Holy Communion through Fence at Mexican Border,” Omaha World-Herald, October 16, 2019, https://omaha.com/lifestyles/bishops-offer-holy-communion-through-fence-at-mexican-border/article_3c009a9b-ac03-5312-9058-6c6cfd2d1431.html.

² Knowledge attained through conversations with leaders at Kino Border Initiative

communion received, and specifically by the demonstration of the fact that people were able to touch one another through the border wall.³



Figure 1: Concertina razor wire covers the border wall in Nogales, an unnecessary militarizing addition by Trump to the unfinished border wall. (Photo taken by author)

In January of 2022 I visited the Nogales border and saw the spot where the famed communion was given. The border wall is hauntingly large and looms over anyone unfortunate

³ Knowledge attained through conversations with leaders at Kino Border Initiative

enough to be in its presence. The massive amounts of concertina razor wire layered on the fence give it the look of a maximum-security prison (Figure 1). This militarized reinforcement of the wall is noteworthy because of its pointlessness. On both sides of Nogales, there are miles upon miles where the border wall is just a wire fence that essentially only serves to keep cattle on one side or the other (Figure 2). No one would attempt to jump a twenty-foot steel wall in an area heavily populated by border patrol when they could cross a nearby cattle fence or vehicle barrier gap in the wall (Figure 3) with ease.



Figure 2: A portion of the border fence in the desert outside of Nogales. This is what most of the border through the desert looks like; its main purpose is to keep cattle enclosed.

(Photo taken by author)



Figure 3: A vehicle barrier placed in a gap in the border wall. Gaps like these are frequent, yet segments of the wall nearby are covered in razor wire which serves no purpose but to characterize US immigration as restrictive and heavily fortified. (Photo taken by author)

It seems that needless brutality is a hallmark of the US immigration system, regardless of political party. The addition of razor wire began during Donald Trump's presidency but continues through Joe Biden's. I tell this story because it represents the restrictive acts without true cause on behalf of the US government which had a hold prior to COVID-19. Once the pandemic began, this behavior, on a much larger scale, came to be standard alongside the worldwide shift in refugee responsibility.

The global COVID-19 pandemic began in 2020. The political and social fallout would change the world in countless forms, most of which are surely still to come. The change I examine here is that of asylum systems and global refugee solidarity. The COVID-19 virus provided governments with justification to close their borders, and in a way where they were not obligated to provide aid to those they were denying asylum.⁴ Powerful nations used fear tactics to associate immigrants with the disease, then enacted exceedingly restrictive policies in the name of public health.⁵

Immigration has been at the forefront of challenges faced by the United States of America for some time now. Alongside other Global North states, the US is encountering increased pressure in terms of refugee responsibility due to the rising number of global conflicts producing forced migration.⁶ When the COVID-19 pandemic began, it provided an opportunity for these global superpowers, the US especially, to set a new standard for themselves. Their actions follow the neoliberal trend which we have seen rise in the years prior to the pandemic. I

⁴ Terence M. Garrett and Arthur J. Sementelli, "COVID-19, Asylum Seekers, and Migrants on the Mexico–U.S. Border: Creating States of Exception," *Politics & Policy* 50, no. 4 (2022): pp. 872-886, <https://doi.org/10.1111/polp.12484>.

⁵ *Ibid*

⁶ John Washington, *The Dispossessed. A Story of Asylum and the US-Mexican Border and Beyond* (London: Verso Books, 2020).

examine the policies enacted by the US government and the fallout of the major change in US asylum. Following that, I look to the cultural responses in the form of social media, protest and art. On both sides of the border, these reactions to pandemic policy uncover the public sentiments on the ideological shift toward exclusivity, as well as exposing the foremost failings of US immigration policy.

Literature Review

Research is abundant on the political and cultural moment of the COVID-19 pandemic despite it being recent and ongoing. Governments and institutions across the world enacted policy responses to COVID that drove inequality in various forms, worsened unstable refugee situations, and violated international laws and treaties.⁷

Scholar Magdalena Perzyna has noted some consequences of exclusionary pandemic policy in addressing how nation states in the global North are trending toward state-centric protectionism in their asylum policy. Titled “The Substance of Solidarity: What the Response to the COVID-19 Pandemic Says About the Global Refugee Regime,” her 2020 working paper produced jointly by the Ryerson Center for Immigration and Settlement and the Canada Excellence Research Chair in Migration and Integration focuses on violations in domestic and international law by Canada and the US. The response actions by these governments, when placed against the advice of public health professionals during the pandemic, “are emblematic of a greater tendency towards ... neoliberal-biased immigration policies which place value on human life in economic terms.”⁸ Perzyna warns about the dangers of neoliberal governance reproducing the conditions which generate refugees in the first place. She argues that the compounded humanitarian and economic crises, alongside blatant disregard for international asylum laws, make for a questionable future in fostering unity and shared responsibility in the “global refugee regime.”⁹

⁷ Garrett, “COVID-19.”

⁸ Magdalena Perzyna, “The Substance of Solidarity: What the Response to the COVID-19 Pandemic Says about the Global Refugee Regime,” *Ryerson Centre for Immigration and Settlement*, 2021, <https://doi.org/10.32920/ryerson.14636520>, 14.

⁹ *Ibid*

Perzyna notes something important about asylum-based policies and responses to the COVID-19 pandemic in general. There is a growing “space of possibility”¹⁰ through which we are better able to reconsider structures of global inequality that inhibit economic and political power in the global South. There is an obligation for civil society to challenge hegemonic power structures given that the pandemic has widened the capacity for the exploitation of sovereign power.¹¹

Sinan Ülgen also discusses this “global refugee regime,” meaning the international system and network which governs refugees, in a 2021 article from Project Syndicate. However, she considers it through the context of Afghanistan and the expected wave of migrants fleeing the Taliban. She argues that the 1951 Refugee Convention, which serves as the basis for work done by the United Nations Refugee Agency (within the UNHCR), is outdated for many reasons. It was developed during recovery from World War II, when Europe was the epicenter of the refugee crisis. The current framework does not function for the actual dynamics and demographics of refugees today. As a result of this dissonance, agreements are made that allow states or institutions to escape their obligations, such as with Syrian refugees in 2016 where the EU was essentially able to outsource their refugee policy. Policies like these, according to Ülgen, “weaken the global rules-based international system on refugees.”¹²

Ülgen goes on to argue that there are at least four major aspects of the refugee convention that need to be revisited and amended: funding, the definition of refugee, international

¹⁰ Perzyna, “The Substance of Solidarity,” 13.

¹¹ Perzyna, “The Substance of Solidarity,” 14.

