

Asylum ban: Trump eliminates right to asylum for immigrants crossing without documentation

By Eric London
9 November 2018

The Department of Homeland Security (DHS) and the Justice Department issued a joint statement yesterday announcing a new federal regulation barring immigrants who cross the US border without documentation from applying for asylum.

The decision is the most significant restriction on immigration in decades, as the vast majority of asylum seekers apply from within the country. It will cause hundreds of thousands of deportations and family separations, and send countless immigrants to their deaths, largely in Mexico and Central America. It is aimed at whipping up racist and xenophobic sentiment against vulnerable workers from Latin America in particular.

The announcement comes as Democrats pledge their willingness to “collaborate” with President Trump. The asylum ban passed unnoticed at Democratic Party rallies held yesterday to oppose the firing of Attorney General Jeff Sessions. Democratic Congressman Jamie Raskin of Maryland called for “a round of applause for AG Sessions,” ignoring the fact that Sessions was the architect of the Trump administration’s anti-immigrant policies.

Citing “national security,” the DHS-Justice Department statement announcing the asylum ban reads, “Our asylum system is overwhelmed with too many meritless asylum claims from aliens who place a tremendous burden on our resources.”

Immigrants will only be allowed to apply for asylum if they present themselves at a port of entry, which means they would have to wait in detention for months or years before rigged courts and prosecutors weigh their asylum applications.

Courts near the border have the highest asylum denial

rates, meaning many more claims will be rejected.

For example, the denial rate in El Paso, Texas courts was over 90 percent in 2017. Moreover, the Trump administration has forced immigrants to wait weeks or months to apply for asylum at points of entry. Recent reports show many immigrants from the caravan that reached the US in the spring are still waiting in Mexico to apply.

Trump’s announcement has a historical parallel: the Chinese Exclusion Act of 1882, which barred immigration of Chinese workers and led to the forced removal of hundreds of thousands of Chinese immigrants, most of whom were brought to the US to construct the western railroads under slave-labor conditions.

The xenophobic atmosphere inflamed by both parties created the conditions for massacres of Chinese immigrant workers, including the 1885 Rock Springs Massacre of 28 Chinese miners in Wyoming and the 1887 Hells Canyon Massacre of 34 Chinese miners in Eastern Oregon. The Act was a deliberate attempt by the ruling class to pit native-born against immigrant workers and break the development of the class struggle, which exploded from the 1870s to the 1890s.

Today’s asylum ban applies to workers and poor peasants from Mexico and the “Northern Triangle” countries of Honduras, Guatemala and El Salvador. All these countries owe their poverty, violence and government corruption to US imperialism, which has funded death squads, backed dictatorships, and orchestrated massacres and ethnic cleansing in the region for over 100 years.

The new federal regulation, which will formally become law tomorrow when Trump issues his

presidential proclamation affirming the rule change, is explicitly aimed at the caravan of Central American immigrants presently resting in Mexico City en route to the US.

“In recent weeks, United States officials have each day encountered an average of approximately 2,000 inadmissible aliens at the southern border,” it states. “At the same time, large caravans of thousands of aliens, primarily from Central America, are attempting to make their way to the United States, with the apparent intent of seeking asylum after entering the United States unlawfully or without proper documentation.”

The new rule complains of the “strains on the Departments” caused by the detention of “rising numbers of family units”—i.e., parents and children—“who generally cannot be detained if they are found to have a credible fear, due to a combination of resource constraints and the manner in which the terms of the Settlement Agreement in *Flores v. Reno* have been interpreted by courts.”

In other words, the government demands: (a) more money to establish massive tent cities and military crackdowns, as Trump declared in a press conference the week before Tuesday’s midterm election, (b) an end to the *Flores* Settlement, which restricts the government from indefinitely detaining children, and (c) an end to the “credible fear” system by which agents assess whether immigrants are afraid to return to their home country.

At present, if an immigrant is declared to have “credible fear” of returning—which the overwhelming majority do—they are entitled to apply for asylum. Under the new rule, even those who face imminent persecution at home would be deported immediately or perhaps given the option to apply for much more restrictive relief with a higher burden of proof.

The new restrictions will be challenged in the courts but will ultimately be given the green light by appeals courts stacked with Trump appointees. Upon reaching the Supreme Court, the policy will doubtless be approved, as was Trump’s travel ban, which he enacted in 2017 before the confirmation of far-right Justice Brett Kavanaugh, who replaced the more moderate Anthony Kennedy in October.

The Democratic Party greeted the new asylum ban with silence. At press time, Bernie Sanders, Nancy

Pelosi, Elizabeth Warren, Joe Biden and Barack Obama had not even tweeted about the measure.

Meanwhile, thousands of soldiers have now been deployed to the US-Mexico border, including 1,300 troops in California, 1,500 in Arizona and 2,800 in Texas, according to the Department of Defense. They are actively aiding the search for immigrants crossing the border, in violation of *posse comitatus*, which bars the military from performing domestic police actions.

“It’s freed up Border Patrol agents so they don’t have to sit in dispatch or watch cameras. It’s putting them back on the line,” Border Patrol Agent Tekae Michael told *the San Diego Union-Tribune* Wednesday. In an unintended admission, she added: “When a sensor goes off, they’re calling it in.”

The Socialist Equality Party (US) opposes Trump’s latest move and demands all asylum seekers and immigrants be given the right to live in the US with full legal and citizenship rights.

In its 1905 founding document, the International Workers of the World (IWW) rejected the policies of Chinese exclusion—which were vociferously supported by the nationalist leaders of the Knights of Labor—and appealed to workers of all races to defend immigrants as a matter of maintaining the unity of the international working class against its common class enemy.

“The Industrial Workers of the World is an *international* movement,” the preamble read. “We realize workers have no country... As long as we quarrel among ourselves over differences of nationality we weaken our cause, we defeat our own purposes... Differences of color and language are not obstacles to us. In our organization, the Caucasian, the Malay, the Mongolian and the Negro, are all on the same footing. All are workers and as such their interests are the same. An injury to them is an injury to us.”

The same spirit is required today.

To contact the WSWs and the
Socialist Equality Party visit:

<http://www.wsws.org>