



Trump's Immigration Wishlist Risks Running Afoul of U.S. Treaty Obligations

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In his State of the Union speech, President Donald Trump reiterated his opposition to a “clean” Dreamers bill – one that protects young immigrants brought to this country as children without including other changes to immigration law that are on the president’s immigration wish-list. He will support legislation, he said, only if it includes provisions that would supposedly protect Americans. The primary danger to Americans? People fleeing violence, persecution, and other hardships in their home countries. In other words, the people welcomed by Emma Lazarus’s words on the base of the Statue of Liberty are now—in the president’s narrative—a threat to U.S. security.

He described his list of demands as a “down the middle compromise.” But this was the same list that his administration and their anti-immigrant allies in Congress have been peddling for a while now—dressed up, to an even greater extent, in the language of national security.

On his list of demands—one of his plan’s four “pillars” — are changes that would “fully secure the border.” But border apprehensions are at record-low levels, so what are these demands really about? His “border security” list includes a barrage of attacks on U.S. laws that protect refugees and vulnerable children. The primary victims would be families and children fleeing the Northern Triangle of Central America, where deadly violence has triggered a regional refugee crisis.

The president repeated his administration’s talking points about closing “loopholes” allegedly “exploited by criminals and terrorists to enter our country.” But his “border security” demands would, in reality, prevent people seeking refugee protection from even applying for asylum. U.S. law and treaty commitments—including the Refugee Convention and Protocol—prohibit the United States from sending refugees back to persecution and require a fair assessment of asylum eligibility before this country turns them away. Those laws and treaties already include safeguards that exclude people who pose a threat to the country.

The president also pledged to end the “dangerous” practice of “catch and release.” What he actually means is that he wants to keep asylum seekers, children, and other immigrants in jails and detention facilities for even longer. The Trump administration has already escalated its use of immigration detention in an effort to punish those seeking U.S. refugee protection and deter others from doing so, as Human Rights First explained in a [report](#) issued last fall. The president wants Congress to remove the few safeguards that prevent immigration agencies from holding children and families in detention facilities for unduly prolonged, periods.

Are you seeing a pattern? Steps that Trump claims target dangerous people would, in fact, only hurt the most vulnerable. This is also true also when it comes to his professed desire to protect American families from the MS-13 gang. His proposals are aimed at blocking the *victims* of MS-13 and other violent gangs from U.S. refugee protection. At Human Rights First, our pro bono lawyers represent many refugees who have fled from El Salvador, Guatemala, and Honduras and received asylum—refugees like “[Gabriela](#),” an attorney from El Salvador who escaped MS-13 death threats, and [Mariella](#) and her son who fled Honduras after her husband was murdered by brutal gangs. Ironically, as the Washington Post’s [fact check](#) described, MS-13 was formed in Los Angeles and the gang’s reach expanded *after* the U.S. increased deportations back to the Northern Triangle following enactment of legislative changes to immigration law in 1996.

During the speech, the White House released a [statement](#) to amplify its messaging on the threats posed by foreigners. It said that “our current immigration system jeopardizes America’s national security and public safety.” To support this sweeping assertion, the statement regurgitated some of the same misleading numbers that the Department of Homeland Security and the Justice Department issued in a report that was debunked in [various analyses](#), including one by the [CATO Institute](#).

While the president painted Central American refugee families and children as threats to Americans (just as he has vilified Syrian and Muslim refugees), he touted the courage of a North Korean refugee who fled thousands of miles, crossing borders into Southeast Asia, before eventually securing refuge in South Korea. The story made clear how important it is for countries to allow refugees to flee across borders and secure safe haven. The United States undermines this core ideal by turning away the refugees who knock on our own doors. And, as refugees and advocates pointed out in a [Washington Post piece](#), the President’s support for this North Korean refugee stands in sharp contrast to the harm his bans and policies have caused so many other refugees and torture survivors.

The president claimed in his speech that the U.S. “does more than any other country to help the needy, the struggling, and the underprivileged all over the world.” Yet his immigration proposals would harm these very people. Instead of using the debate over the Dreamers as an opportunity to block refugees and vulnerable children from this country, the president should support a clean Dream Act. He should also direct his administration to stop blocking refugees from seeking asylum and actually address the plight of Central American refugees as the refugee situation that it is. Congress must stand strong and fight for this approach as well.

The U.S. can manage its borders while complying with its laws and treaty obligations. To fail at this task not only risks global stability by undermining adherence to international law, but it also wreaks further damage on this country's reputation as a champion of liberty and as a protector of the persecuted. In this debate over immigration and security, the country's very identity is at stake.