



Trump Administration Considering 'Travel Ban' On Guatemalans After Asylum Snub

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The Trump administration is actively investigating imposing a travel ban against Guatemala unless the Central American nation takes significant steps to curb illegal migration northward.

In a move reminiscent of the pressure campaign President Trump launched against Mexico over immigration, the travel ban is the most explosive option of three that the administration says it's considering against the Central American nation, according to White House and other U.S. sources familiar with the plans. Trump charged Guatemala with backing out on an immigration deal with the United States.

"If Guatemala doesn't take significant action to help protect our borders, then we will, of course, look at all manner of solutions to the serious crisis we face," a White House official told NPR, "whether it's a travel ban, significant actions on remittances and/or tariffs."

The White House is looking at the authority already granted to the executive branch to suspend the entry of classes of people when it's considered detrimental to national interests.

Trump said Wednesday that the United States was planning to take "severe" action against the government of Guatemala after, he said, they broke a deal with the United States to serve as a safe third party country.

One of Trump's strategies for reducing the number of people crossing the border is to get them to go through the asylum process outside of the United States. Guatemala was particularly important for that strategy: the deal would have obligated migrants who traveled through Guatemala to seek protection there instead of traveling to the U.S.

This month, Guatemala's high court blocked its government from signing the deal with the United States. Trump said he didn't believe that the court acted independently of the Guatemalan government and that the United States would take action.

"We're looking at something very severe with respect to Guatemala," Trump said Wednesday as he was leaving the White House on his way to a fundraiser in West Virginia.

The White House didn't share specific details of how the travel ban would be implemented, such as whether it would apply to all Guatemalans or only certain groups.

But officials are looking at the same powers to control the U.S. borders that Trump cited when he banned travel from several predominantly Muslim nations shortly after becoming president.

Under a provision of immigration law, Congress has given the president sweeping power to indefinitely block "the entry of any class of aliens into the United States" that he or she thinks would be "detrimental to the interests of the United States."

Jessica Vaughan, director of policy studies for the Center for Immigration Studies, who speaks regularly with the administration, said the situation is "long past out of control."

"The president is frustrated that Congress and some lower court judges are blocking his efforts to address the border crisis, and his options are limited, so he is willing to push the envelope to get results," she said.

Targeting remittances

Trump made similar threats against Mexico if they didn't take greater steps to slow migration.

This spring, Trump threatened to impose new tariffs starting at 5% that would climb to 25% against Mexico if its government didn't stop the flow of migrants to the United States.

Trump abandoned the threat when, he said, Mexico agreed to strengthen patrols on their southern border.

The Guatemalan government did not immediately respond to questions about the possibility of a travel ban.

But Guatemalan President Jimmy Morales said in a statement that the government was aware of the possible measures that the Trump administration could take and blamed the country's court for damaging the "good relationship" the government has with the U.S.

"All this jeopardizes the bilateral relationship with the United States that will lead to possible sanctions," Morales said on social media.

A fee or tax on Guatemalan remittances could be devastating to the Guatemalan economy. Guatemalan nationals living abroad sent back \$9.5 billion in 2018, making up 12 percent of the country's GDP, according to World Bank data. Most of that money comes from the United States.

It's not the first time Trump has floated the idea of targeting remittances. As a candidate, he promised that Mexico would pay for a wall along the U.S.-Mexico border without equivocation or nuance and proposed a six-step plan.

"On day 2 Mexico will immediately protests," the campaign wrote in a two-page briefing. "They receive approximately \$24 billion a year in remittances from Mexican nationals working in the United States. The majority of that amount comes from illegal aliens."

Legal challenges expected

Like the Trump administration's previous bans against several Muslim-majority nations, any action taken against Guatemala is likely to trigger a legal battle.

But that threat is unlikely to sway Trump. He reminded a group of conservative youth on Tuesday that his administration eventually won the nearly year and a half legal fight over a revised version of that first travel ban in the Supreme Court.

"People don't realize we won the ban," Trump said Tuesday.

Leon Fresco, who served as deputy assistant attorney general for the Office of Immigration Litigation in the Obama administration, said the Trump administration is likely to face a greater legal challenge if it seeks to block Guatemalans conducting legitimate business in the United States.

"There will be lawsuits because the standard for a travel ban is that you have to show that the entry of law-abiding Guatemalans would be detrimental to the interest of the United States," Fresco said. "And the president is not going to be able to show that law-abiding Guatemalans doing trade and commerce in the United States are in any way detrimental to the interest of the United States. There is no security threat of any kind from Guatemala toward the United States."

The White House official emphasized that the Trump administration would simply use long-standing powers taken by many past administrations to block citizens of some countries from entering the United States.

In 1986, President Reagan imposed a ban on Cuban nationals and, in 1988, on certain Nicaraguan officials for the "unjustified expulsion from Nicaragua of the United States Ambassador and seven other United States diplomats." The Clinton and Obama administrations also blocked some foreign nationals from entering the U.S.

But immigration specialists, such as David Bier of the Cato institute argue no president has used the provision on the same scale as Trump.

"No prior ban had ever targeted multiple nationalities at the same time," Bier told NPR. "And only one earlier ban in 1986 had included an entire nationality and that one only did so for a few months. This would be a far broader use of the travel ban authority that we've seen by any prior president."

U.S. sources familiar with the administration's plans to take action against Guatemala caution that nothing is final until Trump signs the paperwork. But they say the plans show Trump's comments were not just a mere threat after Guatemala backed out of the deal.

"It's not like a gleam in anyone's eyes. It's in the works," said a source familiar with details of some of the remittance plans. "This is not just some random comment from Trump. It's a reflection of policies that they're looking to implement."