¹² Sinan Ülgen, “Updating the Global Refugee Regime,” Project Syndicate, November 2, 2021, <https://www.project-syndicate.org/commentary/updating-global-refugee-regime-by-sinan-ulgen-2021-09>.

enforcement, and rules relating to the “responsibility to protect”¹³ The concept of a shared responsibility to protect was adopted unanimously by the UN General Assembly in 2005. It currently applies to mass atrocities such as ethnic cleansings or genocides.¹⁴ However, Ülgen claims that governments that nurture the conditions that produce large numbers of refugees ought to be subject to international action under this agreement.

In his book “The Dispossessed,” author John Washington characterizes the state of what the above authors refer to as the “global refugee regime.” There are various ways to measure its stability and effectiveness. One of these is the number of fences or walls along international borders, which has skyrocketed from fifteen to seventy since the fall of the Berlin Wall in 1989.¹⁵ Between 2005 and 2014, around 40,000 people died trying to cross a border. Between 2014 and the publication of this book in 2020, another 56,000. That comes to around 100,000 lives lost in just 15 years, which is likely only a fraction of the real number of deaths and disappearances.¹⁶ Washington also highlights a quote from the Washington Post in 2018 which well encapsulates the state of crisis we are in: “A decade ago, 1 in 100 border crossers was seeking asylum or humanitarian relief ... Now it’s 1 in 3.”¹⁷

“The Dispossessed” tells the story of a 24 year old man from El Salvador and his family’s attempt to receive asylum. It details the family separations, deportations, and traumatic experiences inherent to the asylum process, revealing how the US and many other Western states

¹³ Ülgen, “Updating the Global Refugee Regime,.”

¹⁴ Ülgen, “Updating the Global Refugee Regime,.”

¹⁵ Washington, “The Dispossessed,” 45.

¹⁶ *Ibid*

¹⁷ Washington, “The Dispossessed,” 44.

have all but eviscerated asylum protections. The actions and policies of powerful nations in the last decade has put refugees, an already vulnerable group, most at-risk than ever before.

In an economic brief from 2020, Mma Amara Ekeruche characterizes how pandemic policy responses can widen the already deep inequalities embedded in the global social order. In Nigeria and Uganda, the Urban Cash for Work Program (UCWP) and the Social Assistance Grants for Empowerment (SAGE) policies, both in response to the COVID-19 pandemic, had the unintended consequence of excluding large groups of the population, including women, youth, and the informal sector. This is because these policies were “neutral,” as Ekeruche terms it. This means they did not account for existing inequalities and economic disparities.¹⁸ She stresses the importance of crafting context-specific policies that address ongoing crises and imbalances.

On policy responses to COVID, Terrence Garrett and Arthur Sementelli (2022) describe how “states of exception” are created. By this, they mean that governments can justifiably violate international laws and agreements on the basis of public health. COVID created a massive state of exception for the American government to violate a great deal of agreements. Human rights abuses took place on a massive scale for which there were no consequences. This is because the US used COVID and the fear surrounding it as a shield of sorts for legal violations.¹⁹ These exceptions undermine the rule of law and cast new, radical precedents that threaten to shape future laws and actions.

¹⁸ Mma Amara Ekeruche, “Drivers of Disparity: How Policy Responses to COVID-19 Can Increase Inequalities,” *South African Institute of International Affairs*, 2020. <http://www.jstor.org/stable/resrep28261>, 8.

¹⁹ Garrett, “COVID-19,” 883.

Case Study – U.S. and Mexico

A Moment of Crisis

The border between Mexico and the United States is a site of mass controversy. One of the most central topics in media during the presidency of Donald Trump, and during the 2020 election, was the humanitarian crisis of the Southern border. The US is a global superpower and holds significant weight over other nations and institutions. US policy, in this way, is a good representative of the ideologies of Global North states, those who are usually on the receiving end of migration. As a case study, the US and Mexico border demonstrates the trend toward exclusion and the cultural moment produced by it. The crisis at the Southern border has many nuances to it, but the lived effects of policy on real people can help us understand the faults of US policy, especially after the pandemic.

In the winter of 2021, a young mother named Ana²⁰ began her encounter with the US asylum system. I met her in Mexico, in a shelter near the Nogales Sonora border. She was escaping from her husband in Honduras, who had abused both her and her 7-year-old daughter. Ana was able to get the papers she needed to leave Honduras because of the domestic abuse she endured, but her brother was not. She took her daughter and her 3-year-old son, and they took a bus from Honduras to Mexico. Anas brother Adan²¹, without the proper papers, had to take a train up north to meet them, presumably La Bestia. They all made it to Mexico and reunited, only to be swiftly kidnapped by a cartel group. They were blindfolded, gagged, and beat. One of the other men being held there had his eat cut off. Another had his eye burned. Ana's daughter was not

²⁰ Name changed for anonymity

²¹ Name changed for anonymity

blindfolded—she saw everything that happened. Miraculously, the cartel let them go rather than killing them, but not without first warning Ana’s family that if they saw them again, they would kill them on the spot.

Adan, Ana, and her two children had been staying at the shelter for a month when I met them. Being in the same territory of the cartel that took them, they spent every day in agonizing fear, hoping that the US would reopen the asylum system closed by COVID. The vulnerability of their situation is sadly not a unique one. When the COVID-19 pandemic erupted in March of 2020, the Trump administration enacted a host of measures and policies that would bring the immigration system to a grinding halt. One of the most significant among these, in terms of media attention and the impact on individual migrants, was Title 42. Title 42 immediately deported all asylum seekers who were already in the United States, sending them to Mexico.²² It also prevented anyone from applying for asylum²³, leaving hundreds of thousands of individuals and families fleeing dangerous situations to their own devices. The sudden shutdown of the US asylum system occurred in a moment of ongoing crisis at the border. This resulted in devastating and fatal consequences.

Historical Overview of US Asylum

Prior to the COVID-19 pandemic, the Trump administration had already enabled a state of humanitarian crisis at the Mexico-US border. In 2019, the United Nations High Commissioner for

²² Sarah A. Blue et al., “IM/Mobility at the US–Mexico Border during the COVID-19 Pandemic,” *Social Sciences* 10, no. 2 (January 2021), 47.
<https://doi.org/10.3390/socsci10020047>.

²³ *Ibid*

Human Rights, Michele Bachelet, openly condemned the United States for the cruel conditions under which migrants and their children were being held.²⁴ From 2018 onward, Trump cut the refugee quota and enacted “Migrant Protection Protocols” policies which sent asylum seekers out of the US and into dangerous border towns.²⁵ ICE raids, mass deportations, and family separations made up most of the media criticism. During his presidency, Trump enacted the Muslim ban and attempted to end the Deferred Action for Childhood Arrivals (DACA) program. This era worsened what was already considered a crisis in immigration. This is not to mention the policies that would come once COVID hit.

