

VICE News

Migrants in Tijuana Face Barbed Wire, Long Lines and Dim Hopes of Ever Claiming Asylum

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For the past month, the caravan of Central American migrants trekking toward the U.S. border have been sustained by an unwavering faith that God will open the doors to the American promised land. Now, their faith is on a collision course with reality.

The caravan's first members arrived in Tijuana over the weekend, where they are finding a vastly more difficult situation than when they left their homes in Honduras and Guatemala in mid-October. Just-installed barbed wire and barricades signal a newly militarized border. Wait times to claim asylum at legal ports of entry now stretch out for weeks.

As a result of a new executive order from President Trump, any attempt by migrants to cross the border illegally and turn themselves in to authorities — as generations had done in the past — will be met with prosecution and immediate deportation.

“These migrants are not at all savvy on U.S. immigration policy,” said Graham Prichard, one of dozens of U.S. immigration attorneys who has flown into Mexico over the past week to advise the migrants about what's ahead. “They are guided by a real basic Christian faith that God will provide. To the degree they think about it, they think about America as the most generous place in the world.”

But at best, the migrants face weeks and potentially months of waiting just to legally present themselves at a port of entry and request asylum. At worst, the migrants face a potentially violent clash with U.S. troops.

U.S. Customs and Border Protection said on Monday that it's shutting down several lanes of traffic at the San Ysidro and Otay ports of entry in San Diego “to install and pre-position port hardening infrastructure equipment in preparation for the migrant caravan and the potential safety and security risk that it could cause.”

While there are 48 ports of entry along the U.S.-Mexico border, most migrants in the caravan are aiming for the Tijuana-San Diego border for safety reasons, even though that makes their journey 1,000 miles longer. They worry that the much closer entry ports in Brownsville, Hidalgo, and Laredo, Texas, are closely monitored by cartels known to kidnap and extort migrants.

Weeks-Long Waits

Tijuana presents its own problems. More than 1,000 asylum seekers are already camped out there in public plazas and in shelters, waiting to legally present themselves at the San Ysidro port of entry. Border officers are turning away asylum seekers because the officers say they have a

limited capacity to process requests. As of last week, the migrants were waiting on average four to six weeks to present themselves for processing.

The U.S. has struggled to handle the changing face of immigration. Apprehensions at the Southwest border have fallen drastically over the last two decades — from more than 1.5 million in 2000 to around 250,000 last year. But asylum claims have skyrocketed, increasing fourfold since 2014.

As the system has buckled, most asylum seekers have opted to cross into the U.S. illegally and then present themselves to Customs and Border Patrol, which they were legally able to do. In the fiscal year that ended September 30, around 70,000 migrants who crossed into the U.S. illegally sought asylum, while 24,000 presented themselves at ports of entry, **according to the government.**

Dysfunctional System

President Trump's proclamation, signed on Saturday, upends that system entirely by declaring that anyone who enters the country illegally is ineligible for asylum. Civil rights organizations criticized the order as illegal, and are seeking an injunction from a San Francisco federal judge to halt the order from going into effect.

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“It's a total and absolute failure to effectively manage the refugee population at the border,” said Eleanor Acer, director of Human Rights First's Refugee Protection program. “If the objective is to get people to request asylum at ports of entry, the best way to do that is to make ports of entry functional.”

Trump's edict is based on the same rationale he used to justify the travel ban restricting immigration from seven majority-Muslim countries. His administration says the law gives the president broad power to restrict entry into the U.S. — a position upheld by the U.S. Supreme Court in the travel ban case — and the attorney general broad power to restrict asylum.

But even some legal experts who think the travel ban is legal say Trump's order directly contradicts the U.S. Refugee Act of 1980. That law states that any foreigner who presents himself on U.S. soil can claim asylum “whether or not at a designated port of arrival.”

“There doesn't seem to be any wiggle room there,” said Ilya Shapiro, a senior fellow in constitutional studies at the libertarian Cato Institute. “There was a strong argument for the travel ban ... but asylum law is different from trying to get a visa to visit.”

“Any time the president utters the term national security, the Supreme Court tends to go into a cataplectic trance and defer to the president,” said Stephen Legomsky, a law professor at Washington University in St. Louis and former chief counsel of U.S. Citizenship and Immigration Services during the Obama administration. “I just think that in this case the statutory language is so crystal clear that it would be hard for even the most conservative Supreme Court justice to uphold the order.”

Camping in Tijuana

As the legal fight plays out in the courts, the first waves of migrants from the caravan are arriving. Around 80 LGBTQ asylum seekers who banded together and got rides on busses and trucks arrived in Tijuana over the weekend, followed by a second group of around 350 on Tuesday morning. The larger group of at least 3,000 is expected to arrive in the next couple of weeks.

Shelters are full in Tijuana, leaving lots of people anxious about where the migrants will sleep. Even the asylum seekers who are already in Tijuana are worried about the caravan's arrival, and what it means for their own chances of getting into the U.S.

And after so much traveling, the migrants themselves will have to confront more decisions: to keep with their plan and seek asylum in the U.S., even if that means months of waiting and potential deportation. Or if they should hire a smuggler to take them across the border illegally. Or, perhaps they will decide that their safest bet is to stay in Mexico.