

# TRUTH BE TOLD

## Trump Administration Takes Aim At Immigrants From Africa

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It was the final day of January when the Trump administration announced tighter restrictions on persons from four African nations who would ask permission to move to the United States.

“Today, President Trump reaffirmed his oath to protect our Nation by raising the bar of security around the world—ensuring that those who wish to enter our country are properly screened and vetted,” Acting Secretary of Homeland Security Chad F. Wolf said.

“In issuing today’s Proclamation, President Trump makes clear that certain countries who fail to meet minimum security and information sharing requirements will not enjoy the same freedom of travel to the United States as those who do.”

“As acting Secretary of Homeland Security, it is my duty to fulfill the President’s utmost responsibility: protecting the American people,” Wolf said.

Since taking office three years earlier, Trump had sought to make it as difficult as possible to cross the southern U.S. border; for Muslims to enter the United States; foreigners to have access to the U.S. asylum system; for foreign nationals who had committed crimes or were here without official permission to avoid deportation; and for relatives of legal residents—including U.S. citizens—to settle in the United States.

Among the countries the President has singled out as homelands of those he considers undesirable: Haiti, from which more black people emigrate here than from any nation in the world except Jamaica; and Nigeria, Africa’s largest, and the country of origin of the greatest number of immigrants from that continent to the United States.

Nigeria is a majority-Muslim nation. In recent years, Islamist terrorists have struck there many times in deadly ways, but Nigerians have committed hardly any acts of similar violence on U.S. soil.

The imposition of the travel restrictions on Nigeria, as well as on Eritrea, Sudan and Tanzania, has caused many to question whether the driving force behind the tougher policies is something other than what Wolf described in his pronouncement.

“It does not matter that Nigeria isn’t much of a national security threat or that Nigerians are among the most successful immigrants to the United States, surpassing native-born Americans in income and educational attainment,” Jamelle Bouie, an opinion columnist for The New York Times, wrote. “What matters is that they’re black and African and, for Trump, at the bottom of a racial hierarchy.”

“Fundamentally, this is really about bigotry,” Farhana Khera, president and executive director of the organization Muslim Advocates, told PBS NewsHour. “And it’s about the president’s agenda...frankly a white nationalist agenda to restrict the entry into the United States of non-Europeans.”

## **The Facts**

Wolf said the decision to impose the curbs was based on “international standards and best practices” regarding the accuracy of passport information; on the degree to which a country shared any suspicion of identity fraud and suspected terrorist or criminal activity; and on whether “the country” poses “an elevated risk to the United States due to terrorist travel, crime or illegal migration.”

Nigeria and Eritrea were targeted, the announcement said, because “individuals who have entered the U.S. on immigrant visas are challenging to remove, even if, after admission into the U.S., the individual is linked to disqualifying information such as terrorist convictions, criminal ties or misrepresented information.”

Because those two countries “have deficiencies in sharing terrorist, criminal or identity information, it is likely that information reflecting that a visa application is a threat may not be available at the time the visa or entry is approved. This is unacceptable,” Wolf said.

Sudan and Tanzania “performed marginally better and the President decided to impose travel restrictions on Diversity visas,” the announcement read. “This is a less severe sanction compared to the general restriction on immigrant visas, given the significantly fewer numbers of aliens affected.”

Restrictions also were placed on two Asian nations, Kyrgyzstan and Myanmar. Islam is the religion of an estimated 90 percent of Kyrgyzstan’s population. In Myanmar, only about 5 percent of the population is Muslim, but the largest group, the Rohingya people, are considered among the most persecuted Muslims in the world.

## **Speaking of visas....**

Much of the public discourse over the administration’s policies is voiced in language that does not distinguish between the colloquial, more generic meaning of words and their often distinctly different meanings in the application of U.S. and international immigration law.

- *Immigrants*, simply speaking, are people seeking to migrate from one country to

another. *Foreign nationals* are immigrants who belong to or are citizens of one country, but are in another country for any period of time.