The global standard for ‘asylum seeker’ was set at the 1951 Refugee Convention. It remains defined today as someone “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” who is outside their country of nationality and “is unable or, owing to such fear, is unwilling to return to it.”²⁶ The United States asylum system has no formal numerical limit for asylees. This contrasts with applications for refugee status through the State Department from one’s country of origin, for which there are stringent numerical ceilings.²⁷ Asylum seekers do not apply from their home country, but once inside the United States, or at a port of entry. With ceilings for refugee admission being lowered nearly every year of the past decade, and with other paths for immigration becoming more exclusive, there is a growing number of people seeking safety at the US border through the asylum process.²⁸

²⁴ Garrett, “COVID-19,.”

²⁵ Washington, “The Dispossessed,” 40.

²⁶ Washington, “The Dispossessed,” 15.

²⁷ Washington, “The Dispossessed,” 19

²⁸ *Ibid*

There were 331,700 US asylum applicants in 2017, which was nearly double that of 2015 and was six times the number of applicants in 2010.²⁹ This exponential growth is visible on a global scale too. The UNHCR reported 837,445 asylum seekers across the world in 2010, a number that rose above 3.5 million in 2018.³⁰ Of course, US admission of asylum has always had a political element to it. In 1987, Nicaraguan asylum seekers fleeing persecution by their Communist government, which the US explicitly opposed, were admitted at a rate of 84 percent. Meanwhile, Salvadorians and Guatemalans, who were fleeing an authoritarian government backed by the US, were only granted asylum 1 to 3 percent of the time.³¹

To a further extent, US asylum has a biased and xenophobic element. Politicians have historically and repeatedly targeted certain national origin groups as scapegoats for problems going on inside of the US.³² A notable recent example of this is the blame being put on immigrants from Mexico for high drug use, high crime rates, and employment instability in the US. These claims are not factually substantiated but molded through rhetoric. Public figures and media outlets make broad claims about groups of people often. When these fuse together to generate a public opinion, it can be dangerous for migrants.

Leading up to the pandemic, immigration policy was characterized by fortification and restriction.³³ The Migration Policy Institute in 2018 named the Trump administration as being more focused on restriction than any other administration in US history. The actions under Trump

²⁹ Washington, "The Dispossessed,."

³⁰ Ibid

³¹ Washington, "The Dispossessed," 20.

³² Garrett, "COVID-19," 879.

³³ Sarah Pierce, et al. "U.S. Immigration Policy under Trump: Deep Changes and Lasting Impacts." *Migration Policy Institute* (2018): 15.

indicated “a major departure in how immigration is discussed and managed in the United States.”³⁴ Neither the crisis at the Southern border nor the conditions producing mass migration were adequately addressed during Trump’s presidency. So, when the COVID-19 pandemic hit, the situation exploded.

Immigration Policy Responses to COVID-19

The pandemic response toward the humanitarian crisis at the Southern border in the form of the “Migrant Protection Policy” (MPP) (a.k.a Remain in Mexico) and Title 42 constituted an exclusionary shift in the United States asylum system.³⁵ MPP immediately deported 60,000 people awaiting asylum hearings to Mexico. Title 42 also deported asylum seekers, but furthermore suspended asylum request and processing indefinitely.³⁶ The damaging repercussions of these policies built upon one another and worsened the already perilous situation of asylum seekers in Northern Mexico.³⁷ An analysis from Texas State University concludes that these policies “compounded asylum seekers’ immobility and heightened their vulnerability.”³⁸ The precarity and vulnerability of asylum seekers’ situations is defined in one sense by the prolonged wait times along the border in dangerous camps or shelters.³⁹ The indefinite state of delay left hundreds of thousands to fend for themselves, requiring “individual advocates and humanitarian groups to step in and fill the void of state or institutional service

³⁴ Pierce, et al. “US Immigration Policy,” 15.

³⁵ Blue et al., “Im/Mobility,” 14.

³⁶ Blue et al., “Im/Mobility,.”

³⁷ *Ibid*

³⁸ Blue et al., “Im/Mobility,” 14.

³⁹ *Ibid*

providers.”⁴⁰ The consequences of pandemic asylum policies reveal a political weaponization of COVID-19 by the US government with the goal of fortifying expulsion and exclusion as pillars of the asylum system.

MPP and Title 42 already existed as policies, but this was a new and extreme application of them. Title 42 dates back to 1944; it is a “rarely used”⁴¹ segment of US code that enables authorities to turn away migrants should it be determined that doing so would help contain the spread of a contagious disease.⁴² Its 2020 invocation by Trump and the CDC was mostly justified by a claim that crowded immigration facilities would increase the spread of COVID. However, scholars and medical professionals have generally agreed that it was aimed more at restricting immigration than for the sake of health.⁴³

MPP was created by the Trump administration in late 2018 and went into effect in January of 2019, over a year before the pandemic. It was temporarily suspended then terminated under Biden, only to be reinstated shortly after by the Department of Homeland Security following a federal court decision in Texas.⁴⁴ MPP is significant in the context of the pandemic because all pending hearings under it were suspended temporarily in March 2020, and later suspended

⁴⁰ Blue et al., “Im/Mobility,” 14.

⁴¹ John Gramlich, “Key Facts about Title 42, the Pandemic Policy That Has Reshaped Immigration Enforcement at U.s.-Mexico Border,” Pew Research Center (Pew Research Center, April 28, 2022), <https://www.pewresearch.org/fact-tank/2022/04/27/key-facts-about-title-42-the-pandemic-policy-that-has-reshaped-immigration-enforcement-at-u-s-mexico-border/>.

⁴² *Ibid*

⁴³ Monnette Zard, “Epidemiologists and Public Health Experts Reiterate Urgent Call to End Title 42,” Columbia Public Health (Columbia University, June 2022), <https://www.publichealth.columbia.edu/research/program-forced-migration-and-health/epidemiologists-and-public-health-experts-reiterate-urgent-call-end-title-42>.

⁴⁴ “The ‘Migrant Protection Protocols’” (American Immigration Council, June 21, 2022), <https://www.americanimmigrationcouncil.org/research/migrant-protection-protocols>.

indefinitely. This left thousands upon thousands of migrants in a state of limbo, awaiting hearings in Mexico while the backlog of cases continued to grow.⁴⁵

These policies were justified in the name of public health, but based in exclusion and xenophobia. As discussed in the literature review, COVID created a state of exception wherein these cruel procedures could be enacted. Garrett writes that the US took advantage of the state of exception, employing MPP and Title 42 “to violate the rights of asylum seekers, refugees, migrants, and their children from primarily El Salvador, Guatemala, Honduras, and southern Mexico.”⁴⁶ MPP and Title 42 actively violated international treaties and agreements.

