

Post-Title 42: U.S. Foreign Policy Initiatives to Manage Regional Migration

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In FY2023, U.S. Customs and Border Protection apprehensions at the Southwest border exceeded [2.2 million](#) through August 2023, with the majority of an increasingly diverse pool of migrants originating from Latin America and the Caribbean. Polls indicate that the [desire to migrate](#) among residents of Latin American and Caribbean countries increased during the Coronavirus 2019 (COVID-19) pandemic, which exacerbated [socioeconomic challenges](#) and contributed to increased [social unrest](#) and [repression](#) in some countries, [while delaying many migrants' travel plans](#).

On May 11, 2023, the federal COVID-19 public health emergency declaration expired. The Biden Administration therefore ended Title 42, a public health measure invoked in March 2020 by the Centers for Disease Control and Prevention that had enabled U.S. authorities to [restrict entry into the United States](#) of foreign nationals lacking “proper travel documents.” The Biden Administration has [announced](#) foreign policy initiatives aimed at managing post-Title 42 regional migration and [requested](#) supplemental funds to implement them. Congress is considering legislation and appropriations that could affect those policies while overseeing existing regional migration management efforts.

U.S. Regional Migration Management Efforts

The Biden Administration initially focused on addressing [migration from Central America](#), a top source of U.S.-bound migrants over the prior decade. In July 2021, pursuant to the United States-Northern Triangle Enhanced Engagement Act (P.L. 116-260, Division FF, Subtitle F) and [Executive Order 14010](#), the Administration released a [U.S. Strategy for Addressing the Root Causes of Migration in Central America](#) that seeks to address socioeconomic, governance, and security challenges in the subregion. The Administration also developed a [Collaborative Migration Management Strategy](#) intended to build a regional framework for safe, orderly, and humane migration in North and Central America.

The Administration subsequently broadened its engagement on migration issues beyond Central America to other countries in the Western Hemisphere, [citing](#) the diversification of migrant flows. Secretary of State Antony Blinken met with his counterparts in the region for a series of meetings resulting in the negotiation of the [Los Angeles Declaration for Migration and Protection](#), signed by the United States and 20 other Western Hemisphere countries in June 2022. The declaration recognizes migration management as a shared responsibility and seeks to bolster [regional efforts](#) to improve border controls, create legal

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migration and protection pathways, support migrants and host communities, and coordinate mass migration responses.

U.S. efforts to implement the Los Angeles Declaration include the following measures.

Foreign Assistance

The Biden Administration has used foreign assistance to advance its migration management strategies. In FY2022, the Administration allocated at least [\\$704.9 million](#) to support the implementation of the root causes strategy in Central America. It also allocated [\\$295.6 million](#) in humanitarian assistance to respond to the needs of vulnerable populations in Central America and Mexico and [\\$656.3 million](#) in humanitarian assistance to countries throughout the hemisphere hosting more than [6.5 million](#) Venezuelan migrants and refugees. Full-year FY2023 allocations are not yet available. For FY2024, the Administration [requested](#) at least \$945.8 million to continue implementation of the root causes strategy in Central America, at least \$83.0 million to support the integration of Venezuelan migrants throughout South America, and \$51.4 million for regional migration management.

In August 2023, the Administration [requested](#) \$782.0 million in emergency supplemental assistance to respond to irregular migration in the Western Hemisphere. Among other activities, the funds would support partner governments' efforts to regularize and integrate migrants, screen migrants for protection needs, and repatriate migrants deemed ineligible for protection. Funds also would support the establishment of Safe Mobility Offices throughout the region to vet potential candidates for refugee resettlement or other legal migration pathways to the United States or other countries.

Anti-smuggling and Messaging Campaigns

The Biden Administration also has worked with regional partners to combat migrant smuggling. In June 2021, the Departments of Justice and Homeland Security [established](#) Joint Task Force Alpha to enhance enforcement efforts against human smuggling groups in Mexico and northern Central America. Such activities build on existing cooperation mechanisms, such as [transnational criminal investigative units](#) that investigate and prosecute smugglers and human traffickers and an [International Biometric Information-Sharing Program](#) to help partner governments detect and detain potential security threats before they reach the United States.

In April 2023, Colombia, Panama, and the United States announced an [enforcement campaign](#) to deter the illicit movement of people through the Darién Gap region of Panama. U.S. officials also announced a [public messaging campaign](#) through local paid media to counter the narratives smugglers use to lure migrants. Results have proven elusive as Panama [recorded 333,700 migrants](#) passing through the Darien from January-August 2023, most [originating in Venezuela](#).

Legal Pathways, Stiffer Penalties

The Biden Administration has [expanded legal pathways](#) for migrants to enter the United States while [increasing penalties](#) for those who enter the country illegally. With support from U.N. agencies, the Administration has established initial [Safe Mobility Offices](#) in Colombia, Guatemala, and Costa Rica that have begun processing applications from migrants of certain nationalities. Migrants apprehended at the border have been put into removal proceedings (expedited or formal) under Title 8 immigration authorities and can be [barred from reentry](#) for five years if ordered removed.

Considerations for Congress

As Congress debates legislative and oversight responses to regional migration, foreign policy considerations may include the following:

- **U.S. Relations in the Region.** [U.S. interests in Latin America](#) and the Caribbean are diverse and include trade, security, and democracy issues. How might the United States balance migration management with other U.S. interests?
- **Foreign Assistance.** To what extent should migration trends be a factor as Congress appropriates funding for, and evaluates the effectiveness of, foreign assistance activities? What, if any, safeguards are in place to ensure migration management assistance does not contribute to human rights abuses?
- **Migration Agreements.** On May 11, 2023, the House passed H.R. 2, which, among other measures, would direct the Administration to seek to reestablish migration agreements similar to the [Migration Protection Protocols](#) with Mexico and [Asylum Cooperation Agreements](#) with Central American countries concluded during the Trump Administration. How might such agreements affect humanitarian conditions and migration trends?

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