

What to Know About the Migrant Displacement:

Recent Actions by TX, FLA, and AZ
Moving Migrants to "Sanctuary Cities"

Countries represented

Venezuela

Nicaragua

Cuba

Venezuelan migrants represent 80% of total migrants from the region

Status of U.S. Diplomatic Relations

Venezuela-2019

Nicaragua-Sanctions currently in place

Cuba-some 2017 restrictions lifted, but shifting U.S. policy toward Cuba not one of Biden's highest foreign policy concerns

Because of strained diplomatic relations between the U.S. and these nations, arriving migrants could not be repatriated

As of today, 25% of Venezuela's population has left the country



- Corruption and inflation under two presidential administrations
- Economy buckled in 2014 and has only worsened
- Inflation exceeded 1 million percent by 2018
- Despite small economic improvement in 2019
 - Shortage of daily goods from headache medicine to cooking oil
 - Monthly wage \$15/Monthly living expenses \$130
- Factors recognized by the United States government:
 - Repression
 - Instability
 - Violence
 - Non state armed groups
 - Crumbling infrastructure
 - Detaining of political prisoners
 - Torture
 - Lack of safe migration alternatives throughout the region

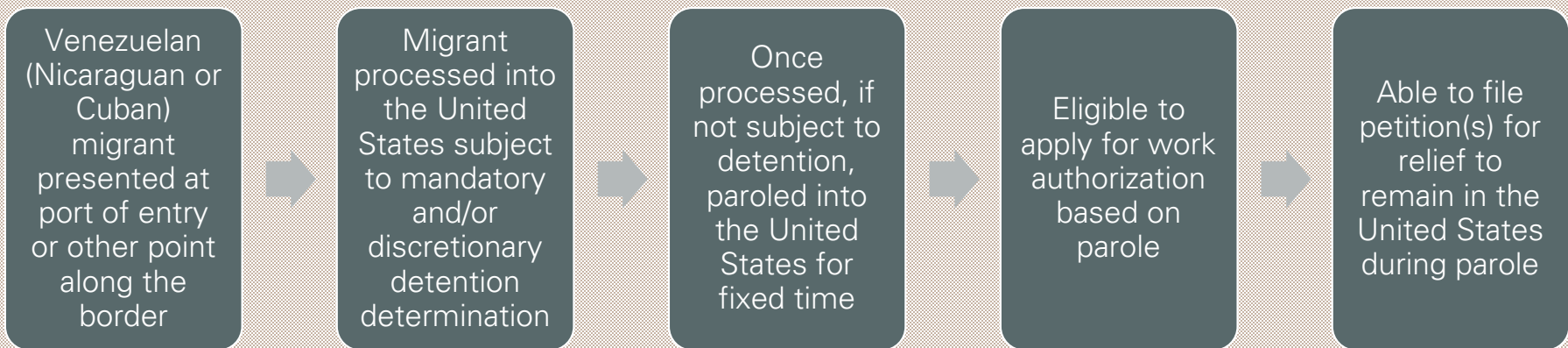
How were migrants being processed before?



Parole into the United States

Before the current increase in migrant arrivals, because the United States does not have diplomatic relations with Venezuela, arriving migrants were paroled into the United States to then seek available relief.

