

IMMIGRATION

Trump's order to halt deportations to Venezuela – a 'gift' or 'cop out'? Experts weigh in.

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People listen as President Trump speaks during a rally in 2019 at Florida International University in Miami. He addressed the crisis in Venezuela, but never approved TPS for exiles. JOE RAEDLE GETTY IMAGES

Madeleine Leon's eyes went wide, her jaw, ajar.

The news that during his last night as president Tuesday, Donald Trump issued

an executive order suspending the deportation of Venezuelans in the U.S. left her “sweaty, confused and pleasantly surprised.”

“I was a madwoman– a happy one running all around the house,” the Venezuelan asylum seeker told the Miami Herald as she sat beside her husband. “We truly couldn’t believe our eyes, that Trump did that considering the past four years of his strict immigration policies.

“I was changing all the channels on the TVs,” she added, noting that at some point she had three remotes in her hands, along with a cell phone and laptop. “Each one had a different news source because for a minute I thought it was fake news, that it couldn’t be real. I did a double-take.”

Leon’s reaction to [Trump’s eleventh-hour executive order](#) deferring the removal of Venezuelans currently in the United States for 18 months wasn’t very different from that of immigration advocates and policy experts.

Many blinked twice when they heard the news, and though they were joyous, the announcement rendered disappointment.

“When you do something good you should be praised. But unfortunately, it was several years too late, and the weakest possible benefit you can provide,” said Randy McGrorty, attorney and director of Catholic Legal Services, an organization that has represented tens of thousands of immigrants seeking refuge and asylum in South Florida.

“Venezuela didn’t suddenly descend into hell yesterday,” he said. “Call it a cop-out if you will.”

Deferred Enforced Departure, or DED, applies to all Venezuelan citizens in the U.S. with the exception of those who are subject to extradition, are inadmissible under the Immigration and Nationality Act or were deported, excluded, or removed prior to Jan. 20. It also authorizes their employment while in the United States.

And though the decision could benefit as many as 200,000 Venezuelans at risk of being sent back to the troubled South American nation, the benefit is only temporary” and doesn’t compare to Temporary Protected Status, which is “an actual immigration status,” McGrorty said.

“DED is not. It’s just a promise not to deport you for 18 months. That means that after that amount of time, you’re back to square one. Sure, it can always be renewed, but it’s completely discretionary, any president could just change his or her mind and there it goes,” he said. “TPS is concrete. It’s in the statutes and it has certain rights and responsibilities associated with it and the government has to follow certain procedures.”

However, she expressed “great concern” that the Biden administration will remove Venezuela from its agenda now that Trump has found a temporary solution.

“We do not want words of solidarity, we really want action, for sanctions to be maintained, for forceful measures to be taken to achieve the transition to democracy in Venezuela, ”she said.

José Antonio Colina, president of Venezolanos Perseguidos Políticos en el Exilio (Politically Persecuted Venezuelans in Exile), an immigration advocacy organization in Miami, stressed that it is an important step to protect thousands of Venezuelans who are still in the custody of U.S. Immigration and Customs Enforcement and have not committed federal crimes.

Last month, leaders with Venezuela’s opposition urged the incoming Biden administration to grant Venezuelans TPS. Officials appointed as U.S. emissaries by Juan Guaidó — the man recognized by the Trump administration as Venezuela’s rightful president — made the push after touring an immigration detention center in Broward County, which at the time had 40 Venezuelan detainees, the most at one single detention center in the country out of the 257 behind bars.

Krystin Montersil, detention program supervisor for Catholic Legal Services, said the majority of Venezuelans who had been detained in immigration proceedings have been released on orders of supervision in South Florida.

“Just in the last two to three weeks, we’ve seen approximately 20 to 30 releases of Venezuelan nationals,” Montersil said.

Trump's DED order wasn't the only immigration change that occurred. On Wednesday, Biden proposed a major overhaul to the U.S. immigration system. The sweeping reform included [broad legal protections for millions of undocumented immigrants](#) currently living in the United States. It also provides an expedited path to citizenship for so-called "Dreamers," individuals who came to the U.S. as children, and others given a temporary reprieve after fleeing natural disaster or armed conflict.

Florida's two U.S. Senators have already expressed opposition to Biden's immigration bill and suggested that it will likely be a political issue raised by Republicans during the 2022 election cycle.

Sen. Marco Rubio, one of the senators behind the failed "Gang of Eight" immigration proposal that passed the Senate with a bipartisan vote in 2013 but died in the GOP-controlled U.S. House, said Biden's plan is a non-starter that amounts to "blanket amnesty."

"Before we deal with immigration we need to deal with COVID, make sure everyone has the chance to find a good job, and confront the threat from China," Rubio said in a statement a day before Biden's inauguration. "There are many issues I think we can work cooperatively with President-elect Biden, but a blanket amnesty for people who are here unlawfully isn't going to be one of them."

Florida Sen. Rick Scott, who will lead Senate Republicans' political arm for the next two years, released a statement through the National Republican Senatorial Committee blasting Biden's immigration plan and listing a number of Senate Democrats up for reelection in 2022.

Both Rubio and Scott could run for president in the future and could open themselves up to attacks from the far right if they're perceived as being too friendly to undocumented immigrants. Rubio was attacked for his immigration work during the 2016 GOP primary.

But Miami Republican Rep. Mario Diaz-Balart, who has been a key GOP voice on immigration reform efforts in the U.S. House, struck a more conciliatory tone on Wednesday. Diaz-Balart said in a statement he was "fully committed to working with the Biden Administration."

All three Florida Republicans, along with Miami Reps. Maria Elvira Salazar and Carlos Gimenez, were enthusiastic supporters of Trump's last minute decision to grant Deferred Enforced Departure for Venezuelans living in the United States just hours before his term ended.

Rubio had floated the idea of Trump enacting DED for Venezuelans for more than a year after TPS failed in the U.S. Senate in 2019. DED functions similarly to TPS in that it allows recipients to live and work in the U.S. without the fear of deportation, but is derived from the president's foreign policy powers rather than immigration law passed by Congress.

“If we can get deferred forced removal with a work permit like there is with Liberia, that's the functional equivalent of TPS,” Rubio [said in 2019](#). “There's some legal issues with that as well, but it's the functional equivalent of a TPS designation without some of the legal pushback we've gotten.”

Gimenez and Salazar praised Diaz-Balart's work for getting Trump to enact DED. Any future immigration deals in Congress could involve the Miami Republican who remains well-respected by most Democrats in Washington and represents thousands of undocumented immigrants in his Hialeah-based district.

“I commend my dear friend and colleague, Congressman Mario Díaz-Balart, for his work with the administration and his unwavering commitment to the plight of the Venezuelan people,” Salazar said in a statement.

Meanwhile back in Miami, Republican strategist Jesse Manzano-Plaza called it “a gift or action that was perhaps very overdue.”



Inmigrantes venezolanos hacen fila para hacerse una prueba del COVID-19 en Cúcuta, la ciudad colombiana en la frontera con Venezuela, el lunes 28 de diciembre de 2020. SCHNEYDER MENDOZA
AFP VIA GETTY IMAGES



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