



EXPLAINER

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Frequently Asked Questions on Migrant Relocations

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Background

Earlier this year, Texas, Arizona, and Florida governors began transporting asylum seekers to northern cities, including Washington, D.C., New York City, and Chicago. While they claimed these relocations were voluntary, reports of asylum seekers tricked into boarding buses and planes sparked investigations that could result in charges of fraud or civil rights violations. **More than [14,000](#) asylum seekers, including children, have been transported to the abovementioned cities, often stranding them thousands of miles from family and from the immigration proceedings they need to attend as asylum seekers.** This explainer answers some common questions about these migrant relocations.

How Did the Migrant Relocations Begin?

In April, Texas Governor Greg Abbott (R) [announced](#) that the state would begin chartering buses and flights to transport asylum seekers who had already been processed and released by the federal government to Washington, D.C. The move was in response to President Joe Biden's decision to end Title 42,¹ a Trump-era policy that allows the immediate expulsion of asylum seekers to Mexico, their country of origin, or third countries.² The following month, Arizona Governor Doug Ducey (R) [announced](#) that Arizona would also begin sending asylum seekers to Washington, D.C.

In August, Texas expanded its program and began sending asylum seekers to [New York City](#) and [Chicago](#) in addition to the nation's capital. The following month, Florida Governor Ron DeSantis (R) joined the effort to relocate asylum seekers and chartered flights to relocate migrants from Texas to Martha's Vineyard, Massachusetts.

¹ To learn more about Title 42, see the Progressive Caucus Action Fund's explainer, [Restoring the Legal Right to Seek Asylum: The Case for Ending Title 42](#).

² In May, a federal court issued an injunction halting the Biden administration's lifting of Title 42, forcing the administration to continue implementing the policy.

Who Are the People Being Relocated?

The people being relocated are migrants who are legally seeking asylum in the United States, a long-established and legally protected right. **The U.S. asylum process, largely enshrined by the Refugee Act of 1980, allows people who face death, torture, imprisonment, or other harm in their country of origin to seek safety in the U.S.** These asylum seekers have already been processed and released by the Department of Homeland Security (DHS) and many receive notices to appear before an immigration court. Most asylum seekers are from Venezuela, but many are from Colombia, Cuba, Guyana, Nicaragua, Panama, and El Salvador.

Why Are They Seeking Asylum?

To be granted asylum, people must show that they were persecuted or fear persecution in their home country based on their race, religion, nationality, membership in a particular social group, or political opinion. These asylum seekers are leaving their home countries for a variety of reasons. In Venezuela, for example, people are fleeing to escape violence and instability, including a lack of food, medicine, and essential services. According to the Interagency Coordination Platform for Refugees and Migrants (R4V), over [7 million](#) people have fled Venezuela seeking asylum, making it the second-largest external displacement crisis in the world.

Other countries in Latin America are experiencing a [similar situation](#). For example, nearly 600,000 refugees and asylum seekers from El Salvador, Guatemala, and Honduras have fled gang violence, sex trafficking, and gender-based violence, including the persecution of LGBTQ+ people. Political instability and human rights abuses in Nicaragua have also forced around 200,000 people to flee the country.

The United States' foreign policy in Latin America has exacerbated the political and economic instability in some of these countries and, in turn, helped create the circumstances that migrants have sought to escape. In 2019, for example, former President Donald Trump imposed draconian sanctions against Venezuela in an effort to cut off the country's main source of income and force President Nicolás Maduro to step down. Instead, the sanctions may have strengthened the Venezuelan president's resolve and contributed to political instability, human rights violations, and economic decline. U.S. policy has also negatively affected other Latin American countries like Nicaragua and impacted the reasons people may want to flee.

Is Seeking Asylum Legal?

Seeking asylum in the United States is [legal](#) and protected under both U.S. and international law. Under the Refugee Act of 1980, asylum is reserved for people fleeing their country and seeking protection based on "persecution or a well-founded fear of persecution on account of their race, religion, nationality, membership in a particular social group, or political opinion." However, asylum is a "discretionary" status, meaning some individuals can be denied asylum. Other legal protections under the [United Nations Convention Against Torture](#) are

non-discretionary, meaning that the United States cannot return individuals to countries where they will be tortured. People seeking asylum must tell immigration officials they are afraid to be returned to their country of origin, pass an initial screening, and then undergo a sometimes lengthy process to prove their case.

Why Are These Asylum Seekers Being Relocated?

According to Texas, Arizona, and Florida governors, they are sending asylum seekers to northern cities in response to what they describe as Democrats' lax immigration policies that, in their view, encourage migration to the U.S. They argue that these cities do not bear the same burdens as border communities and can more immediately meet asylum seekers' needs. At the same time, however, the Republican governors appear to concede that the relocations are a political stunt meant to hurt Democrats politically: [Governor Abbott, for example, said](#), "Texas will continue sending migrants to sanctuary cities like Washington, D.C. until President Biden and Border Czar Harris step up and do their jobs to secure the border."

Is Relocating Migrants Legal?

