

# Human Rights First

## Discrimination, Detention, and Deportation: Immigration & Refugees

<https://www.humanrightsfirst.org/blog/trumps-fabricated-border-crisis>

### Public Facing Advocacy Writing

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Areas of Focus

Current Initiatives

Over the last week, we once again witnessed President Trumps harmful attempts to manufacture a crisis at the southern border when he [directed](#) the Department of Defense and the Department of Homeland Security to work with state governors to deploy the National Guard to the southwest border. This theatrical move followed a barrage of tweets that began Easter Sunday after Fox News reported on a group of refugees and migrants organized as a Refugee Caravan, or [Viacrucis](#) (stations of the cross) in Spanish in southern Mexico.

Loaded with false claims, alternative facts and glaring omissions, the presidents rhetoric and tactics, culminating in the direction to deploy the National Guard, are an overblown PR stunt aimed at pressuring Congress to enact some of the presidents most extreme immigration policies. These include changes that would block asylum seekers from requesting refugee protection in this country and subject families fleeing violence to lengthy periods in immigration detention facilities. The proposals are so inconsistent with this countrys ideals that they have not been able to muster the necessary support to be enacted into law.

It all seemingly began with coverage of a caravan of families fleeing violence in Central America on Easter Sunday. The president hyped these vulnerable refugees and migrants as dangerous a common [move](#) he makes to whip up public sentiment in support of his administrations efforts to block people seeking refugee protection from this country.

Even conservative media could see the falsehood in his original claims that big flows of people were trying to take advantage of DACA, but this didnt slow him down. He then switched gears, falsely claiming that the laws of our country do not easily allow us to send those crossing our Southern Border back where they came from. In fact, in fiscal year 2017, Immigration and Customs Enforcement effectuated [226,119](#) deportations, and 240,255 the year before. Many others are turned away or denied entry. Only a small portion of people who arrive at and cross the border are seeking asylum and must have their eligibility for protection assessed before they can be deported. In the Presidents view, expressed in a tweet earlier this week, A whole big wasted procedure must take place.

This administration seems hell-bent on misleading the American public into closing the door on asylum seekers. Pointing to the increase in protection requests at the U.S. southern border, Secretary Nielsen falsely claimed that the increase demonstrated the rising level of fraud that plagues our system, and that asylum seekers were falsely claiming asylum using magic words. The secretary explained to reporters that the administration wants Congress to change the credible fear screening standards, which Congress put in place to ensure genuine asylum seekers can have their claims assessed meaning that the administration wants to block asylum seekers from receiving a real asylum hearing.

This change, which would put the U.S. in violation of its legal obligations under the Refugee Convention and Protocol, has long been on the wish list of the administration and anti-immigrant groups. The irony is that border officers already fail to follow many asylum safeguards, as the bipartisan U.S. Commission on International Religious Freedom has [repeatedly found](#).

The president and Secretary Nielsen also railed against what they label as catch and release, a phrase the administration uses to describe any release of an asylum seeker or migrant from immigration jail even when the individual does not present a flight risk or danger. The secretary made clear on Wednesday that the administration wants to hold families with children seeking U.S. refugee protection in immigration jails for extended periods of time, well beyond the three weeks they believe is legally permissible. The [American Academy of Pediatrics](#) has warned that even a few days in immigration detention facilities is harmful to the health of children. Detaining children and families doesnt serve any purpose.

Government statistics [show](#) that about 98 percent of children and families are in compliance with their immigration court appearance obligations when they are represented by legal counsel. In addition, more fiscally prudent alternatives to detention have demonstrated that community-based programs are highly effective at ensuring appearance.

As Human Rights First has [reported](#), asylum seekers are already held in detention facilities and jails for long periods of time even when they are eligible for release. Human Rights First and other groups filed a [federal lawsuit](#) in March due to the failure to release parole-eligible asylum seekers. Yet, despite the already high level of detentions, the president issued a memorandum on April 6 directing U.S. agencies to report on steps to increase detention and touting the need to protect our country from the dangers of releasing detained aliens into our communities while their immigration claims are pending.

Adding to the publicity effort, Attorney General Jeff Sessions issued a memorandum calling for a zero tolerance policy in the prosecution of illegal entry and other migration offenses, even though Trump Administration efforts to criminalize asylum and migration have already reached alarming levels. In [a report](#) issued in January, Human Rights First detailed the increase in the criminal prosecution of vulnerable asylum seekers and initial entrants under the Trump Administration, and the ways in which these practices violate due process and U.S. legal obligations under the Refugee Convention and Protocol.

Conveniently, the president, as well as the secretary of homeland security and attorney general, have repeatedly failed to mention the major reason for the increase in protection requests: the refugee and displacement crises originating in El Salvador, Guatemala, Honduras, and, more recently, Venezuela. Deadly dangers are forcing people to flee in search of protection, as the [U.N. Refugee Agency](#) and human rights organizations have detailed. Asylum claims have [risen sharply](#) in other countries in the region, including in Costa Rica, Panama, and Belize. The number of asylum applications in Mexico rose by 678 percent from 2013 to 2016, as Human Rights First documented in a July 2017 [report](#).

Human rights organizations have [reported](#) on the recent escalation of conflict and persecution in the wake of the November 2017 election in Honduras, which kept President Juan Orlando Hernández in power, and the resulting increase in the [numbers fleeing](#) the country. La 72, a respected migrant assistance organization run by the Franciscans, reported to Human Rights First that its staff operating in southern Mexico has seen a sharp [increase in Hondurans](#) in the wake of the election and the violence that ensued. In addition to providing life-saving humanitarian assistance, La 72 and legal assistance organizations in Mexico help many to apply for asylum or other protection in Mexico, though, as Human Rights First has reported, that systems [low recognition rates](#), delays, and failure to protect many from return to harm undermine its effectiveness.

While misinformation, wild accusations, and calculated omissions may be useful in negotiating business deals or entertaining people on television, the United States of America is not a game show or a family business. At least it shouldn't be. The loss of U.S. credibility has undermined this country's ability to lead globally, and if the United States can't persuade other countries to follow its lead, it won't be able to achieve its strategic and national security objectives.

There are financial costs as well. The massive costs of high levels of immigration detention are [already absurd](#), as are the costs of subjecting so many asylum seekers and migrants to criminal prosecutions. The financial costs of sending the National Guard to the Border will certainly be [staggering](#).

The President has declared that he will leave the National Guard in place [until Congress passes the legislative changes](#) he demands.

Instead of acquiescing in the president's attempt to use U.S. military might as part of a PR effort to bully Congress or prevent refugees from seeking this country's protection, Congress should press the administration to address the refugee crises south of our border and the processing of asylum claims including those from Honduras, elsewhere in the Northern Triangle and Venezuelain ways that are consistent with U.S. refugee protection and human rights treaties. Congress should also ensure stepped up support for the development of effective asylum system in Mexico and other countries south of the U.S. border.

Not only would this approach set a strong example for other countries who face much larger refugee and displacement crises, it would be a much more effective way to safeguard this country's Constitution, values, and national interests. Though it might not generate as much media attention.

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