One of the international agreements violated was the Refugee Act of 1980 which states that immigration agents must allow asylum seekers to make their case before they can be turned away.⁴⁷ Under Title 42, US border patrol agents can and do turn away any and all refugees who appear at the border. This sets a notable precedent as “these decisions are being made by officials without the legal training or expertise while they are enforcing operational goals.”⁴⁸ Moreover, the expulsion of hundreds of unaccompanied minors, without due process, violated the 2008 Trafficking Victims Protection Reauthorization Act (TVPRA).⁴⁹ These are just a few of the violations accepted as necessary for the sake of public health. There are plenty more international laws that were violated by Title 42 and accompanying measures, most of them human rights based.⁵⁰

⁴⁵ AIC, “The ‘Migrant Protection Protocols.’”

⁴⁶ Garrett, “COVID-19,.”

⁴⁷ Garrett, “COVID-19,” 877.

⁴⁸ *Ibid*

⁴⁹ Blue et al., “Im/Mobility,” 9.

⁵⁰ Garrett, “COVID-19,.”

US immigration and asylum under COVID violated human rights on many levels. The reality of MPP procedures confirms the unnecessary cruelty of the policies. Asylum seekers under the protocol were made to “cross the border at 4 AM multiple times, be taken into CBP custody, be held in processing, appear at trial, and be returned to Mexico at night.”⁵¹ This sort of constantly moving procedure occurring obviously has the potential to worsen public health by transmitting the virus between Mexico and the US. Moreover, migrant populations awaiting hearings in border cities were housed in “almost always crowded” dwellings, including hotels, shelters, and camp sites.⁵² The density of these residences also increased outbreaks of the virus. Clearly, the goal of the US government was not to slow or stop the spread of COVID, but to make use of the state of exception opportunity provided and cement asylum policy as highly restricted.

What US pandemic policy corroborates is a global migratory shift in which people forced to flee dire conditions in their home country are being “met by increasingly restrictive legal environments.”⁵³ The system of international asylum is unmistakably in a moment of fragility. The policies enacted by the US government during COVID are cruel, but unsurprising. What can help us further understand the major failings and priorities of global asylum is the subsequent cultural moment produced by the pandemic and the policies.

Cultural Reactions to Pandemic Policy

⁵¹ Jeremy Slack and Josiah Heyman, “Asylum and Mass Detention at the U.S.-Mexico Border during COVID-19,” *Journal of Latin American Geography*, 2020, <https://doi.org/10.1353/lag.0.0144>.

⁵² Slack, et al. “Asylum and Mass Detention,.”

⁵³ Blue et al., “Im/Mobility,” 15.

What social responses can show us is the prioritization of concerns among individuals. Policy obeys the will of the rich and powerful; its justifications, while not always legitimate, are visible. What is usually invisible are the responses and lived effects of policy on the groups of people targeted. By looking to the cultural moment of immigration during COVID and the firsthand accounts of migrants suffering the effects of restrictive policy, we can attain a much better understanding of the biggest structural failings.

The power of social media ought not be underestimated in assessing the effects of crises. Widespread availability of technology has transformed the internet into a forum that nearly everyone in the world can contribute to. People of all social classes and physical locations can more and more access the internet and social media. This makes social media platforms one of the only places where direct perspectives and experiences can be found. At a refugee camp in Matamoros, migrants primarily used WhatsApp and Facebook to share photos and videos online. Their posts aimed to expose the poor conditions of the camp, the goal of which being “to increase their visibility and to remind the wider public of the urgency of their situation and the need for a legislative solution.”⁵⁴

Social media use by Americans similarly echoes a negative public opinion of Immigration policy. Since the invocation of Title 42, countless humanitarians, political figures, and public figures have taken to twitter to condemn the US government for its inhumane acts.⁵⁵ Among ordinary users too, the hashtag #EndTitle42 has surged in popularity. One look at the Instagram page for the hashtag gives a general idea of the arguments made against the policy.

⁵⁴ Blue et al., “Im/Mobility,” 15.

⁵⁵ “#EndTitle42,” Twitter (Twitter, n.d.), <https://twitter.com/search?q=%23endtitle42>.

(Figure 4) Many of the sentiments across various social media platforms are based in grief for children seeking asylum or for migrants who died crossing the desert.

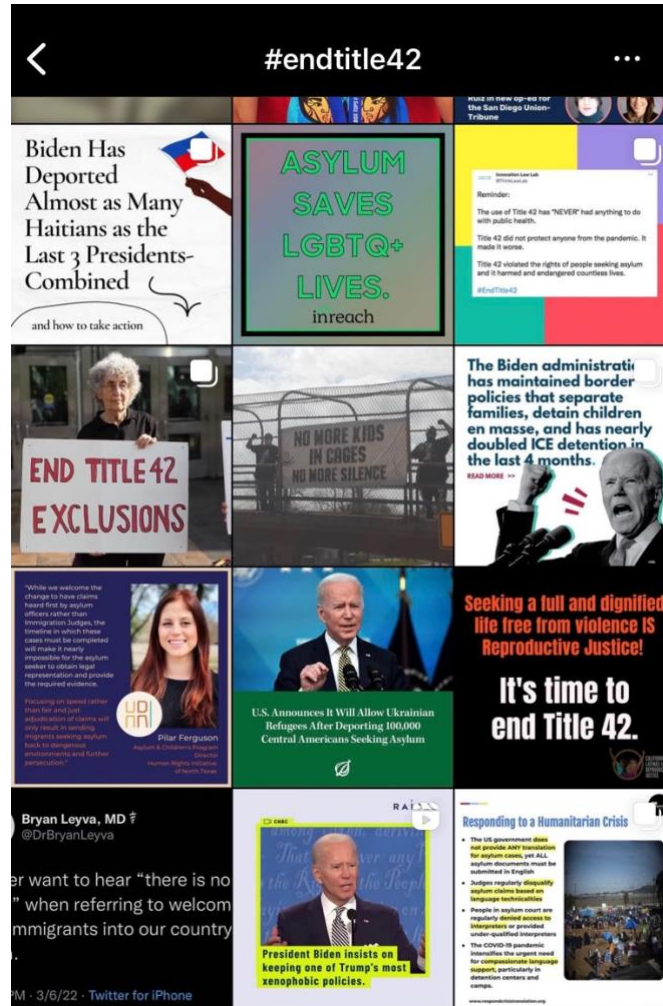


Figure 4: The hashtag #EndTitle42 has sharply risen in popularity as awareness of the cruel policy grows. (Screenshot from Instagram)

In addition, protests make up an important part of the response to COVID immigration policy. There was initial uproar when the policies took effect, but the confusion and chaos of the start of the pandemic likely inhibited collective organization. Protests have occurred in waves as promises have been made and broken by politicians. For example, President Joe Biden promised

to end Title 42 on the 23rd of May in 2022. This was blocked by a federal judge, causing an eruption along the border. One of many protests was in Nogales, where hundreds of migrant families crowded into a plaza near a US port of entry. Protestors held signs in English and Spanish with messages such as “500 days waiting” and “Title 42 is racist.”⁵⁶



Figure 5: “COVID19” and “ABOLISH ICE!!” painted on metal scraps in the ruins of an isolated building in the Arizona desert. (Photo taken by author)

⁵⁶ Kirk Siegler, “There Are Protests along the U.S.-Mexico Border after Judge Blocks Ending Title 42,” NPR (NPR, May 25, 2022), <https://www.npr.org/2022/05/25/1101141269/there-are-protests-along-the-u-s-mexico-border-after-judge-blocks-ending-title-4>.

