

# Trump administration using pandemic to deport 30,000 refugees and asylum seekers to Mexico

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The Trump administration is using the coronavirus pandemic as a pretext to summarily expel anyone arriving at the United States border without a visa. Since March 21, the Trump administration has utilized an obscure statute allowing the suspension of entry from designated places to prevent the spread of communicable diseases to claim authority to deport 30,000 people back to Mexico, including unauthorized immigrants, refugees, and asylum seekers, whose immigration claims have been denied without any due process.

Without any input from the American people, the Trump administration has sidestepped Congress and effectively repealed the right to asylum, which is guaranteed by international law, international treaties ratified by Congress, and the Immigration and Nationality Act. According to the *Washington Post*, most of those already in custody have likewise been deported, reducing the Customs and Border Protection (CBP) jail population from 20,000 to less than 100 people.

A recent post on the CBP website refers to asylum seekers as a class of inadmissible immigrants. Using dehumanizing language, the document titled “Nationwide Enforcement Encounters: Title 8 Enforcement Actions and Title 42 Expulsions” defines “inadmissibles” as “individuals encountered at ports of entry who are seeking lawful admission into the United States but are determined to be inadmissible, individuals presenting themselves to seek humanitarian protection under our laws, and individuals who withdraw an application for admission and return to their countries of origin within a short timeframe.”

The speed with which Trump has acted to close the

borders is at odds with his overall approach to the coronavirus epidemic. After downplaying the virus for months, and claiming at one point that it was a hoax, Trump continues to insist that there is no danger in returning workers to their jobs in crowded and unsanitary workplaces, and refuses to mobilize urgently needed medical resources. Nevertheless, his acting CBP Commissioner Mark Morgan denied that the rush to end asylum was motivated by xenophobia. “This is not about immigration,” Morgan said. “This is about public health. This is about putting forth aggressive mitigation and containment strategies.”

“What is happening at the border right now is a tragedy,” Kari Hong, an immigration attorney who teaches at Boston College Law School, told the *Washington Post*. “We are abandoning our legal commitment to provide asylum to people whose lives are in danger in other countries.”

Hong said the United States government is exploiting the coronavirus pandemic to advance a radical anti-immigrant agenda, “By invoking these emergency orders, the Trump administration is simply doing what it’s wanted to do all along, which is to end asylum law in its entirety.”

The number of unauthorized border crossers has fallen by about half since the measures were invoked, from 1,000 per day to under 600. Initially, the CBP claimed that the rapid expulsion policy would not apply to children, but an investigation by Reuters found that to be false. In the first two weeks after the policy began, 377 minors were turned away at the border, and 300 minors in the Department of Health and Human Services custody were deported. At least 120 of the children were put on planes bound for the Northern

Triangle countries of Guatemala, Honduras, and El Salvador.

Significantly, the policy has depended on cooperation from the Mexican government. The government of Andres Manuel Lopez Obrador (AMLO) has stated its formal policy is to reject all “returns” from the US who are not Mexican citizens, but this is only for public consumption. Representatives from the Mexican government have quietly agreed with Trump to accept such individuals on a “case by case” basis. As a practical matter, Mexico is accepting nearly all deportees.

The unilateral move by the Trump administration has compelled the Democrats on the Senate Judiciary Committee, including former Democratic presidential candidates Kamala Harris, Cory Booker, and Amy Klobuchar, to take the unusual step of publicly rebuking the attack on asylum seekers. In a letter to acting Homeland Secretary Chad Wolf, the senators write that “it appears these decisions to expel individuals are being made on an *ad hoc*, arbitrary basis without adherence to any articulated limiting principles.

“In effect, the administration has given itself unchecked, roving authority to subject individuals to immediate expulsion from our country regardless of other federal protections, or rights, to which they otherwise would be entitled. Moreover, the administration has failed to provide any meaningful notice to the public about these vast powers or an opportunity for the public to provide comments about them, as federal law requires.”

Despite this denunciation, the letter concludes with a long list of toothless demands for information from the administration, essentially asking for more details and weekly updates on the efforts to shut down asylum.

Typical “demands” raised by the Democrats are: “Does DHS believe it can expel a foreign national who is encountered by DHS personnel in the interior of the United States? If so, state and provide the accompanying guidance.” Or “does the Executive Branch take the position that its recent actions pursuant to Title 42 comply with the 1951 Refugee Convention, the Convention Against Torture, and all other relevant treaties to which the US is a signatory?”

The gravity of the danger coronavirus now posed to immigrants and refugees cannot be overstated. Tens of thousands of asylum seekers are being released after

months of unsanitary imprisonment in CBP jails, without any medical screenings or care, into countries like Mexico and the Northern Triangle, where medical resources were already scarce, and backward politicians like AMLO openly mock measures to fight the coronavirus outbreak. At the same time, over 30,000 immigrants remain in Immigration and Customs Enforcement (ICE) prisons, where there is typically no medical care, children and adults sleep together on the bare concrete floor in sweltering heat or near freezing temperatures, and eat rotten and maggot-infested food.

What is needed is not weekly reports on the gender and racial breakdown of those illegally deported, but an independent political intervention by the working class to demand the immediate end to all national barriers to coronavirus containment, and the mobilization of all necessary resources to protect the working class from the virus, both immigrant and nonimmigrant.



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