Pre-October 2022 Processing

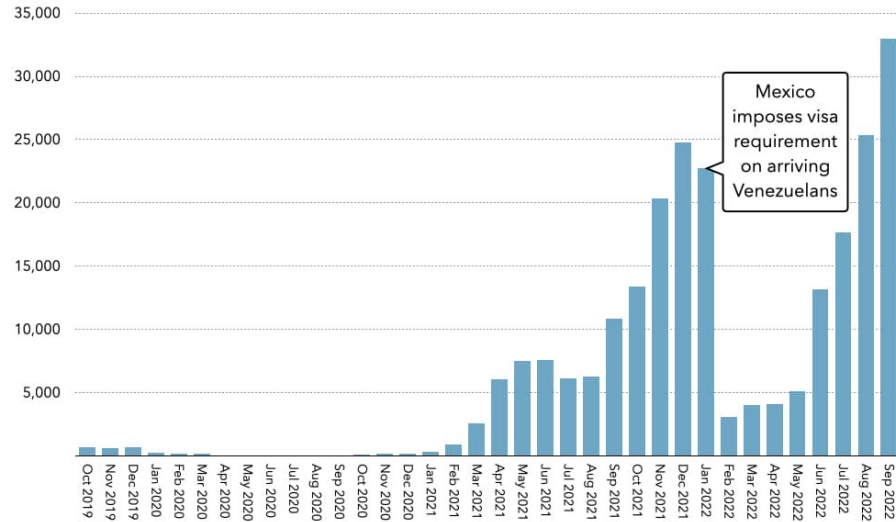


WHAT CHANGED THIS PROCESS?

VENEZUELAN ARRIVALS TO U.S. 2021-48,343

VENEZUELAN ARRIVALS TO U.S. 2022-152,938

CBP Encounters with citizens of Venezuela at the U.S.-Mexico border



What typically happens after parole?

Migrants settle in state of admission pending their proceedings with the U.S. Department of Homeland Security

Migrants resettle in a different state with family or community members pending their proceedings with the U.S. Department of Homeland Security.

In either of these two scenarios, before release on parole, migrants are given instructions on reporting to Immigrations Customs Enforcement, or they are given a Notice to Appear before the Immigration Court for the commencement of proceedings.

Migrants are legally present in the United States, given strict reporting requirements to both ICE and the Immigration Court, are subject to biometrics (fingerprint and facial) checks. Migrants are permitted to travel within the United States and pursue immigration relief

In response to increase in arriving migrants, Governor Ron DeSantis of Florida flies and buses migrants to “sanctuary cities” of Martha’s Vineyard, New York, Washington DC, and Chicago

"Immigrants have been more than willing to leave Bexar County after being abandoned, homeless, and 'left to fend for themselves.' Florida gave them an opportunity to seek greener pastures in a sanctuary jurisdiction that offered greater resources for them, as we expected. Unless the MA national guard has abandoned these individuals, they have been provided accommodations, sustenance, clothing and more options to succeed following their unfair enticement into the United States, unlike the 53 immigrants who died in a truck found abandoned in Bexar County this June."

In the Hannity interview, DeSantis referred to the outrage over the flights as virtue signaling and said the response of anger only came after about 50 migrants were dropped in Martha's Vineyard. The governor insisted that sanctuary localities like Martha's Vineyard "said they wanted this, they said they were a sanctuary jurisdiction."

DeSantis said that everyone on the flights had "signed consent forms to go" and that the migrants were given maps and directions on where to go once they arrived in Martha's Vineyard.

"So it was clearly voluntary, and all the other nonsense you're hearing is just not true," he said.



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In response to increase in arriving migrants, Governor Greg Abbott of Texas buses migrants to “sanctuary cities” of New York, Washington DC, and Chicago

“We’ve got to secure our border because the Biden administration is not securing it,” Abbott said. “And then the reason why we began putting people on buses in the first place is because the Biden administration, they were literally dumping migrants off in small little towns of 10 or 25,000 people, and they were completely overwhelmed.”

“He’s also being a hypocrite because New York City is a self-declared ‘sanctuary city,’” Abbott said. “And so why he’s ever complaining for one moment about these people being bused into a city goes against his own self-declaration of being a sanctuary city.” The term “sanctuary city” refers to municipalities like New York City that are willing to defy federal immigration laws in order to protect undocumented immigrants.

What is the controversy surrounding transport of migrants to these cities?

