

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

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U.S. Border Patrol apprehensions of foreign nationals crossing into the United States illegally between ports of entry have surged, reaching a [record 2.2 million](#) in FY2022, with the majority of migrants originating from Latin America and the Caribbean. The [motivation to migrate](#) among Latin American and Caribbean residents increased during the Coronavirus Disease 2019 (COVID-19) pandemic, which [delayed migrants' travel plans](#), exacerbated preexisting [socioeconomic challenges](#), and contributed to increased [social unrest](#) and [repression](#) in some countries.

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 [announced](#) foreign policy initiatives aimed at managing regional migration amid a potential post-Title 42 migration surge. Congress is considering legislation and appropriations that could affect those policies, as well as overseeing existing foreign policy efforts to manage regional migration.

U.S. Foreign Policy Efforts to Manage Regional Migration

The Biden Administration initially focused on addressing [migration from Central America](#), a region that had emerged as 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 new [U.S. Strategy for Addressing the Root Causes of Migration in Central America](#) that seeks to address underlying 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 to help relieve migration pressures at the U.S. border.

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 Migration Ministerial meetings, leading to the negotiation of the [Los Angeles Declaration for Migration and Protection](#), signed by the United States and 20 other Western Hemisphere countries on the sidelines of the June 2022

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Summit of the Americas. The declaration recognizes migration management as a shared responsibility and seeks to bolster [regional efforts](#) to improve border controls, create legal migration and protection pathways, support migrants and host communities, and coordinate responses to mass migration movements.

U.S. efforts to implement the Los Angeles Declaration and otherwise address regional migration include the following measures.

Foreign Assistance

The Biden Administration has used foreign assistance to advance its migration management strategies in the region. 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 [6.1 million](#) Venezuelan migrants and refugees. FY2023 allocations are not yet available. For FY2024, the Administration has requested at least [\\$945.8 million](#) to continue implementation of the root causes strategy in Central America and [more than \\$50.0 million](#) for a new [Americas Partnership Opportunity Fund](#) “to address migration management challenges faced by high and upper-middle income countries.”

Anti-smuggling and Messaging Campaigns

The Biden Administration also has worked with regional partners to combat migrant smuggling. In June 2021, for example, 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. By February 2023, those efforts had led to the arrest of [7,800 human smugglers](#). 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 terrorists and other criminals before they reach the United States.

In April 2023, Colombia, Panama, and the United States launched a [60-day coordinated enforcement campaign](#) to deter the illicit movement of people through the Darién Gap region of Panama. The [United Nations predicts 400,000](#) migrants will cross the Darién in 2023, most relying on smugglers. The United States also announced a [public messaging campaign](#) through local paid media to counter the false narratives smugglers use to lure migrants into undertaking costly, dangerous journeys.

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 various U.N. agencies, the Administration announced the establishment of [Regional Processing Centers](#) in Colombia and Guatemala where migrants can apply for legal migration pathways to the United States, [Spain, or Canada](#). Most migrants apprehended at the border [are likely to be ineligible for asylum, deported to Mexico](#) under Title 8 [expedited removal procedures](#), and banned from reentry for at least five years.

Considerations for Congress

As Congress debates legislative and oversight responses to post-Title 42 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? How might the United States help countries meet their existing commitments under the [regional humanitarian protection framework](#)?

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