

Federal judge issues injunction against Trump administration refugee order

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A federal judge in California has issued a preliminary injunction blocking the Trump administration's executive order which would remove Temporary Protected Status (TPS) from hundreds of thousands of immigrants. US District Court Judge Edward Chen ruled Wednesday that TPS for migrants from Nicaragua, El Salvador, Sudan, and Haiti must be maintained until a lawsuit challenging the legality of the order has been settled.

The four countries cited in the lawsuit represent nearly 300,000 of the 437,000 refugees who are currently receiving TPS in the United States. There have been an additional 273,000 children born in the US to these migrants. In issuing his ruling, Judge Chen asserted that the administration may have ended TPS for migrants on the basis of a racist policy that sought to restrict non-white immigrants from entering the country.

According to Chen: "There is... evidence that this may have been done in order to implement and justify a pre-ordained result desired by the White House." In addition, "plaintiffs have also raised serious questions whether the actions taken by the Acting Secretary or Secretary was influenced by the White House and based on animus against non-white, non-European immigrants in violation of Equal Protection guaranteed by the Constitution."

Chen cited multiple documents from administration officials which demonstrated that the latter sought to revoke the refugees protected status in spite of the fact that they would still face grave dangers if they returned to their home countries. In many cases, Trump officials directly contradicted the risk assessment made by career state department officials of the countries in question.

In one exchange cited by CNN, Francis Cissna, the

director of US citizenship and immigration services, made the observation that a document seeking to justify the revocation of TPS for Sudanese migrants seems to make the opposite case until it was altered by Trump administration officials.

"The memo reads like one person who strongly supports extending TPS for Sudan wrote everything up to the recommendation section and then someone who opposes extension snuck up behind the first guy, clubbed him over the head, pushed his senseless body of out of the way, and finished the memo. Am I missing something?"

Officials also expressed similar misgivings in regards to documents that sought to justify the ending of TPS for immigrants from El Salvador, Honduras, and Nicaragua. In an email exchange, policy adviser Kathy Neubel observed that "The problem is that it reads as though we'd recommend an extension b/c we talk so much about how bad it is, but there's not enough in there about positive steps that have been taken since its designation."

Prosecutors demonstrated that Trump administration officials sought to revise the traditional interpretation of TPS, claiming that since the conditions in the countries in question that led to TPS being granted in the first place no longer exist, they could be rescinded. This is in spite of the fact that all four of the countries affected by the ruling are wracked with civil war, extreme poverty, and political repression.

In making this case, Brandon Prelogar, a state department official, wrote the following: "We can comb through the country conditions to try to see what else there might be, but the basic problem is that it IS bad there (with regards to) all of the standard metrics. Our strongest argument for termination, we thought, is just that it is not bad in a way clearly linked to the

initial disasters prompting the designations. We can work... to try to get more, and/or comb through the country conditions we have again looking for positive gems, but the conditions are what they are.”

Documents show continuous interference on the part of administration officials in the risk assessment process, including the direct intervention of Gene Hamilton, then a senior counselor at the Department of Homeland security and a political ally of attorney general Jeff Sessions. Hamilton made last-minute revisions to some reports, including removing references to human rights violations, in order to make a stronger case for removing the protections.

Approximately 1,000 refugees from Sudan, who were originally granted TPS in 1997 due to civil war and whose protected status was subsequently renewed multiple times, would have faced deportation on November 2 of this year had Trump’s order not been blocked. DHS officials sought to justify the revocation by claiming that the armed conflict that has plagued Sudan for decades was now confined to “specific regions,” even though they acknowledge in the same document that hundreds of thousands of refugees have fled the violence there in recent years and that the region still suffers from “acute levels of food insecurity.”

Thus far the DHS has declined to lift the protected status for refugees from South Sudan, which has the smallest number of enrollees in the program of any country.

Haitian migrants were originally granted protected status in 2010 due to the earthquake in January of that year that killed at least 160,000 residents and destroyed 250,000 homes. Haiti has never fully recovered from the damage wrought by the earthquake.

As of 2017, the UN has stated that there are still at least 55,000 Haitians in refugee camps and that “Many are still living in unsanitary conditions due to displacement caused by the earthquake.” The country has also suffered from an ongoing cholera epidemic in the wake of the 2010 earthquake, which has afflicted 800,655 Haitians and killed 9,480.

Haiti was also severely impacted by Hurricane Matthew in October of 2016. The storm made landfall in Haiti as a category four hurricane and destroyed an estimated 200,000 homes. Approximately 45,000 migrants from Haiti, the poorest country in the western

hemisphere, would have faced deportation in July of 2019 before the stay was issued.

Nicaraguans were first granted TPS in 1998 in the aftermath of Hurricane Mitch, which killed at least 3,800 and displaced an additional 368,300 people. The storm caused an estimated \$1 billion in damages. This country, which is now ruled by Sandinista leader Daniel Ortega, has seen ongoing political violence in recent years as the former “Marxist” guerilla leader has sought to slash pensions and increase social security contributions in line with International Monetary Fund dictates. Over 5,300 refugees from Nicaragua, devastated by decades of US-backed dictators and pro-business austerity, faced deportation in January of 2019 due to Trump’s order.

Nearly 200,000 refugees from El Salvador, representing the largest total number of TPS recipients from a single country, would have faced deportation in September of 2019. Like the other countries on Trump’s list, El Salvador is one of the poorest in the world. A quarter of Salvadoran children under the age of five live in extreme poverty and 36 percent of the total rural population live in destitution. The country also has the highest youth homicide rate in the world.

Salvadorans were granted protected status after the earthquakes of 2001, which killed over a thousand and displaced hundreds of thousands more.

The Obama administration had already revoked TPS for Guinea, Liberia, and Sierra Leone in 2017, in spite of the wretched conditions in those countries. Now, hundreds of thousands more refugees will see their lives imperiled as the Trump administration launches further attacks against immigrants and refugees in an attempt to mobilize its far-right base as a hedge against growing social discontent.



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