Some of the most powerful responses to pandemic policy came in the form of art. When I visited the Nogales Sonora border, the artwork on both sides was overwhelming. Whether on the wall itself, carved into the earth, painted on rocks, or simply installed on the side of the road, extensive amounts of artwork expressed bitter sentiments towards policymakers. Out in the middle of the desert where immigrants traveled in groups led by the cartel, “Abolish ICE” was found written among architectural ruins. (Figure 5) Hung on a cliffside below the Mexican side of the border wall was a painting of a young boy shot by border patrol for throwing pebbles over the wall. (Figure 6) Spraypainted on the wall itself were the words “nuestros sueños de justicia no los detiene ningún muro,” which translates to “no wall can stop our dreams of justice.”



Figure 6: A public art display on the Mexican side of the border, in memory of José Antonio Elena Rodríguez who was shot and killed by Border Patrol for throwing rocks over the wall. The border patrol agent, who took 16 shots at the 16-year-old boy, was found not guilty of murder in court. (Photo taken by author)

One of the installations on the Mexican side of the border displays the faces and expressions of migrants. (Figure 7) Before embarking on an asylum journey or entering the punishing desert, several migrants had their faces molded in plaster by the unknown artist. We can see if they were happy or sad, hopeful or worried, but we know nothing of their story beyond that. We do not know if they will live or die, if some of them are already dead. This piece emphasizes the

instability and vulnerability that most migrants feel as well as the inhumanity of immigration policy.



Figure 7: Displayed are plaster molds of the faces of several asylum seekers before beginning their migration. (Photo taken by author)

One of the most eye-catching pieces was installed in Mexico about 3 feet from the border wall, titled “Paseo de la Humanidad” or “Walk of Humanity.” It depicts migrants as representative of exports and imports that cross between the US and Latin America. (Figure 8) The products represented include expected items like corn, meat, beer, and weapons. One item

stands out among them, a dead body. The body is carried by the personified exports and is meant to represent the thousands of migrants who died while attempting to cross the border after asylum was shut down in the wake of COVID. Much of the artwork, protest signage, and social media posts regarding Title 42 is intended to honor the many who have died in the desert since the pandemic began.



Figure 8: An art installation on the Mexican side of the border depicting migrants as imports and exports between the US and Mexico. Among them is a dead body, representing the thousands of migrants who have died while seeking asylum. (Photo taken by author)

Discussion and Analysis

Resistance Through Art

What this abundance of artwork reveals is a growing cultural consciousness. The emphasis on the massive number of deaths especially shows the sentiments felt by migrants, as well as by observers and activists across the world. These deaths are believed by many to be the direct responsibility of the US because of the immigration policies that encourage desert crossings, and especially repeated crossings. According to the American Immigration Council, “under Title 42, individuals who are expelled to Mexico within hours after being apprehended at the border can simply try again a second or third time in hopes of getting through. Some individuals have made dozens of failed attempts to cross the border and been turned back under Title 42 each time.”⁵⁷

The number of “repeat encounters” by border patrol has grown exponentially since the start of the pandemic (Figure 9). This indicates that US policy is pushing migrants to cross the desert, in a sense. With the exclusion and restrictiveness that the pandemic ushered in for the US immigration system, desert crossing has become the only real option for thousands of families and individuals. The desert is harsh and unrelenting, and as more people attempt to cross, more people die. 2022 has set the record for the fiscal year with the most deaths of migrants on the US

⁵⁷ “A Guide to Title 42 Expulsions at the Border” (American Immigration Council, June 14, 2022), <https://www.americanimmigrationcouncil.org/research/guide-title-42-expulsions-border>.

side of the border, at 609 deaths.⁵⁸ It took the record from the 2021 year, during which the remains of 566 migrants were found. (Figure 10)

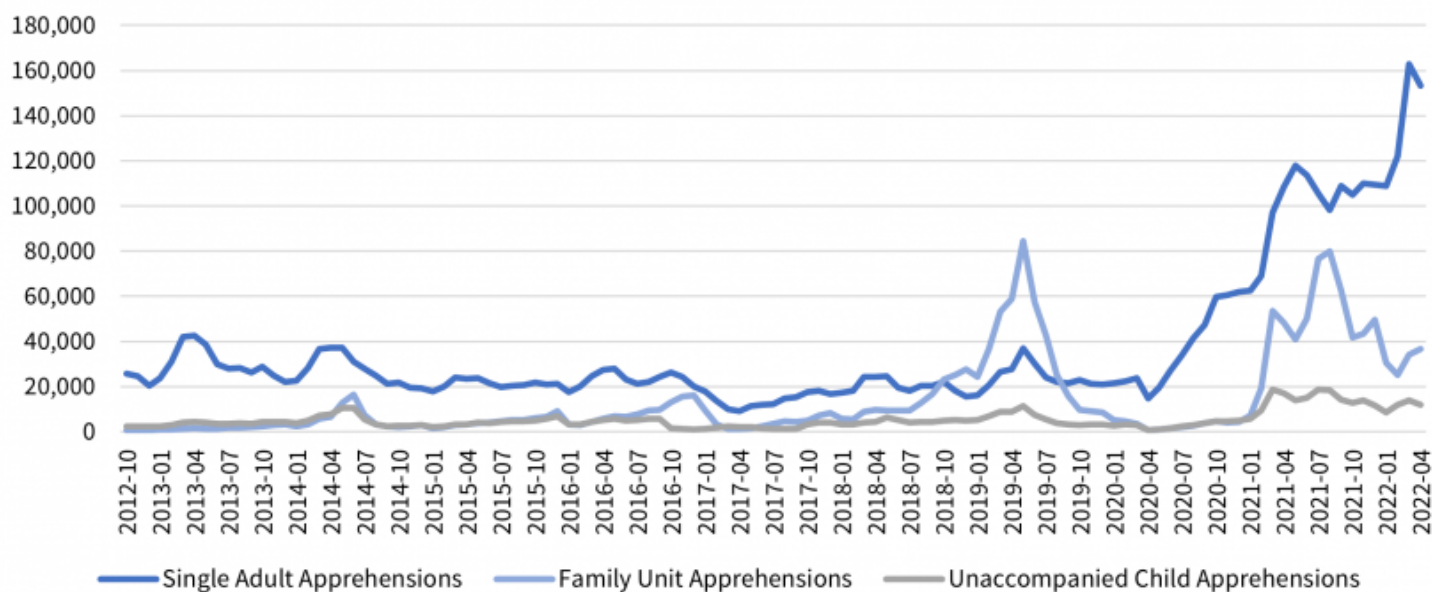


Figure 9: Apprehensions at the US-Mexico border, October 2012 to April 2022. An upward trend is visible after the start of the pandemic in March 2020. (Graphic from American Immigration Council, Data from U.S. Customs and Border Protection)

⁵⁸ Adam Isacson, “Weekly U.s.-Mexico Border Update: Migrant Deaths, Buses from Texas, Smugglers and Social Media” (WOLA, July 29, 2022), <https://www.wola.org/2022/07/weekly-u-s-mexico-border-update-migrant-deaths-buses-from-texas-smugglers-and-social-media/>.

