

Center for Constitutional Rights

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://ccrjustice.org/home/blog/2017/07/18/get-out-and-stay-out-wall-or-no-wall-us-customs-and-border-patrol-rejecting>

Public Facing Advocacy Writing

The CCR blog

President Trump's fanatical obsession with erecting a wall along the U.S. Southern Border for which, of course, [Mexico would famously assume the role of benefactor](#) has yet to result in any actual construction. But last week, the House Appropriations Committee [released a Homeland Security bill](#) calling for \$1.6 billion to build the wall. While this injection of resources would be a tragically disastrous escalation of border militarization, the reality is, the wall already exists as policy and practice, effectively keeping out thousands of individuals who have attempted to seek refuge within the U.S.

Last Wednesday, CCR, together with Al Otro Lado, anonymous asylum seekers, and the American Immigration Council and Latham & Watkins as co-counsel, [filed a class action lawsuit](#) against U.S. Customs and Border Patrol (CBP) officials for their unlawful practice of turning away individuals seeking asylum at the U.S. Southern Border.

Through our work interviewing people seeking asylum at the Southern Border, the reality of the U.S.'s cruel policy and practice became readily apparent. What I saw was nothing short of strategic, cruel antipathy. This policy is a reflection of a larger reality: the noxious racist and anti-immigrant sentiments entrenched in the U.S. government. To those Black and Brown individuals fleeing incomprehensible forms of violence and seeking refuge within our borders, the United States message wall or no wall is clear: get out and stay out.

Before delving into CBP's practices, it is important to bring into focus the people themselves. Each year, [tens of thousands of individuals](#) apply for asylum in the U.S., many of whom are fleeing various forms of persecution from countries with abysmal human rights records in Central America and Mexico. Likewise stranded are individuals from the Caribbean, particularly [Haitians](#) and [Cubans](#). Those forced from their countries flee [pervasive and systemic levels of violence](#). Such abuses range from [widespread institutional corruption; police and military complicity in serious crimes; societal violence, including brutality against women and exploitation of children; and dysfunctional judicial systems that lead to high levels of impunity](#). I would be remiss if I failed to note the United States [preeminent role in destabilizing](#) these countries and [fomenting civil war](#) to begin with, but I digress.

It is hard to overstate the difficulty these individuals face on their journey; indeed, one of the most common routes involves riding for weeks through Mexico on *El tren de la muerte*, or, the Death Train. The moniker is not by any means dysphemistic: migrants face gang violence, sexual assault, extortion, kidnapping, and recruitment by organized crime on their journey, which is not to mention the fact that migrants travel on top of the train with nothing to hold on to, portending the very realistic risks that [have resulted in countless injuries, amputations, and sometimes death](#).

Though it's clear that thousands of individuals facing grave danger would qualify for asylum under a statement of credible fear, [it has become apparent](#) that CBP has systematically denied many of these individuals the right to even apply for asylum. As detailed [in our complaint](#), CBP officials used myriad tactics to prevent asylum seekers from accessing our borders, ranging from coercion and lying to outright physical force. CBP officers often conditioned the ability to apply for asylum on the separation of parent from child. Migrants were told, repeatedly, that there is no more asylum in the United States, and that America is full. Such abuses would be noteworthy standing on their own as flagrant violations of constitutional and statutory rights. Really, though, the egregiousness lies in the absolute inhumanity it reflects. How on earth could someone reject an individual who has suffered so grievously, let alone thousands? It is as if CBP is one big [Milgram experiment](#).

Such inhumanity is part of a larger trend of brazen (but not new) xenophobia that has permeated many government agencies, providing [a fecund environment for anti-migrant and nativist beliefs](#). Indeed, after Trump's announcement that he would be ramping up anti-immigrant measures, ICE itself [put out a celebratory press release](#) claiming that morale amongst [CBP and ICE] agents and officers has increased exponentially.

The effects are as widespread as they are troubling. Here are only a small fraction of examples. ICE agents [waited outside a church shelter](#) where undocumented immigrants had gone to stay warm. ICE agents [tracked down multiple women at courthouses](#) who were seeking protective orders against their alleged abusers. ICE agents ate breakfast at a Michigan restaurant, complimented the chef on their meal and then [proceeded to arrest three members of the restaurant's kitchen staff](#). ICE even wanted to [deport a fourth grader](#).

Such policies have consequences far beyond ICE detentions and removal proceedings, however, with this environment of terror permeating every facet of the lives of immigrant communities. Reports have indicated that [rent increases and evictions are up](#) in immigrant communities, families are [withdrawing from food stamp programs](#), students [truancy rates are rising](#), [healthcare protections may be stripped](#), [labor protections are being eroded](#), and countless other rights are being affected. All of these incidents reflect the administration's xenophobic agenda and the fear and apprehension it seeks to instill. This much was apparent at the border and is

apparent in our communities as well. Suffice to say that not only is there a wall, but behind that wall is a catapult: get out and stay out.

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