

ORANGE COUNTY REGISTER

Some immigrants fight the push to make their future a piece of Trump's desired border wall

Roxana Kopetman

January 28, 2019

With several differing and complex immigration proposals offered as a way to permanently end the government shutdown and help immigrants and asylum seekers, many members of those groups have a simple answer:

No thanks.

On Friday, Jan. 25, President Donald Trump announced the government would reopen for three weeks while negotiations continue on how to secure the southwestern border. The short-term deal with congressional leaders includes no money for a border wall. But if by Feb. 15 there's no deal that includes border wall funding, the president said he will shut down the government again or declare a national emergency, bypassing Congress.

"We really have no choice but to build a powerful wall or steel barrier," Trump said in the Rose Garden.

For many immigrants and their advocates, that's a problem.

Here's their take: The ideas pushed by Trump and some Republicans to fully reopen the government – including plans to change immigration laws in exchange for funding a border wall – are nothing more than a sham that will hurt those who have the temporary protections or will seek them in the future.

"You're trading minimum protections for a symbol of white supremacy and nationalism. It's not what we want. It's not what we need," said Santa Ana resident Jose Servin, a leader with the California Immigrant Youth Justice Alliance, the largest immigrant youth-led organization in the state.

"We're being used as a bargaining chip," he added. "And time and again, we've demanded that both the Democrats and the Republicans not use us as bargaining chips."

Servin, 25, has temporary deferment from deportation under a program known as DACA, or Deferred Action for Childhood Arrivals.

On Jan. 19, Trump offered Congress a deal: He would extend DACA for three years in exchange for ending the shutdown with \$5.7 billion for the border wall he campaigned on.

But immigrant rights advocates describe the plans as a form of bait and switch.

On DACA – which the Trump administration has sought to rescind – the offer won't mean a real extension but, instead, will result in a gutting of the program thanks to various proposed changes, they said. And Trump's plan also would hurt another program, known as TPS, or Temporary Protected Status for people who can't return to their countries because of natural disasters or civil war. It also would effectively shut down access to asylum for Central American minors, they said.

As the government shutdown moved into its sixth week, the longest in U.S. history, the Senate voted on two proposals Thursday, Jan. 24, to open up the government. Both votes failed. One of those bills was crafted along the lines of the White House plan to include funding for the border wall in exchange for extensions to DACA and TPS.

“There is no way that this bill could be interpreted as a genuine attempt at a compromise to end the shutdown,” said immigration attorney Belén Gómez, based in Fullerton.

Changes to DACA?

The young immigrants who make up the DACA pool are the ones brought up the most frequently as debate fodder.

Because those eligible for the program were brought to the United States as children, and have grown up knowing the United States as their home, they're viewed with some sympathy. Even the president, who has tried to abolish the Obama administration-created program, has at times expressed sympathy toward them. At one point, he called them “absolutely incredible kids.”

But that argument – the so-called good immigrant vs. bad immigrant narrative – is rejected by many of the people who qualify for the program. That ideal, some DACA recipients say, paints their parents as the bad guys. And leaders of many DACA groups have long argued they don't want federal protections if it means deportation for their parents, who don't meet the requirements for DACA.

“It should be all of us or none,” said Riverside resident Dianey Murillo, 25, a DACA recipient and a leader with the California Immigrant Youth Alliance.

DACA is providing some 700,000 young people the right to work and live in the country, temporarily, without fear of deportation. And, in all, about 1.3 million people are believed to be eligible for the program, according to the Migration Policy Institute – meaning they were brought to the U.S. in their youth and meet certain requirements, including no serious criminal records. When President Barack Obama created DACA in 2012, it was supposed to be a short-term measure until Congress came up with a more permanent plan. But those proposals stalled repeatedly, and faced lawsuits from many GOP-leaning states.

Meanwhile, the DACA program changed lives.