9,225 Migrant Remains Found By Border Patrol in Less Than 25 years

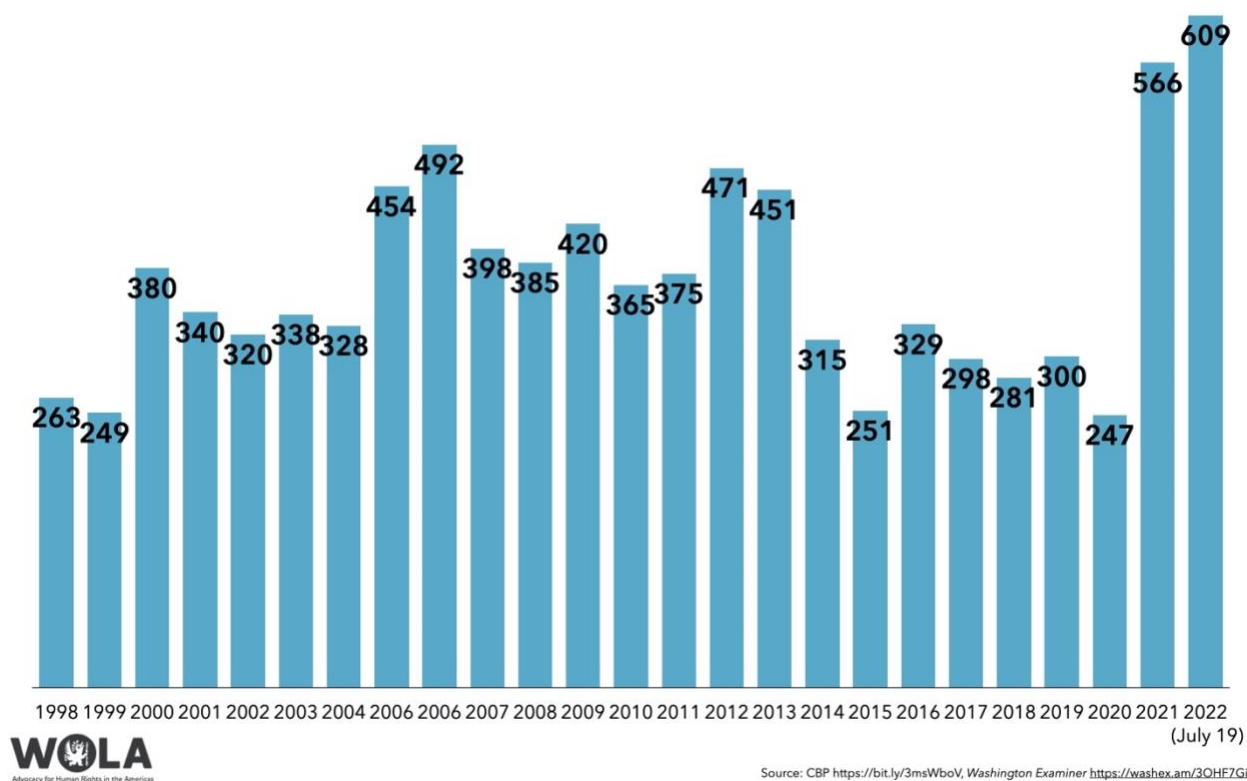


Figure 10: Migrant remains found on the US side of the Southern border from 1998 to 2022. The number of remains more than doubles after pandemic policies were put into place in 2020. (Graphic from WOLA, Data from U.S. Customs and Border Protection)

I include these statistics and the above figures here because they are directly linked to the artwork found on and near the border. The artwork reflects the abandonment felt by refugees on the part of resource-rich nations such as the US. The policies put into place in the wake of the pandemic forced migrants into the desert, and the deaths that resulted are an effect that the US ought to take responsibility for and seek to repair. Of course, there has been no

acknowledgement of the US governments culpability, which is why migrants and other people are remaking and reclaiming the land through art

Art on or near the border represents resistance to the structural violence faced by migrants and asylum seekers. Over time and especially following pandemic policies, the border has become more fluid. Regardless of which country they are physically in, migrants making the trek through the desert or mountains can be caught anywhere. The artwork on the border emphasizes this by turning the wall itself and the surrounding landscape into a canvas. The emotions expressed through the artwork carry resistance and a growing awareness of the atrocities resulting from restrictive immigration policy. Power comes from below; as art and discourse shape each other on this topic, I am certain we will see the resistance I discuss grow.

Pandemic Policy Implications

Pandemic immigration policy is important because it reveals the biggest failings of global refugee solidarity. At the same time, the trends in the actions of Global North states like the US show their overarching goals and visions of restrictive immigration systems. Fear was weaponized as a political tool. Migration was deceitfully equated with contagion. Extreme measures were taken and little effort was made to reverse them despite Democratic promises and advancements made in containment of the virus. What I mean here is that restrictions were nearly entirely lifted for huge segments of the US, allowing people to return to life as usual, whilst immigration restrictions remained in place for the same cause that was abandoned internally.

This carries weight for the refugee regime at large. Relations between the US and Latin America regarding immigration are highly publicized and discussed.⁵⁹ Moreover, US policy is influential on the rest of the world. We can look to Canada during the pandemic as an example of this. Canada initially had plans to quarantine and safely house asylum seekers awaiting trials when the pandemic started. But once the US closed their border and shut down all asylum processing, Canada quickly followed suit and deported all migrants to US authorities, to then be deported to Mexico or their country of origin.⁶⁰ The American government also, in late 2021, managed to pressure Mexico into implementing a visa requirement for Venezuelans arriving by plane. This was done so that less Venezuelans would seek asylum at the US southern border.⁶¹ These are only a few small examples of the sway held by the US in policymaking, but they do reveal how actions by the US government can set a global trend or cause a shift within the ideological complex of powerful states.

Another piece to consider is how the reactions were shaped by politics and, more specifically, our understanding of the 2-party system. Biden has, of course, received backlash for the use of Title 42. However, it is still described as a Trump-era policy. It is true that the code was invoked under Trump, but to characterize it as a Republican party policy would be untrue given that it has been upheld throughout the entire Biden presidency. This mirrors Trump's media

⁵⁹ Banu Akdenizli et al., "A Report on the Media and the Immigration Debate" (Brookings Institution, 2008), https://www.brookings.edu/wp-content/uploads/2012/04/0925_immigration_dionne.pdf.