- *Visas* are legal documents by which nations give foreign nationals permission to be in that nation for a specific purpose—to conduct business, for example, or to go to school, or be a tourist. These visas usually are valid for a specific period of time and often are required, along with a passport, to enter that country.
- An *immigrant visa* authorizes a foreign national to live permanently in the country to which he or she has migrated. A separate document that allows permanent residency in the United States is what often is referred to as a *green card*. Once obtaining a green card, an immigrant can ultimately become a naturalized U.S. citizen, with among other things, the right to vote.
- Many of the illegal immigrants in the United States often mentioned in public discussions of immigration policy and practice are foreign nationals who came here legally on various types of visas that permit temporary residence, but have stayed here longer than those visas allowed and remain here without a proper legal document to do so—they are undocumented, so to speak. Their legal presence here has expired.

“It is clear from our research that persons who overstay their visas add to the U.S. undocumented population at a higher rate than border crossers. This is not a blip, but a trend which has become the norm,” according to Donald Kerwin, executive director of the Center for Migration Studies. “As these numbers indicate, construction of hundreds of more miles of border wall would not address the challenge of irregular migration into our country, far from it.”

## **Nigeria**

Foreign nationals granted permission to be in the United States temporarily for business, education or tourism are among those most likely to stay longer than their visas allow. The countries whose citizens most frequently violate the term limits of such include four nations in Africa: Chad, Liberia, Sierra Leone—and Nigeria.

Nigeria has experienced considerable Islamist violence for a decade, fueled by the Islamist group Boko Haram, which claimed credit for the kidnapping in 2014 of 276 girls, and by Islamic State terrorists. Their actions have driven more than 2 million people from their homes.

However, only one Nigerian national was on a list of foreign-born persons who had committed or were convicted of trying to commit terrorist attacks in the United States between 1975 and 2015 compiled by a researcher at the Cato Institute. Umar Farouk Abdulmutallab activated plastic explosives hidden in his underwear as a flight from Amsterdam descended into Detroit on Christmas Day 2009. Passengers on the plane apprehended him, and three years later he was convicted in federal court and sentenced to four life terms plus 50 years in prison.

Four months earlier, he'd traveled to Yemen to be trained by al-Qaeda in the Arabian Peninsula, which claimed credit for the attack. Abdulmutallab was coming to America on a tourist visa.

Tourist visas are not covered by the restrictions on Nigerians announced in January, which many critics describe as a veritable “ban” on migration.

“Under the current travel ban, a person can get a tourist visa from Nigeria and fly to the United States, but a person who has a husband or a wife in the United States and is seeking to move here to be with that family member is blocked from entering,” Aaron Reichlin-Melnick of the American Immigration Council told Isaac Chotiner of New Yorker magazine.

“The ban today doesn’t ban visitors,” Muslim Advocates director Khera said. “So what the president is saying is, ‘Oh, come. We want your money. We want your labor. Come visit here. Be a student. We want those resources. But don’t make America your home.’”

Nigeria was specifically mentioned during a 2017 immigration policy meeting in the Oval Office where Trump characterized El Salvador, Haiti and African nations as “shithole” countries, according to some persons who attended the meeting or were briefed on it.

When Trump learned that 40,000 Nigerian nationals had been granted visas that year, two administration officials told The New York Times, he remarked that once the Nigerians were allowed to come into America, they would never “go back to their huts.”

## **Eritrea**

Eritrea is in Africa’s east, sandwiched between Sudan and Ethiopia, and across the Red Sea from Saudi Arabia and Yemen. Most Eritreans are Christian.

In 2017, its first year in office, the administration cited Eritrea as a nation it would target for visa restrictions unless it more readily took back Eritreans ordered to leave the United States, even if they had come here lawfully. “Our goal is to get countries to accept the return of their nationals,” a DHS spokesman said at the time.

Eritrean nationals who had fled their homeland and then returned faced reprisals under a policy that the United Nations described as “indefinite national service, arbitrary detentions, torture enforced disappearance.”

During the 2016 presidential campaign, candidate Trump said that if elected he would reverse policies that he said impeded the deportation of foreign nationals who had committed crimes.

“There are at least 23 countries that refuse to take their people back after they’ve been ordered to leave the United States, including large numbers of violent criminals,” he said at a rally in Phoenix. “They won’t take them back. So we say, ‘Okay, we’ll keep them.’ Not going to happen with me, not going to happen with me.”