“As soon as I got my DACA ... I felt like a normal 21-year-old who could go to school, get a job and not worry about being deported,” said Riverside resident Najayra Valdovinos Soto, 23, youth engagement coordinator for the Inland Empire-Immigrant Youth Collective, which provides DACA workshops and offers other services.

“DACA meant everything. It opened so many doors for me. It gave me the courage to come out and be open with my status. It gave me more confidence in myself and my abilities,” she said.

Under Trump's plan, it will be harder to qualify for DACA. Among the changes: The application fee would nearly double, a new income minimum would be required for anyone who is not a student and those with a deportation order would no longer be able to apply, according to various analysis by attorneys with the American Immigration Lawyers Association and the CATO Institute, a D.C.-based Libertarian think tank.

"Under this bill, only a fraction of my DACA clients would qualify for a one-time, three-year protection from removal," said Gómez, the immigration attorney based in Fullerton.

DACA has been under fire since Trump became president. He attempted to end the program but the courts have kept it alive. Last week, the conservative-leaning U.S. Supreme Court declined to take up the matter in this session, which gives advocates some breathing room.

"For us, having this non-decision (from the U.S. Supreme Court) allows us to continue renewals, potentially up to 2020, when the earliest ruling would come up if the court takes it up in the fall," said Sheridan Aguirre, a spokesman for United We Dream, the largest immigrant youth-led coalition in the nation.

More is at stake for immigrants than just the DACA program.

The president's plan also would require that future applicants for Temporary Protective Status be lawfully present in the United States, excluding those who are here illegally, the majority of TPS recipients, according to immigration attorneys. (The Trump administration has attempted to terminate TPS for nationals from various countries, including Haiti, Honduras and Sudan. Numerous lawsuits filed against the government are pending.)

"In the past, having a removal order did not prevent them from getting DACA or TPS. This could affect hundreds of thousands of people," said Los Angeles immigration attorney Sabrina Damast.

Another drastic change is being proposed for Central American minors seeking asylum in the United States: They would have to apply in their homeland, and only if they have a qualifying relative living in the United States.

"Can you imagine if you told someone, 'My life is in danger in El Salvador. I need protection,' and you're told, 'Fine. But you have to stay in El Salvador to apply for asylum for however many years it takes us to process it,'" Damast said.

The asylum process is the most difficult in immigration law, Gómez said, and "it is next to impossible to present a strong case while still living under the government you fear."

"Could our country really claim and pride itself in being a free country that protects human rights, when we gut those protections for others, especially children?" Gómez continued.

Meanwhile, the U.S. Department of Homeland Security reported Thursday that is ready to implement an "unprecedented action" to address a humanitarian and security crisis at the Southern border. Beginning Friday, Jan. 25, some asylum applicants will be returned to Mexico to await the processing of their requests.

The plan pitched by Trump and Senate Majority Leader Mitch McConnell would set a cap on the number of asylum cases it will accept: 15,000 a year. And it would make all unaccompanied

minors from Central America arriving at the border subject to expedited deportations without court review.

“What really offends my sensibilities as a human being is that this was all presented to the public as an extension of benefits,” said Damast, the immigration attorney based in L.A. “It’s a misleading campaign.”

Trump has gotten heat not only from Democrats but also his base. Some conservatives have taken him to task for making any offers at all that involve DACA holders, insisting they don’t want the president to offer anything they see as amnesty for people who are in the country illegally. Some remind him often that he ran on a pledge of building a border wall, one that Mexico would pay for. Ann Coulter, the well-known conservative political commentator, has been keeping a “border wall construction update” tally that always ends in “0.”

On Friday, Coulter blasted Trump over his agreement to reopen the government – even temporarily – without getting funding for a border wall, tweeting, “Good news for George Herbert Walker Bush: As of today, he is no longer the biggest wimp ever to serve as President of the United States.”

In the meantime, some 800,000 federal workers on furlough or working without pay are returning to their jobs.

And DACA holders, asylum seekers and other immigrants wait to see how the next phase of negotiations affects their fate.