⁶⁰ Anna Mehler Paperny, "U.S. to Return Canada-Bound Asylum Seekers Stopped at Border to Home Nations," Reuters (Thomson Reuters, March 26, 2020), <https://www.reuters.com/article/us-health-coronavirus-usa-asylum/u-s-to-return-canada-bound-asylum-seekers-stopped-at-border-to-home-nations-idUSKBN21D2V9>.

⁶¹ Azadeh Erfani, "The Venezuela Parole Program Excludes More than Protects: An Update on Biden's Title 42 Asylum Ban" (National Immigrant Justice Center, October 2022), <https://immigrantjustice.org/staff/blog/venezuela-parole-program-excludes-more-protects-update-bidens-title-42-asylum-ban>.

criticisms on immigration following Obama. Obama deported a greater number of immigrants, but Trump was the target of greater criticism from the media on immigration. It must be understood that racist immigration measures were achieving the same goals despite the presidential administration they were enacted or carried out under. This continuity through political regimes reflects an unrelenting American ideology of exclusivity.

A Postcolonial Perspective

The refugee regime refers to the overarching network between Global North nations with abundant resources and Global South nations where migrants are coming from. This phenomenon necessitates a postcolonial assessment of the issue at large. Formerly colonized states had their riches stripped from them, leading to concentrated wealth in places like America and Western Europe today. There has been little effort to resolve this disparity, historically speaking. The major causes behind forced migration originate here. The further we step back, the more evident this inequality becomes. And in the face of the pandemic, a dangerous global trend is visible.

A great deal of migrants moving north from Latin America have been displaced due to climate change. Crop failure, air and water pollution, and natural disasters are forcing people to leave behind their homes and communities in search of safer and more stable lives.⁶² Climate change is disproportionately caused by wealthy nations like the US, while its effects are felt by poorer nations. To take it one step further, climate change is actually causing greater economic

⁶² “Root Causes of Migration” (Justice for Immigrants, March 15, 2017), <https://justiceforimmigrants.org/what-we-are-working-on/immigration/root-causes-of-migration/>.

inequality between these countries.⁶³ This is because wealthy nations are benefitting from the activities that cause climate change, i.e. development and production, while poor nations face the bulk of the repercussions, such as in the form of natural disasters. Here we see how resource-abundant, neoliberal countries are reproducing the conditions for forced migration, only to reject those migrants at their door.

Those not fleeing climate disasters or effects are largely running from political and economic suffering which also follows a postcolonial pattern. Neoliberalization is described as a primary cause for forced migration.⁶⁴ This includes debt placed on Global South nations, the destabilization of socialist regimes, arms sales to right wing governments and militias, and of course increasingly strict immigration policies. In the case of the American government, there is more political action being taken that creates the suffering of civilians and produces migrants than there is action that aims to create peace. So again, we have states that hold wealth and power doing little to nothing to remedy situations that force people to migrate from their homes. Political and economic factors can include persecution, gang activity, war, job availability, and more. All these factors are highly dependent on the actions of Global North states.

Hundreds of thousands of migrants died attempting to cross the merciless desert in the Southern US. In July of 2022, just past the halfway point, the year was already marked as having the highest ever recorded number of migrant deaths on the US side of the southern border.⁶⁵

⁶³ Noah S. Diffenbaugh and Marshall Burke, "Global Warming Has Increased Global Economic Inequality," *Proceedings of the National Academy of Sciences* 116, no. 20 (2019): pp. 9808-9813, <https://doi.org/10.1073/pnas.1816020116>.

⁶⁴ Elsadig Elsheikh and Hossein Ayazi, "Moving Targets: An Analysis of Global Forced Migration," Othering & Belonging Institute, 2017, <https://belonging.berkeley.edu/moving-targets-analysis-global-forced-migration>.

⁶⁵ Isacson, "Weekly U.S.-Mexico Border Update,."

These deaths have not been lost on the public. Daily vigils and ceremonies commemorating the lives lost occur in Mexico and the US alike. For the US to watch such mass suffering and loss of life occur at the hands of their policy, and to take no action to stop it, is a powerful thing. With this the public agrees. The cultural response in the form of art, social media, and more, reflect a growing sentiment that US pandemic policy was cruel and murderous. From here, the failure of neoliberal policy is increasingly recognized through the unique cultural and political moment of COVID-19.

Conclusion

The aim of this thesis was to examine the worldwide shift to more restrictive immigration and asylum systems following the 2020 COVID-19 pandemic. Pandemic policies pointed to public health as a justification for the shutdown of entire asylum systems. In the US, even those already in the country and awaiting trial were sent to Mexico and abandoned during the pandemic. I chose the US and Mexico as my case study because of the major influence the US has over the rest of the world as a wealthy nation with lots of resources. In addition, US-Mexico immigration policy is publicized and discussed often in the news and media, and among the public.

I looked at the policies implemented during the pandemic by the US government, Title 42 and Migrant Protection Protocols (MPP) in particular. These policies violated international laws and treaties, caused a spike in deaths for desert crossers, and were repeatedly condemned for their inhumanity by public figures and the general population. I then examined the cultural responses to these policies, which reflect a growing consciousness and resistance to the neoliberal, exclusive policies which are becoming more and more standard.

The US and Mexico is the most glaringly obvious example of the shift caused by how immigration was handled during COVID. This is not to say other cases don't corroborate the same claim. There are plenty examples to be explored. Firstly, there is Canada and their mirroring of US policy. Likewise, Australia divested worker protections following COVID, leading to the marginalization and exploitation of migrant workers.⁶⁶ And especially important

⁶⁶ Chris F Wright and Stephen Clibborn. "COVID-19 and the Policy-Induced Vulnerabilities of Temporary Migrant Workers in Australia." Other Journal Article, JOUR. JOURNAL OF AUSTRALIAN POLITICAL ECONOMY, no 85 (2020)

for the evaluation of postcolonial migrant flows would be an analysis of the European Union's policy responses to COVID regarding immigration. This is especially pertinent given Ukraine's ongoing war with Russia, wherein thousands of Ukrainian refugees are being taken in by EU nations while refugees from poorer countries get turned away.

The moment of COVID is incredibly unique in how it allows us to look at outdated structures from a new perspective. Immigration policy and discourse during the pandemic has not only transformed international refugee management, but also its perception in the public eye. Unprecedented actions by powerful nations, and the continuation of those actions long after they were warranted, have formed a new baseline for refugee responsibility among Global north nations. Ongoing crises and the existing structural inequalities producing vulnerable populations were not adequately accounted for in pandemic policies. And the cultural moment of recognition around the amount of people left behind in the wake of this crisis confirms just how destabilized international asylum now is.