PROMISES MADE

- Reports that Perla Huerta, a former combat medic and counterintelligence agent, being sought in connection with her role in soliciting migrants for resettlement
- Migrants report being approached by Perla and other migrants recruited by Perla to induce them to agree to resettlement in other cities
- Offered free flights
- Migrants given official looking documents in folio including a brochure (reported to be fake) promising Massachusetts was prepared to welcome arriving migrants

REALITY UPON ARRIVAL

- Migrants not given orientation or instruction as to steps to be taken once they arrive at new cities
- No legal rights information or guidance offered despite migrants being lawfully present in the United States and eligible to seek relief
- Cities to which migrants transported not advised migrants being transported, number of migrants being transported, time of arrival, or otherwise given notice to prepare to receive arriving migrants



REPORTS OF FLIGHT TO MARTHA'S VINEYARD ORCHESTRATED BY "PERLA"

- Men, women, and children flown from San Antonio and landed in Crestview, FLA.
- Flight stopped in South Carolina then arrived at Martha's Vineyard on September 14
- Migrants reported being transported in vans, deposited near a community center, instructed to knock on community center door where they were expected
- Woman who answered door had no idea who they were and did not speak Spanish
- Chief Executive at Martha's Vineyard Community Services reported she was in her office and spotted a group of people walking toward the nonprofit
- Migrants told nonprofit staff they had been promised they would be helped with housing and employment
- Most of the migrants were housed at a military base on Cape Cod, sleeping in barracks

"Staff members at the community center in Martha's Vineyard arranged for a migrant named Pablo to call home to Venezuela, Ms. Rolanti (Manager of Martha's Vineyard Community Services) said. He appeared broken.

'My love, we were tricked,' he told his wife, weeping uncontrollably. 'This woman lied to us. She lied'"

Gov. Pritzker Issues Disaster Proclamation to Unlock Resources to Assist Asylum Seekers

Press Release - Wednesday, September 14, 2022

CHICAGO — Governor JB Pritzker today issued an emergency disaster proclamation and activated approximately 75 members of the Illinois National Guard to ensure all state resources are available to support asylum seekers arriving nearly daily to Chicago from the State of Texas. The proclamation enables the Illinois Emergency Management Agency (IEMA) and other state agencies, in close coordination with the City of Chicago, Cook County, and other local governments, to ensure the individuals and families receive the assistance they need. This includes transport, emergency shelter and housing, food, health screenings, medical assessments, treatments, and other necessary care and services.

"Today, I signed a disaster proclamation allowing the state to speed up the procurement of the immediate resources needed to help Chicago, Cook County, and other jurisdictions provide humanitarian assistance to the asylum seekers who are being sent to our state with no official advance notice by the Governor of Texas," said Governor JB Pritzker. "Let me be clear: while other states may be treating these vulnerable families as pawns, here in Illinois, we are treating them as people."

The proclamation is necessary to ensure sufficient capacity to meet the needs of more than 500 asylum seekers who have arrived already, with more buses arriving nearly every day. The robust statewide response will include IEMA, the Illinois Department of Human Services (IDHS), and the Illinois Department of Public Health (IDPH). IEMA has also established a Unified Area Command in Chicago to quickly deploy resources to support the operations.

The groups of migrants arriving via Texas are residing in the United States legally, proceeding through the legal immigration and asylum seeking process. They are often fleeing dangerous and perilous situations, and mostly coming from Central and South America.

At the southern border, U.S. Customs and Border Patrol conducts biometric screenings - including facial and fingerprints - that are cross-checked against terrorist watch lists and criminal databases. New arrivals also undergo health screenings at the border as well as additional screenings once they reach Chicago.

Many of the families and individuals seeking asylum, who began arriving in Chicago on August 31, faced long and difficult journeys from their homes. Some require medical care, including pre-natal care for pregnant women; treatment for malnourishment, dehydration, and asthma in children; foot

ILLINOIS' RESPONSE

Rapid Response Teams

- Chicago Transit Authority
- Chicago Fire Department
- City of Chicago Department of Family & Support Services (DFSS)
- The Resurrection Project
- National Immigrant Justice Center
- Catholic Charities
- Community organizations and individual volunteers
- Illinois National Guard

