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“Texas Migrant Processing and Jobs Plan” Opinion

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After a record of over 8,000 migrants crossed into Eagle Pass, Texas during the week of Sept. 18, Rolando Salinas Jr., the mayor of this small border town, declared a state of emergency on Sept. 20. State and federal officials struggle to respond effectively to the increase in crossings. The federal government has sent about 800 additional active-duty personnel to the border, and Eagle Pass has allowed the Texas Department of Public Safety to arrest any trespassers.

Eagle Pass’s State Representative Heriberto “Eddie” Morales Jr. proposed his “Texas Migrant Processing and Jobs Plan” as a solution. On Sept. 26, he posted the breakdown of his proposition on X along with a letter requesting Texas Governor Greg Abbott to include it as an item on the Oct. 9 Special Session agenda. Morales’ plan is ridiculous. It is unrealistic, violates asylum seekers’ rights and contradicts Supreme Court precedent.

If implemented, Morales’ plan would require migrants arriving at the border to pay \$2,000 to stay and work in Texas for three years. Morales aims for this money to fund border infrastructure and equipment and the fight against illegal drug smuggling, but most of these migrants do not have \$2,000. The majority are asylum seekers from Venezuela, as reported by the United Nations refugee agency. They come to the border due to devastating economic instability. The idea that they could pay this entrance fee is illusory. According to a 2022 study by the National Survey of Living Conditions (ENCOVI), based on income, 53.3% of people in Venezuela live in extreme poverty, and 81.5% live in poverty. This means that most Venezuelans do not have enough money to afford basic food items, according to Hearts on Venezuela, a campaign by Venezuelans. How will migrants be able to pay a \$2,000 entrance fee when they

cannot afford food in their home country? This fee is illogical and would force Texas to deny entrance to a majority of asylum seekers.

Another absurd requirement under Morales' plan is that migrants must provide an employment scholarship letter, confirming their employment in the U.S. upon arrival. Legal Director Robert Painter at the non-profit immigration law firm American Gateways speaks from over a decade of immigration law experience in saying that asylum seekers do not come to the border with a job already lined up. Again, the plan would require Texas to turn away deserving asylum seekers because of an unrealistic entrance condition. To gain employment, asylum seekers must apply for an Employment Authorization Document with the U.S. Citizen and Immigration Services, and they cannot even apply until their asylum case has been pending for 180 days. This requirement alone makes Morales' plan impossible.

The "Texas Migrant Processing and Jobs Plan" also violates the right to seek asylum by imposing additional requirements beyond U.S. law. U.S. Code, 8 USC 1158 states, "Any alien who is physically present in the United States or who arrives in the United States... irrespective of such alien's status, may apply for asylum." A migrant has a right to request asylum, regardless of their ability to pay \$2,000 or provide proof of employment. The plan also violates the U.S. Supreme Court precedent set in *Arizona v. United States*, which established that federal law has preemption over state law in matters of immigration. Texas does not have the authority to impose additional requirements for entry into the U.S. Morales' plan is clearly unlawful.

Eddie Morales' attempt to address the surge of migrants in Eagle Pass with his "Texas Migrant Processing and Jobs Plan" is a complete failure. Instead of focusing primarily on immigration enforcement, the state and federal government should redirect their attention to building more shelters and providing social services support. Eagle Pass only has one

overcrowded shelter. Clearly, more money needs to be directed towards shelters if such a major point of entry only has one.

Community support alternatives to detention serve as shelters for migrants, while also meeting other needs, such as case management. When asylum seekers' basic needs are met, they can focus on their asylum cases and utilize the case management these shelters provide. Nonprofits, such as American Gateways, partner with these ATDs to provide legal representation, which increases the chances of winning asylum by five times, according to the American Immigration Council. More government investment in such nonprofits would increase efficiency and ease in the immigration process, ultimately aiding border communities in accommodating surges of migrants.