References

- “#EndTitle42.” Twitter. Twitter, n.d. <https://twitter.com/search?q=%23endtitle42>.
- “A Guide to Title 42 Expulsions at the Border.” American Immigration Council, June 14, 2022. <https://www.americanimmigrationcouncil.org/research/guide-title-42-expulsions-border>.
- “Bishops Offer Holy Communion through Fence at Mexican Border.” Omaha World-Herald, October 16, 2019. https://omaha.com/lifestyles/bishops-offer-holy-communion-through-fence-at-mexican-border/article_3c009a9b-ac03-5312-9058-6c6cfd2d1431.html.
- “Root Causes of Migration.” Justice for Immigrants, March 15, 2017. <https://justiceforimmigrants.org/what-we-are-working-on/immigration/root-causes-of-migration/>.
- “The ‘Migrant Protection Protocols.’” American Immigration Council, June 21, 2022. <https://www.americanimmigrationcouncil.org/research/migrant-protection-protocols>.
- Akdenizli, Banu, E.J. Dionne, Martin Kaplan, Tom Rosenstiel, and Roberto Suro. “A Report on the Media and the Immigration Debate.” Brookings Institution, 2008. https://www.brookings.edu/wp-content/uploads/2012/04/0925_immigration_dionne.pdf.
- Blue, Sarah A., Jennifer A. Devine, Matthew P. Ruiz, Kathryn McDaniel, Alisa R. Hartsell, Christopher J. Pierce, Makayla Johnson, et al. “IM/Mobility at the US–Mexico Border during the COVID-19 Pandemic.” *Social Sciences* 10, no. 2 (2021): 47. <https://doi.org/10.3390/socsci10020047>.
- Brooks, Haley. “The Leader of the Free World as the Leader of Mass Detention: Responsive, Short-Term Policies to Ameliorate the Intersecting Crises of COVID-19 and Mass Detention Within the United States.” *10 Ind. J.L. & Soc. Equal.* 391 (2022).
- Diffenbaugh, Noah S., and Marshall Burke. “Global Warming Has Increased Global Economic Inequality.” *Proceedings of the National Academy of Sciences* 116, no. 20 (2019): 9808–13. <https://doi.org/10.1073/pnas.1816020116>.
- Ekeruche, Mma Amara. “Drivers of Disparity: How Policy Responses to COVID-19 Can Increase Inequalities.” *South African Institute of International Affairs*, (2020). <http://www.jstor.org/stable/resrep28261>.
- Elsheikh, Elsadig, and Hossein Ayazi. “Moving Targets: An Analysis of Global Forced Migration.” Othering & Belonging Institute, 2017. <https://belonging.berkeley.edu/moving-targets-analysis-global-forced-migration>.
- Erfani, Azadeh. “The Venezuela Parole Program Excludes More than Protects: An Update on Biden’s Title 42 Asylum Ban.” National Immigrant Justice Center, October 2022.

<https://immigrantjustice.org/staff/blog/venezuela-parole-program-excludes-more-protects-update-bidens-title-42-asylum-ban>.

Garrett, Terence M., and Arthur J. Sementelli. "COVID-19, Asylum Seekers, and Migrants on the Mexico–U.S. Border: Creating States of Exception." *Politics & Policy* 50, no. 4 (2022): 872–86. <https://doi.org/10.1111/polp.12484>.

Gramlich, John. "Key Facts about Title 42, the Pandemic Policy That Has Reshaped Immigration Enforcement at U.S.-Mexico Border." Pew Research Center. Pew Research Center, April 28, 2022. <https://www.pewresearch.org/fact-tank/2022/04/27/key-facts-about-title-42-the-pandemic-policy-that-has-reshaped-immigration-enforcement-at-u-s-mexico-border/>.

Isacson, Adam. "Weekly U.S.-Mexico Border Update: Migrant Deaths, Buses from Texas, Smugglers and Social Media." WOLA, July 29, 2022. <https://www.wola.org/2022/07/weekly-u-s-mexico-border-update-migrant-deaths-buses-from-texas-smugglers-and-social-media/>.

Paperny, Anna Mehler. "U.S. to Return Canada-Bound Asylum Seekers Stopped at Border to Home Nations." Reuters. Thomson Reuters, March 26, 2020. <https://www.reuters.com/article/us-health-coronavirus-usa-asylum/u-s-to-return-canada-bound-asylum-seekers-stopped-at-border-to-home-nations-idUSKBN21D2V9>.

Perzyna, Magdalena. "The Substance of Solidarity: What the Response to the COVID-19 Pandemic Says about the Global Refugee Regime." *Ryerson Centre for Immigration and Settlement*, Working Papers Series, (2021). <https://doi.org/10.32920/ryerson.14636520>.

Pierce, Sarah, Bolter, Jessica, & Selee, Andrew. "U.S. Immigration Policy under Trump: Deep Changes and Lasting Impacts." *Migration Policy Institute* (2018).

Sanderson, Matthew R., and Jeffrey D. Kentor. "International Migration and Development: A Dyadic Analysis of the Americas, 1970–2010." *Frontiers in Sociology* 5 (2020). <https://doi.org/10.3389/fsoc.2020.00015>.

Siegler, Kirk. "There Are Protests along the U.S.-Mexico Border after Judge Blocks Ending Title 42." NPR. NPR, May 25, 2022. <https://www.npr.org/2022/05/25/1101141269/there-are-protests-along-the-u-s-mexico-border-after-judge-blocks-ending-title-42>.

Slack, Jeremy, and Josiah Heyman. "Asylum and Mass Detention at the U.S.-Mexico Border during COVID-19." *Journal of Latin American Geography*, 2020. <https://doi.org/10.1353/lag.0.0144>.

Ülgen, Sinan. "Updating the Global Refugee Regime." Project Syndicate, November 2, 2021. <https://www.project-syndicate.org/commentary/updating-global-refugee-regime-by-sinan-ulgen-2021-09>.

Washington, John. *The Dispossessed. A Story of Asylum and the US-Mexican Border and Beyond*. London: Verso Books, 2020.

Wright, Chris F, and Stephen Clibborn. "COVID-19 and the Policy-Induced Vulnerabilities of Temporary Migrant Workers in Australia." Other Journal Article, JOUR. JOURNAL OF AUSTRALIAN POLITICAL ECONOMY, no. 85 (2020): 62–70.
<https://search.informit.org/doi/10.3316/agispt.20200701032596>.

Zard, Monnette. "Epidemiologists and Public Health Experts Reiterate Urgent Call to End Title 42." Columbia Public Health. Columbia University, June 2022.
<https://www.publichealth.columbia.edu/research/program-forced-migration-and-health/epidemiologists-and-public-health-experts-reiterate-urgent-call-end-title-42>.