



## **Kamala Harris Campaigned on a Kinder, Gentler Migration Policy. Now She's Telling Guatemalans, 'Do Not Come.'**

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June 8, 2021

Vice President Kamala Harris went to Guatemala this week on her first official trip abroad. The visit came in connection to her new leading role in the White House effort to stem Central American migration to the U.S.-Mexico border. Arrivals there have surged in recent months, leading Harris to lay out a plan to tackle factors driving migration from Guatemala.

Alongside announcements of aid and collaborative anti-corruption initiatives, Harris issued a direct warning to would-be migrants: "Do not come. Do not come." She continued, "I believe if you come to our border you will be turned back."

That statement couldn't be any more different from her campaign trail rhetoric. In a 2019 interview with National Public Radio, Harris marketed herself as the antithesis of former President Donald Trump and his harsh immigration policies. "I disagree with any policy that would turn America's back on people who are fleeing harm," Harris said. "I frankly believe that it is contrary to everything that we have symbolically and actually said we stand for."

Yet that's exactly what Harris proposed yesterday, despite the fact that Guatemalans are eligible to pursue a legal immigration pathway at the U.S.-Mexico border.

Migrants arriving at the Southwest border may apply for asylum, a process they can only initiate from U.S. soil or at a port of entry. This differs from refugee status, which people apply for and attain before arriving in the U.S. Gaining asylum tends to be quicker than receiving refugee status—valuable for migrants who face hostile conditions at home, as is often the case among Central Americans. Anyone may apply, but eligibility hinges on an applicant proving that he's

been persecuted on grounds of race, religion, nationality, belonging to a certain social group, or political opinion.

In effect, Harris is trying to convince migrants not to pursue the first step necessary to legally gaining asylum.

David J. Bier, an immigration research fellow at the Cato Institute, explains that there are many frameworks in place outlining migrants' rights to do this. "On paper, there are numerous laws and treaties that purport to protect the rights of asylum seekers and other vulnerable people," Bier says. "The Trafficking Victims Protection Reauthorization Act, Refugee Act, Illegal Immigration Reform and Immigrant Responsibility Act, the Convention Against Torture, and 1951 Refugee Convention and its 1967 Protocol" all provide domestic and international protections, Bier notes.

That apparently isn't enough to appease Harris—or, at least, her current politics.

Though she now calls would-be border crossing "illegal migration," she previously supported eliminating criminal penalties for that action. Her presidential campaign site called Trump's border strategy "disastrous and cruel" and she promised to "ensure those fleeing persecution have a full and fair opportunity to make their claim" in immigration court. Those previous sentiments have seemingly vanished.

Bier says that Harris' "proposed solutions are somewhat more dialed back versions of Trump's ideas," despite the Biden-Harris administration's supposed commitment to rolling back the former president's immigration approach. "She wants to continue to expel migrants who cross the border back to Mexico, which was precisely Trump's preferred policy," he observes.

These policies are likely to be ineffective as well. "I don't foresee Harris's proposed solutions having any significant effect on migration from Central America," says Bier. "The main reason that immigrants come illegally is the lack of legal options." Without meaningful efforts to make legal immigration easier, we're doomed to repeat the same mistakes at the Southwest border. Bier warns that Harris' proposals will backfire, creating "a greater perception of chaos when the situation hardly changes."

The Harris of 2019 had no problem advocating that migrants get their day in court. "I would not enforce a law that would reject people and turn them away without giving them a fair and due process to determine if we should give them asylum and refuge," she said then. Let's hope Harris has another change of heart.