The US-México border post COVID-19: reflections on discriminatory actions against Latinos



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Since March 2020 the United States (US) – *Estados Unidos Mexicanos* (México) border has been closed to all non-essential businesses due to the COVID-19 pandemic. However, there seemed to be a double-standard approach to crossings: while the US citizens were allowed to enter and return as they pleased, Mexicans were scrutinized and prevented from crossing the land border (García, 2021).

The US border with México reopened at the beginning of November to visitors and tourists with proof of full vaccination against COVID-19. Tony Payan (2021), director of the Baker Institute Centre for the United States and México predicts families' reunifications, economic recovery, and economic boost for border cities, especially in this festive season. What does the opening of the US-México border

mean for immigration? The border control will continue exerting the 'Title 42', which has enabled the expulsion of immigrants during the pandemic with the pretext to protect public health against COVID-19. Joe Biden has inherited the rule from US's former President Donald Trump, and it is set to continue in the future.

During the pandemic, Biden's administration has faced several challenges at the US-México border, such as the surge in unaccompanied children crossings. Children were held in cell-like cages at the border and then assigned to detention centers until they were united with a family member in the US. There have been waves of asylum seekers trying to enter the US during the pandemic, and it is expected their numbers will increase in the post-pandemic period. Also, as it turned out, during the pandemic, Mexican smugglers and drug/human traffickers have taken advantage of the chaos at the border. One such example are the recent caravans of Haitian immigrants at the US-México border who have been treated inhumanly by the US border patrol. This raises the important question about how Latino immigrants are treated in the US? *Are US rejections of immigrants at the US-México border acts of ethnic discrimination?* (*Rather than racism towards Latinxs, the author of this article uses the term ethnic discrimination, which is defined by Fine (2016: 128) together with racial discrimination as 'differential treatment on grounds of perceived racial or ethnic difference, which can occur in the absence of explicit and/or intentional hostility and sense of hierarchy.'*)

As the author of this article argues, drawing on the political theory of migration advanced by Sarah Fine (2016), the answers to the above questions are complicated.

Considering that: 'the principal actual motivation for exclusionist immigration policies is, of course, racial prejudice, or sometimes more general prejudice against foreigners, which, when present, is always felt more intensely against those who are of or are thought to be of a different race' (Dummett, 2002: 58).

Biden's immigration policy (and the acceptance of unaccompanied children to the US and 'Remain in México' for other asylum seekers), is significantly more inclusive than Trump's zero-tolerance approach. At the same time, the Biden administration uses pretexts, like safeguarding public health against Covid-19 and securing the border from human and drug smuggling, to prevent immigrants from

entering the US. Arguably these superficially 'legitimate' objectives conceal more deep-seated discriminatory attitudes. At present, Biden is considering 'lite' Migrant Protection Protocol (MPP) where only a few asylum seekers would have to wait in México under better living conditions and with attorneys (Kumar, 2021).

However, according to some contemporary normative political theorists, such as Michael Blake and David Miller (Fine, 2016), countries have a right to restrict immigration because of self-determination or to protect the national culture, but not on grounds of ethnicity or race. Conversely, if human rights to migrate existed, there would be no border control, people would be able to move freely to enter and live in a foreign country, and countries would have no right to limit who can cross their borders.

Article 13 of *the Universal Declaration of Human Rights of 1948* states: 'Everyone has the right to leave (*This does not presuppose entering another country, except if seeking asylum from persecution*) any country, including his own, and to return to his country.' Article 14 states 'Everyone has the right to seek and to enjoy, in other countries, asylum from persecution'. And Article 15 stipulates that: 'no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality'. Therefore, it can be argued that no country in the world fully respects the human right to migrate. And the US is no exception. Harris's warning to Guatemalans to stay in their own country is not only harsh but goes against this basic concept of human rights. That notwithstanding, Biden has taken some steps to overhaul the US immigration system, signing several executive orders that introduce more tolerant policies towards immigrants, such as reaffirming the DACA (Deferred Action for Childhood Arrivals) program, which protects immigrants who came to the US illegally with their parents as children from deportation. Even though there have been judicial attempts to halt DACA, today Biden is fighting for a path to citizenship for millions of undocumented immigrants, most of them Latinos.

For the purposes of this article, two personal stories of two Latinas were collected. María Sandoval (fictitious name to secure anonymity) of Guatemalan origin testifies how Latinos are discriminated against. She has been living in the borderland state of California for the last 23 years and has been a victim of ethnic discrimination. When she was working as a receptionist, a member of staff told her that her English accent was very poor, Mexicans were of low intelligence, and

only came to the US to take advantage of better job opportunities. Moreover, they did not contribute to society, and that the best thing for her was to return to her own country. María explains that all Latinos in California are called '*Mexicanos*' (Mexicans), which is a derogatory term, and/or lack of knowledge about migrants from other Latin American countries. She makes the interesting point that discrimination is also present among Latinos themselves. In the 2020 U.S. presidential election, 32% of Latinos voted for Donald Trump, most of them in Florida and Texas (Casas, 2020), which might be because they did not identify themselves with Biden's political agenda, such as open borders. For now, María has not seen any difference between how Latinos were treated under Trump and how they are treated under Biden. Equality, respect, and leading by example are the ways for politicians to fight against discrimination towards Latinos, she adds.

Discrimination is not only seen in the border states but throughout the US. Guadalupe Sánchez (fictitious name) who is of Guatemalan origin and has been living in Chicago since 1994, testifies that ethnic discrimination towards Latinos is subtle and ever-present, especially with regards to working opportunities (low salaries, unsocial working patterns), which may, or may not, alter under Biden. Guadalupe claims not to have experienced discrimination herself, although she may have encountered it but was reluctant to reveal it in a questionnaire. She believes discrimination against Latinos is a serious problem that has not changed in decades. Despite that, she concludes that Latinos seem to be better off (it might be economically, socially, free from violence and persecution) in the US than in their own countries.

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About the author



Katia's main research interest lies in contemporary Mexican immigration to the

US. For her research project, she created corpora of the US and Mexican newspapers to conduct Corpus Assisted Discourse Analysis that enables her to identify the differences/similarities in how both presses depict immigration from Mexico to the US during Donald Trump's era. The concrete examples are interpreted in comparison to the current situation of immigration during Joe Biden's presidency. More broadly, Katia is also interested in the socio-political situation of Latinos in the US. She is the founder of the Research Group in Spanish and Latin American Studies (ESAL) at Edge Hill University. She is an experienced Spanish language teacher at UK universities.