Buses arrive at Union Station

Welcome on buses, where permitted

- Some buses arrive with a state official (sometimes identifiable, sometimes not)
- Some bus drivers will allow volunteers onto bus to identify themselves and offer migrants opportunity to transfer to a Chicago city bus for processing and eventual transport to shelters
- Some drivers or state official aboard bus will prevent volunteers from boarding to offer instructions/direction



Migrants need not remain in Chicago (or another city to which they were transported)

- TRP reports some arriving migrants have either family or community available to receive them
- May disembark buses and proceed on their own



Those who remain in Chicago are processed at the Multi Agency Response Center (MARC)

- City of Chicago Department of Family & Support Services (DFSS)
 - Intake of arriving migrants
- National Immigrant Justice Center (NIJC)
 - Brief legal information and advice about next steps in the immigration process
 - Know your rights orientation
 - No individual legal consultations
- Catholic Charities
 - Transportation assistance to other cities
- Opportunity to receive clothing and toiletries



Transport to shelters

Shelters present in the city and suburbs

Generally divided between families and individuals, then gender

Capacity has been an issue and partners like the Archdiocese of Chicago are exploring the use of existing buildings to meet need for housing

Employment

- Eligible to apply for employment authorization based on parole
 - USCIS determines approval based on need and duration of stay
 - Issue is that parole has been granted for a period of 2 weeks to two months and is insufficient time to warrant approval of employment authorization based on parole
- Eligibility for employment authorization based on other viable claim for relief

Next Steps

- Ensure required check-ins are completed
- Legal services consultations to explore possible relief
- Access to wrap around services and assistance from non-profits and community organizations

How has coerced resettlement impacted proceedings and possible relief?



ICE check-ins scheduled in states different from where migrants have been resettled



Immigration Court hearings scheduled in states different than those where migrants have been resettled



Reports of errors in migrant information (name, date of birth, etc.,) on documents processed by border officials



Reports of officials using church and not for profit organization addresses as migrant addresses on migrants' paperwork

Requires additional steps before
potential relief can be considered

Contacting ICE to confirm reporting can be changed to the correct office or is otherwise compliant

Motions to change venue to immigration court where migrants have been resettled

Potential Detrimental Effects

- Missed check-ins resulting in classification as immigrant fugitive
- Loss of time in seeking legal counsel
- Missed filing deadlines and eligibility for certain forms of relief
- Removed in absentia if missed court date

Community and Legal Services Providers are Doing This Work Against a Backdrop of:

No additional funding

Immigration Court backlog
of 1.8 million cases

Disparate hearing formats
across immigration courts

Illinois, the most delayed
state in immigration court
adjudications, averaged 5
years and 4 months to
issue relief from removal

Considerable trauma
migrants experienced in
their home countries
before migrating and
during their journey to the
United States

POSSIBLE AVENUES FOR RELIEF

Asylum

Withholding of removal

Convention Against Torture

Family based petitions

TPS

SIJ

Where we are now

Class action migrant lawsuit

Texas Sheriff opens criminal investigation into DeSantis transporting migrants

Texas Sheriff issues I-918, Supplement B certifications to migrants transported to Martha's Vineyard

US Treasury Investigating DeSantis' Funding of Migrant Flights

Venezuelan Parole Program

Announced 10/18/2022

Permits 24000 refugees from Venezuela, under limited conditions

Ineligible if:

Ordered removed from US within the last five years

Crossed into the US between POEs

Entered Mexico or Panama without authorization after 10/19/2022

Permanent resident or dual national of any country other than Venezuela

Currently holds refugee status in any country

Fails to pass national security and public safety vetting

Deemed not to merit a favorable exercise of discretion

Under 18 and not traveling through this process accompanied by a parent or legal guardian

- Deemed an unaccompanied child

Parolee Eligibility Requirements

- Be outside the US
- National of Venezuela or non-Venezuelan immediate family member of and traveling with a Venezuelan principal beneficiary
- Have a US based supporter who filed form I-134 that USCIS has confirmed
- Possess passport valid for international travel
- Provide their own commercial travel to an air POE and final US destination
- Undergo and pass required national security and public safety vetting
- Comply with all additional requirements including vaccination requirements and other health guidelines
- Grant of parole warranted based on significant public benefit or urgent humanitarian reasons