Once in office, President Trump said that if countries did not provide more information that could be used as a basis to permit the deportations, he would bar their nationals from obtaining visas. The new restrictions appear to do just that.

In 2015, the Senate Judiciary Committee had sent a letter to top officials in the Obama

administration noting that 2,457 foreigners convicted of crimes had been released from detention but not deported. “Most of these aliens are nationals of one of twelve countries,” the letter read.

Among them, 787 were from Cuba; 127 were from El Salvador, Guatemala and Honduras in Central America; and 81 were from Mexico. Also named was Gambia, a small, overwhelmingly Muslim country on Africa’s west coast, which had been reluctant to take back 11 of its own. No other African country was among the 12 nations cited.

## **Sudan and Tanzania**

Six of the foreign nationals involved in terrorist attacks in the United States named in the Cato Institute study were from Sudan, which since 1993 has been on the U.S. State Department’s list of nations it accuses of sponsoring terrorism. At the time, Sudan, immediately to the south of Egypt, was considered a place that provided refuge to terrorists in the Middle East.

The United States subsequently imposed a trade embargo and blocked financial assets of the government of Sudan linked to a suspected Sudanese role in the 1998 simultaneous bombings of U.S. embassies in Kenya and Tanzania, two nations in East Africa on the coast of the Indian Ocean.

Relations between the United States and Sudan improved during the Obama administration, and although Sudan was included in President Trump’s initial travel restrictions on Muslim countries, his administration later lifted those sanctions.

A high-ranking State Department official said late last year that the administration was still discussing the possibility of removing Sudan from the list of state sponsors of terrorism. Being on the list prevents Sudan from receiving financing and debt relief from the World Bank and the International Monetary Fund.

The Diversity Immigrant Visa program, which Wolf cited when he announced the restrictions on Tanzania and Sudan, annually grants permanent U.S. residency to as many as 55,000 foreign nationals with a high school education or its equivalency.

The program, sometimes referred to as the green card lottery, was established in 1990 to increase the number of foreign nationals from countries that had fewer nationals migrating to the United States in previous years, primarily nations of color.

In all but two of the years from 2008 to 2017, more Africans received such visas than persons from any other continent. In 2018, Sudanese nationals were issued 1,674 visas through the program; Tanzanians were issued 38.

Tens of thousands of foreign nationals from dozens of countries apply each year to the diversity visa program and undergo a vetting process that can take years to complete. A lottery determines which applicants receive visas to join family members in the United States who have sponsored them.

Advocates for tighter limitations on immigration to the United States have referred to the family unification approach as a form of “chain migration.”

In his 2018 State of the Union address, President Trump said a “pillar” of his immigration policy would be “ending chain migration,” adding, “This vital reform is necessary, not just for our economy, but for our security, and for the future of America.”

“My administration has identified three major priorities for creating a safe, modern and lawful immigration system,” he said in a weekly address to the nation shortly after that: “fully securing the border, ending chain migration, and canceling the visa lottery.”

In those early months of his administration, the president’s opposition to the diversity visa lottery was connected to his concerns about violent crime in U.S. communities by members of Central American gangs, especially MS-13.

In April, however, Trump froze the diversity lottery program for 60 days as part of an executive order to protect national security in the wake of the coronavirus crisis by ensuring that “new lawful permanent residents” are not hired instead of current U.S. residents as employers seek workers to reopen the economy.

“Excess labor supply affects all workers , but it is particularly harmful to workers at the margin between employment and unemployment, who are typically ‘last in’ during an economic expansion and ‘first out’ during an economic contraction,” the executive order read.

“In recent years, these workers have been disproportionately represented by historically disadvantaged groups, including African Americans and other minorities, those without a college degree, and the disabled.

“These are the workers who, at the margin between employment and unemployment, are likely to bear the burden of excess labor supply disproportionately.”

Fatma Marouf, a law professor at Texas A&M, said the rationale for using national security authority to halt the diversity visa lottery could be ominous.

“This order may be the first time in history that a president is using these powers for a purely domestic reason: economic stability,” she told the Washington Post. “And that’s a different legal issue.”