

White House violates right to asylum and bans immigration at US-Mexico border

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On Tuesday, the Biden administration announced a sweeping new immigration policy that bars entry to almost all immigrants at the southern border and denies them the right to apply for asylum.

The new policy is to take effect on May 11, the day of the expiration of Title 42. This previously obscure public health provision of US law was first employed by Trump to ban immigration at the US-Mexico border under the false pretense that immigrants spread COVID-19. This cruel and hypocritical policy of blanket exclusion was then continued by Biden, even as he proclaimed the pandemic had ended.

Biden's new policy is aimed at filling the gap left by Title 42's expiration. It means all immigrants who attempt to cross the southern border on foot will be deported without a court hearing or any right to apply for asylum.

The administration's pseudo-legal justification is that all immigrants who pass through Mexico forfeit their right to asylum in the United States when they fail to do so in Mexico. But the reality is Mexico is wracked by the same violence and poverty that dominate all countries from which refugees flee.

The administration of Mexican President Andres Manuel Lopez Obrador has been harassing, beating and persecuting Central American and Caribbean immigrants on behalf of American imperialism since he took office in 2018, while many thousands seeking refuge in the US have been condemned to languish in tent camps on the border, subject to cold, hunger and the predations of Mexico's infamous cartels.

Biden came into office promising that he would reverse the anti-immigrant policies of the Trump administration and uphold the right to asylum. The policy now introduced by his administration makes a mockery of that pledge, grossly violating both international and US law, which both guarantee the right to asylum. The United

Nations 1951 and 1967 protocols on the rights of refugees, which were ratified in the aftermath of the Holocaust and the Second World War, expressly guarantee the right to asylum and make it illegal to deport "refugees," the legal term for those who meet the requirements for asylum. Article 33 of the 1951 protocol states, "No contracting state shall expel or return a refugee in any manner whatsoever to the frontiers of the territories where his life or freedom would be threatened."

The decision will have a disastrous impact on the lives of masses of workers across Latin America. Countless people will be sent back into the clutches of their persecutors in societies devastated by over a century of US imperialist exploitation. Many will die or be tortured in violation of the United Nations Convention Against Torture, which bars countries from forcing people back to countries where they face a likelihood of suffering extreme persecution.

Thousands more will be separated permanently from parents, children and relatives who are already in the US. Billions of dollars in remittance money will be lost, fueling starvation and poverty already worsened by the COVID-19 pandemic, climate change and the US-NATO war against Russia. In the end, the policy will only force immigrants to cross under more dangerous conditions to avoid detection: deeper into the deserts, farther out into the sea, where many more will die.

There are only three precedents in US history which were as sweeping and anti-democratic as this:

The first is the Chinese Exclusion Act, which barred all immigration by Chinese laborers for 10 years beginning in 1882.

The second is the Johnson-Reed Act of 1924, which excluded immigration from the impoverished countries of Southern and Eastern Europe in the aftermath of the Russian Revolution. Hitler wrote approvingly of the act, and, as Yale Law Professor James Whitman explained in

his 2017 book *Hitler's American Model*, Nazi jurists drew on the Chinese Exclusion and the Johnson-Reed acts in shaping the race laws of the Third Reich.

The third precedent is Donald Trump's executive order banning travel from seven predominantly Muslim countries in early 2017 which was met with large spontaneous demonstrations at airports across the country.

Despite the historically reactionary character of the asylum ban, the move has been met with almost total silence in the corporate media, which is too single-mindedly focused on endless denunciations of Russia's crimes, real and imagined, to acknowledge the ban. A day after it was announced, no article about the asylum ban could be found on the online front pages of the *New York Times*, *Washington Post* or CNN.

The media silence is an acknowledgment that the asylum ban exposes the lie that US imperialism is a champion of "democracy" and is defending it in the US-NATO war against Russia.

In June 2022, Biden issued a statement marking "World Refugee Day" in which he presented the US as a beacon of hope for asylum seekers and blamed "Russia's war against Ukraine" for the fact that over 100 million people have been forced to flee their home countries.

Biden's statement covered up the fact that most of those 100 million are fleeing countries devastated by US imperialism's wars of the last three decades: Iraq, Afghanistan, Libya and Syria. Unlike Russia, he said, the United States is "protecting and welcoming refugees" and "leads the world in responding to the needs of refugees."

The hypocrisy and lies of American imperialism know no bounds. Speaking last week, Vice President Kamala Harris cited alleged Russian deportations of Ukrainians as proof the government is carrying out "crimes against humanity."

"Russian authorities have forcibly deported hundreds of thousands of people from Ukraine to Russia, including children," Harris said. "They have cruelly separated children from their families."

While the Russian government has denied these claims, no one can seriously dispute that the United States leads the world in separating immigrant children from their parents.

In 2021, the Biden administration detained 122,000 immigrant children at facilities across the US, according to a report by CBS News. Under Donald Trump, tens of thousands of children were deliberately separated from their families in a fascist policy concocted in the sick mind of Trump's Nazi adviser Stephen Miller. Under

Title 42, the Trump and Biden administrations have together expelled hundreds of thousands of immigrants on the false and racist pretense that they were likely to spread COVID-19.

The Biden administration's decision is a major concession to the far-right elements who dominate the heavily militarized state deportation apparatus and who are two years removed from the January 6, 2021 plot to overthrow the Constitution. The Democratic Party, desperate to maintain "bipartisanship" with the increasingly fascist Republican Party in order to prosecute the war against Russia, is driving the political system ever further to the right.

The attack on immigrants is an international phenomenon. As the European imperialist powers escalate the conflict with Russia, right-wing nationalist elements are being emboldened to attack immigrants and refugees, while nation after nation close their doors to immigrants.

After British Home Secretary Suella Braverman depicted the attempts of refugees to secure asylum in the UK as an "invasion," a far-right mob assaulted immigrants at a hotel housing refugees last week in Knowsley, outside Liverpool. Refugee organizations published a letter earlier this month warning of a rise in "premeditated extremist attacks" against immigrants across the UK.

According to the German Federal Ministry of the Interior, violent attacks on immigrants increased dramatically in 2022, with 65 separate incidents in the first ninth months of the year. In June 2022, the Spanish government of Pedro Sanchez massacred dozens of immigrants at the Melilla border crossing in North Africa.

The defense of the rights of immigrants, the dismantling of the repressive deportation apparatuses and the fight against the far right must be joined with the fight against the US-NATO imperialist war against Russia. This is the subject of the WSWS's online meeting, "[The war in Ukraine and how to stop it.](#)" Saturday, February 25, at 1:00 p.m. US Eastern Time.



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