Sponsor Eligibility Requirements

Be US citizen, national or LPR

Hold lawful status in the US

Parolee or recipient of deferred action or deferred enforced departure

Pass security and background vetting

Demonstrate sufficient financial resources to receive, maintain and support the intended beneficiary who they are committed to support for the duration of the parole period

- For public safety, human trafficking and exploitation concerns

US based supporter submits Form I-134, Declaration of Financial Support with USCIS through online web portal

- Form collects required information for both supporter and beneficiary
- Separate Forms I-134 must be submitted for each intended beneficiary
- Including immediate family members and minor children

Supporter is vetted by USCIS to protect against exploitation and abuse and to ensure supporter can financially support the intended beneficiary(ies)

Supporter confirmed

Beneficiary receives USCIS email to create an account with my USCIS and instructions on next steps

Beneficiary required to confirm biographic information and attest to meeting eligibility requirements

Approval to Travel to the United States

Beneficiary enters biographic information onto app and submits a live photo

After completion of steps on myUSCIS, beneficiary will receive instructions through myUSCIS on how to access the CBP One mobile application

Submit Request in CBP One Mobile Application

Need to confirm that they meet public health requirements, including vaccination requirements

Notice will be sent to beneficiary's myUSCIS account confirming CBP's discretionary authorization for travel to the US to seek a discretionary grant of parole on a case-by-case basis

Approval to travel generally valid for 90 days

Beneficiary must secure their own travel via commercial air to the U.S.

Initial decision granting authorization to travel and decision by CBP at POE are both discretionary and not subject to appeal on any grounds

Arrival at POE

- Inspection by CBP
- If parole granted, generally allowed for up to two years
- Duration of parole determined on case-by-case basis
- Additional screening and vetting
- Fingerprint biometrics

"USCIS is leveraging technological and process efficiencies to minimize processing times for requests for work authorization."

Parole granted

- Duration, generally, of up to two years
- Eligible for employment authorization

Those determined to pose national security risk or not warrant parole will be processed under an appropriate processing pathway and may be referred to ICE for detention

Parole Program Sunset, Renewal, and Termination

Program capped at 24,000

Once cap reached, program will sunset unless
Decision by the Secretary to continue the
process, based on Secretary's sole discretion

Secretary retains the sole, unreviewable
discretion to terminate the process at any
point.

Reinstatement of Title 42

- WWII era emergency public health law
 - Invoked by Trump administration in response to COVID in March 2020
 - Venezuelans, Nicaraguans, and Cubans had previously had exemptions to Title 42
- Title 42 exemption only means that migrant will be allowed to touch US soil and seek asylum or other available relief
 - Title 42 exemptions may still be sought, most successfully done through NGOs and attorneys, but difficult to find advocacy in Mexico and criteria for approval is often changing, not uniformly applied
- As compared to invocation by Trump administration, this reinstatement of Title 42 has no cited public health rationale
- Title 42 Contemplates both “Turn Backs” and “Expulsions”

Title 42 Turn Backs

Applies to migrants of any nationality who seek asylum at port of entry while still on Mexican soil

Title 42 Expulsions

Applies to migrants already on US soil based on:

- Their nationality
- Other factors determine if the U.S. can expel them to Mexico or their home country
- On US soil = border wall or checkpoints
- Do NOT count as removals/deportations

Mexico is accepting Venezuelan, Honduran, El Salvadoran, Guatemalan, and Mexican migrants detained at the border at non ports of entry



As of October 13, 2022, at least 200 Venezuelan migrants were returned to Mexico



Countries on the route from Venezuela to Mexico and shelters along the border reporting steep drop in migrant arrivals



Options for migrants who are turned back or expelled based on Title 42

- ❖ Voluntary return to home country
- ❖ Venezuelans may apply for the Venezuelan Parole Program
- ❖ Apply for asylum in Mexico
 - ◆ May not then seek asylum in the United States