

Border Processing Post-Title 42

[Title 42, the Public Health Service Act](#) section that has allowed the government to halt entry of people into the U.S. at the Southern border since March 2020 due to COVID, was lifted on May 11, 2023. To coincide with the end of Title 42, the Biden Administration has announced several new border enforcement policies. At the same time, the Biden Administration has announced additional legal pathways, including the [Cuban, Haitian, Nicaraguan, Venezuelan parole program](#) which was launched in January 2023, and yet to be created [family reunification programs](#) for Colombia, El Salvador, Guatemala and Honduras, as well as [regional processing centers](#). The following are some of the new border enforcement policies:

- **[Circumvention of Lawful Pathways](#), commonly known as the “Asylum Transit Ban 2.0”:** Under this rule, individuals from countries other than Mexico arriving at the southern and coastal borders between May 11, 2023 and May 11, 2025 will be barred from seeking asylum unless they first applied for asylum in a third country on their way to the United States, or they have scheduled an appointment through the CBP One App. Only narrow exceptions exist to this rule for unaccompanied minors and those who can demonstrate an acute medical emergency, an imminent threat to their life or safety, or that they were a victim of a severe form of trafficking at the time of entry.
- **Mandatory use of [CBP One App](#):** Individuals wishing to seek asylum must make an appointment through the relatively new CBP One App before presenting themselves at the border. Starting May 24, 2023, up to 1,000 appointments will be made available each day, and will be assigned at random from those who requested an appointment in that 24-hour period. This is a change from the first-come, first-serve system previously in place.
- **Increased use of “expedited removal”:** The Biden Administration has made clear that any individuals or family seeking entry outside of the existing programs and procedures will be presumed ineligible for asylum and quickly deported under “expedited removal” procedures. Through this process, individuals do not have an opportunity to see an immigration judge, and are barred from the US for a period of five years after deportation.

While we welcomed the end of Title 42, the Biden administration has replaced it with new policies and rules that will also effectively block many asylum seekers from finding protection.

MIRA Coalition and thousands of organizations have opposed the new transit ban rule. In fact, more than 51,000 comments were filed opposing the proposed rule, by a wide range of organizations and individuals. There is strong analysis that this rule is illegal and will ultimately be overturned in the courts. However, while it is in effect, our country will turn away many immigrants and refugees seeking safety.

MIRA Coalition continues to call for a return to immigration policies that provide a fair opportunity to seek asylum and treat immigrants and asylum seekers with dignity and justice.