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Trump abolishes right to asylum on US southern border

The Trump administration is today implementing an “interim final rule” drafted by the US Justice and Homeland Security Departments that will effectively seal the US southern border to men, women and children seeking asylum from violence and repression in Central America and beyond.

In yet another assertion of untrammelled executive power, Trump’s asylum decree rides roughshod over both US and international law.

The interim rule orders US border officials to summarily deny asylum to anyone who “enters or attempts to enter the United States across the southern border after failing to apply for protection in a third country outside the alien’s country of citizenship, nationality, or last lawful habitual residence through which the alien transited en route to the United States.”



Credit: Nick Miroff

This means that those attempting to apply for asylum at ports of entry along the US southern border will simply be asked if they applied for asylum in Mexico or Guatemala and, if they say no, will be turned away. Meanwhile those crossing the Rio Grande and the desert and turning themselves in to the border patrol will be deported on the same grounds without any semblance of due process.

The measure represents a qualitative tightening of already draconian and cruel immigration policies implemented by the Trump administration. This includes a “remain in Mexico” order that has forced immigrants seeking asylum in the US to stay in Mexican border towns until their cases are adjudicated, without adequate housing, food or services, and prey to widespread violence.

The text of the interim order is a mockery of legal—not to mention democratic—principles. Its main argument is that the number of families and children arriving on the US border has created too much of a strain on the departments who issued the new ruling and, in response, they are simply going to impose a blanket denial of asylum.

“Apprehending the great number of aliens crossing illegally into the United States and processing their credible-fear and asylum claims consumes an inordinate amount of resources of the Departments,” it states.

William Barr, Trump’s right-wing and sycophantic attorney general, advanced a similar rationale, saying that the US was being “completely overwhelmed” by the flow of migrants to its southern border. He claimed that the new rule was a “lawful exercise of authority.”

This is a blatant lie. Trump's rule abrogates a law enacted by Congress, the 1980 Refugee Act, which allows the US to send asylum seekers back to a "safe third country" only if there is a bilateral or multilateral agreement providing for such a transfer. Such an agreement exists between the US and Canada.

The 1980 act was enacted to comply with international laws governing the treatment of refugees, laws drafted in the wake of the Second World War in response to the criminal denial of asylum to Jews who were sent back to Hitler's death camps.

Trump had pressed Mexico to agree to a "safe third party" arrangement in June. He threatened punishing and escalating tariffs on \$350 billion worth of Mexican exports to the US unless the government of President Andrés Manuel López Obrador provided more direct collaboration in implementing the fascistic anti-immigrant agenda of the White House.

López Obrador, his "leftist" pretensions notwithstanding, has broadly complied, deploying Mexico's newly created national guard on both the southern and northern borders of Mexico to stop the flow of migrants, stepping up deportations and employing the methods of raids and violence. Thus far, however, the Mexican government has refused to enter into a "safe third country" agreement with the US, despite the Trump administration's claims in June that it had such a deal.

The idea that Mexico could serve as such a country is preposterous. Migrants are regularly subjected to violence, rape and murder. The Mexican media recently published a photo of a father and his son stabbed and left to die in Morelos that recalled the stark image of the Salvadoran father and daughter who drowned in the Rio Grande. The Mexican agency for dealing with refugees, meanwhile, had its budget for 2019 cut by 20 percent to just \$1.1 million.

The idea that Guatemala could serve as such a "safe third country" is even more grotesque. The country's murder rate is higher than the death toll in Iraq and Afghanistan.

It appears that the roll-out of the new anti-asylum rule had been timed to coincide with a White House meeting Monday between Trump and Guatemala's President Jimmy Morales where the "safe third country" deal was to be inked. Morales, however, canceled the meeting at the last moment after the Guatemalan high court issued an injunction late Sunday on the grounds that any such deal would have to be approved by the country's legislature.

The challenge was brought by a group of former foreign ministers of Guatemala, one of whom told the media that it would turn the country into “the biggest concentration camp in history.” It has also been opposed by both of the right-wing candidates vying to succeed Morales in a second-round presidential election next month.

The agreement would have reportedly allowed the US to send to Guatemala not only Central Americans, but also Haitians, Africans and South Asians turning up on the US southern border.

Making Guatemala a “safe third country” would effectively halt the flow of refugees from El Salvador and Honduras who must pass through the country. Presumably, Guatemalans, who are also fleeing violence and repression by a rabidly corrupt state, would be denied asylum in the US on the grounds that they failed to apply in Mexico.

Trump’s acting Homeland Security secretary Kevin McAleenan, meanwhile, asserted that the new rule would “help reduce a major ‘pull’ factor driving illegal migration.”

The reduction of the “pull factor” is an objective being pursued through the blatant brutalization of immigrants and refugees, who have been crammed into “standing-room only” cages on the border and denied adequate food and sanitation.

What is ignored in the enactment of these policies is the “push factor,” which are the conditions of violence, poverty and government corruption created in Central America by over a century of US imperialist oppression. This includes the violent civil wars waged with US support and military dictatorships imposed with Washington’s backing, leading to the deaths of hundreds of thousands of civilians. In Guatemala, the US-backed military regime waged a genocidal campaign to wipe out entire indigenous populations.

Washington’s malign influence has continued uninterrupted, with the Obama administration and then-US Secretary of State Hillary Clinton backing a 2009 coup in Honduras that led to a dramatic escalation of violence in that country.

The Trump administration’s ripping up of the right to asylum has come in the face of mass demonstrations across the United States in opposition to the threat of police-state style immigration raids that were to have begun on Sunday.

On Monday, Trump told reporters on the White House lawn that “The ICE raids were very successful,” adding that “Many, many were taken out on Sunday—you just didn’t know about it.”

There was no indication that there had been any massive sweeps, however, and officials at the Department of Homeland Security told some in the media that merely a “handful” of immigrants had been detained.

There were no doubt tactical considerations in the decision not to launch massive raids under conditions in which White House’s hyping of the crackdown had placed immigrants and broader sections of the population on alert. In some cases where there were raids, they met with resistance from neighbors of those targeted.

The broad opposition to the racist and xenophobic anti-immigrant policies of the Trump administration, however, finds no expression within the existing political setup. The Democratic Party is fully complicit in the crackdown, having provided a majority of Democratic votes in the House and Senate to pass a \$4.6 billion emergency appropriations bill to construct a network of immigrant concentration camps on the US-Mexico border.

Meanwhile, Democrats are sponsoring a bill, the Northern Triangle and Border Stabilization Act, that would have the same effect as Trump’s anti-asylum edict, creating “processing centers” for refugees in the Central American countries that they are fleeing to prevent them from reaching the US border.

The Trump administration’s repudiation of both US and international law in order to suppress vulnerable refugees on the US southern border, while attempting to whip up xenophobic and racist hatred against them, is part of a broader assault on all democratic forms of rule. Methods of police state violence are being prepared against the entire working class in order to defend the wealth and privilege of America’s ruling elite against a rising tide of class struggle.

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