



AMERICAN **BAR** ASSOCIATION

ProBAR | South Texas Pro Bono
Asylum Representation Project

WHAT IS TITLE 42?

"Title 42" refers to a provision of the 1944 Public Health Services Act. It permits the government to "prohibit the introduction of persons" into the US when a communicable disease presents a danger to public health.

TITLE 42 QUICK FACTS:

Over
1.7 million

Title 42 expulsions
since the beginning
of the pandemic

Unaccompanied
children
exempt

since Feb 2021
(after 15,000+
children already
expelled)

In effect since
March 2020

Official order
issued
Sept 2020

Title 42 has been used to rapidly expel migrants and asylum seekers from the US. It has uniquely affected those seeking asylum at the US-Mexico border.



Often, individuals and families are expelled to Mexico or their home country without the opportunity to present their claims for asylum.

Under US law, asylum seekers and other migrants are generally allowed to request legal relief, and are often given a hearing in front of an immigration judge.



Title 42 suspends this practice for many, quickly expelling adults and families back to Mexico or to their countries of origin without a hearing or a chance to request relief.



March 2020

Beginning of COVID-19 Pandemic. CDC invokes interim Title 42 regulation, and DHS begins expulsions. Final order published in September.

Feb 2021

Unaccompanied children exempted from Title 42 (formalized in July). 15,000+ children already expelled by this time.

Sept 2021

Federal court rules family expulsions unlawful. US Gov successfully appeals. Family expulsions continue.

March 2022

CDC terminates Title 42 for unaccompanied children. Separately, fed. court says Title 42 can continue, but cannot be used to expel families to persecution or torture.

April 2022

CDC announces Title 42 will be terminated on May 23. Three states file suit against US Gov, challenging this decision.



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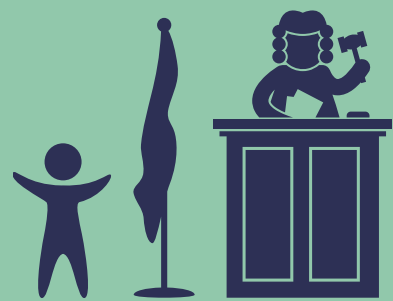
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WHO DOES TITLE 42 AFFECT?

**Title 42 applies to both
adults and families.**



**As of Feb 2021
unaccompanied children
are exempt from Title 42 and able
to receive an immigration hearing.**



**ProBAR has heard
reports of families
self-separating before
arriving at the border,
with the aim of giving
their child a better
chance at relief.**



**US law requires adults and families
to demonstrate fear of returning to
their home country in an interview
before they can pursue legal relief.**



**Title 42 expulsions happen before this
interview can take place. Some asylum
seekers are almost certainly being expelled
back to dangerous conditions.**

**When migrants are
immediately expelled under
Title 42, their opportunities
to access legal education or
an attorney's representation
are severely restricted. This
also restricts the ability of
legal advocates to provide
migrants with effective and
timely assistance.**



**Throughout this uncertain
time, ProBAR remains
committed to empowering
migrants through access to
representation and legal
education on the border.**

MORE INFORMATION

KEY SOURCES:

1. <https://www.cdc.gov/coronavirus/2019-ncov/downloads/CDC-Order-Suspending-Right-to-Introduce-Final-8-2-21.pdf>
2. <https://www.cbp.gov/newsroom/stats/nationwide-encounters>
3. <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>
4. https://www.americanimmigrationcouncil.org/sites/default/files/research/title_42_expulsions_at_the_border.pdf



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