Texas and Arizona claim to bus asylum seekers on a "voluntary" basis, meaning they have agreed to leave those states. **However, reporting indicates that some asylum seekers might have been lured with [false promises](#) of services and jobs.**

On October 14, 2022, Karl Racine, the attorney general for Washington, D.C., announced an [investigation](#) into whether officials misled asylum seekers before transporting them to Washington, D.C. **According to ProPublica, "various state and federal laws could apply to transporting immigrants across state lines. Racine's office could look into whether anyone committed fraud by falsely promising jobs or services, whether there were civil rights violations or whether officials misused taxpayers' money."**

Similarly, Florida Governor Ron DeSantis might have broken Texas law when he [chartered flights](#) to transport 48 asylum seekers, including children, from Bexar County, Texas to Martha's Vineyard in September. In Texas, "[unlawful restraint](#)" is illegal and includes the use of "force, intimidation, or deception" to restrict a person's movement. While this crime is a misdemeanor, it becomes a felony if the victims are under the age of 17. The sheriff of Bexar County, Texas, has since [announced](#) a criminal investigation into the flights, and the relocated [asylum seekers are suing Governor DeSantis](#). In their lawsuit, the asylum seekers allege that officials for the state of Florida lured the migrants with false promises like free housing, jobs, educational opportunities, and other assistance in order to get them to board the planes.

On the federal level, Governor DeSantis may have [broken the law](#) under the [Trafficking Victims Protection Act](#), which criminalizes human trafficking and protects victims that were "recruited, harbored, transported...obtained...for labor or services" by means or use of "force, fraud or coercion."

Governor DeSantis may have also broken [his own state's law](#). **In Florida, the state legislature has allocated funds for migrant relocations. However, that law allows that money to be used to transport migrants from Florida—not another state—yet Governor DeSantis used the funds to relocate migrants from Texas.** Similarly, the law allows Florida to transport migrants who are "unlawfully present" in the United States. However, at the time of the transport, all of the migrants who were flown to Martha's Vineyard had active federal proceedings to adjudicate their immigration status and are in the U.S. lawfully as asylum seekers.

Who is Paying for the Relocations?

Taxpayers are paying for migrant relocations.

In Florida, the state legislature has already [approved \\$12 million](#) to transport migrants who are "unlawfully present" to other states. So far, Governor Ron DeSantis has spent over \$1.5 million for the "[relocation program of unauthorized aliens](#)"—even though the asylum seekers are legally in the United States. Records show that the state paid [\\$615,000](#)—or \$12,300 per person—to charter the two flights from Texas to Martha's Vineyard, followed by \$950,000 for future flights to [Delaware and Illinois](#). Once the migrants arrived at Martha's Vineyard, local advocates and organizers scrambled to provide resources and assistance to the asylum seekers. Florida's expenditures to transport migrants from Texas to Martha's Vineyard came just weeks before Hurricane Ian hit Florida, causing tremendous destruction that analysts predict could be the [costliest storm in Florida history](#), creating \$53 billion to \$74 billion in insured losses.

As of September, taxpayers in Texas have spent over [\\$12.7 million](#) to bus over 10,000 migrants to Washington, D.C., New York City, and Chicago since the spring. In Arizona, taxpayers have been responsible for paying the almost [\\$4 million](#) bill to transport nearly 2,000 asylum seekers to Washington, D.C.

What Will Happen to the People Who Have Been Relocated?

Many of the migrants who were transported to northern cities will seek asylum in federal immigration proceedings. For those who do, they will be eligible for a work permit 180 days after filing their asylum application. Asylum applicants can work while their asylum cases are pending, often for years. Once an individual receives asylum, they must wait for one year before applying for a green card and getting on a path to citizenship.

The almost 50 asylum seekers potentially trafficked from Texas to Martha's Vineyard by Florida Governor Ron DeSantis are now eligible to change their immigration status³. Earlier this month, the [sheriff of Bexar County, Texas announced](#) that he certified with the federal government that the migrants were victims of a crime and filed the proper paperwork to ensure the migrants' availability as witnesses during

³ While the courts determine whether the relocated asylum seekers were indeed trafficking victims, this explainer refers to them as potentially trafficked.

the investigation into unlawful restraint. Specifically, the migrants, as victims, are now eligible for the [U-visa](#), a special visa for victims of certain crimes in the United States, including trafficking. Migrants with this visa become eligible to apply for a green card after three years and U.S. citizenship after five years as a lawful permanent resident.

Can Congress Do Anything to Aid Migrants Seeking Asylum?

On a high level, Congress can reform the immigration and asylum system to ensure it respects the rights and dignity of every person exercising their right to seek asylum. Some lawmakers have already introduced legislation that would do just that. For example, [H.R. 1177](#), the U.S. Citizenship Act (Rep. Linda Sánchez, D-CA), would improve aid for immigrants and asylum seekers who arrive in the U.S. Specifically, the bill would ensure that all asylum seekers are provided with information about their rights, social services, existing protections, and proper screenings, and be given documentation so they can freely move around the country. The bill would also expand current temporary shelter networks for newly admitted asylum seekers and provide aid to Central American countries to address the root causes of migration.

Congress may also eliminate barriers that prevent newly arrived asylum seekers from getting a work permit after applying for asylum. [H.R. 6693](#), The Asylum Seeker Work Authorization Act (Rep. Chellie Pingree, D-ME), would allow asylum seekers to apply for and receive a work permit within 30 days of submitting an asylum application. This legislation could help relocated asylum seekers get on their feet and work legally more quickly.

Short of statutory change, there is more Congress can do right now to get work permits into the hands of asylum seekers more quickly—namely, through appropriations. Work permit applications for asylum seekers and other immigrants [languish at U.S. Citizenship and Immigration Services \(USCIS\) for several months](#) or more before they are processed. These backlogs hurt newly arrived asylum seekers who cannot work legally without permits—and, in turn, might not be able to access critical needs like health insurance while they wait. Congress may consider appropriating additional funds specifically for working through this backlog.

Congress can also work to ensure backlogs do not delay asylum cases. Currently, there are over [1.9 million](#) cases stuck in immigration court proceedings, with each case taking at least a year to adjudicate. Congress could increase funding for the federal government to hire more asylum officers and immigration judges and reduce the large backlog of pending cases.

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