



Entry Denied: Trump's War on Asylum Episode Three

[[Intro Music]]

Alex Aleinikoff [00:11]: Welcome to Entry Denied, a podcast on US immigration policy in the era of Donald Trump. I'm Alex Aleinikoff, Director of the Zolberg Institute on Migration and Mobility at The New School in New York City.

Deborah Amos [00:023] And I'm Deb Amos. I'm a correspondent for National Public Radio. I report on immigration.

In this episode we look at Donald Trump's war on asylum: the relentless actions of this Administration to stop the arrival of asylum seekers from Central America on the Southwest border.

Aleinikoff [00:40]: First, we talked to Jonathan Blitzer, a staff writer at The New Yorker magazine. He's done extensive coverage of Central America and the Trump immigration policies.

Amos [00:51]: And then we're going to hear from people on the ground - two asylum seekers who got to the US border, and they've been stuck there for a year.

So let's pick up the story with journalist Jon Blitzer.

[[music break]]

Aleinikoff [01:09]: Jon Blitzer, thanks very much for being with us today.

Jonathan Blitzer [01:12]: Thanks for having me.

Aleinikoff [01:13]: So, describe the situation at the border when Trump comes into office.

Blitzer [01:18]: At the end of the Obama Administration, what you had was a situation that was starting to get a little bit worse at the Southern border. The numbers were

starting to pick up. But when Obama leaves office, I don't think anyone is particularly concerned about what's happening at the Southern border, even though of course, Trump is talking about it constantly. For him, it's essentially rhetorical.

Aleinikoff [01:37]: So, during the campaign, Trump is talking about building a wall to keep Mexicans out, but the numbers that are drifting up here are not arrivals of undocumented Mexican migrants. Right? It's mainly Central Americans.

Blitzer [01:48]: That's right. I mean, for the last 10 years, the real story of the Southern border has been the arrival of Central American families - um, so you know, families from El Salvador, Guatemala, Honduras - who are coming to the US to seek asylum. A much more complicated population to deal with administratively on the US side because these are people who are seeking asylum, who have legal claims that have to be heard. Uh, whereas in the past, you know, 20 years ago, 25 years ago, the profile of the person who was crossing the border - the most common profile - was that of a single Mexican male crossing the border to work generally in, in a kind of seasonal way, before crossing back into Mexico. The US government had built up all of these policies for dealing with that population. But over the last 10 years, what had really, what's really started to change is who is arriving. And it's these families from Central America.

Aleinikoff [02:38]: As the number of Central Americans coming to the US increases, they begin to form into what became known in the press as "caravans," which Trump then said was an invading army coming full of terrorists, and people with diseases, and criminals. Who were in these caravans? Why did they form?

Blitzer [02:55]: The formation of caravans or large groups of migrants wasn't a new phenomenon by the start of the Trump era. But certainly, it wasn't a common or kind of generalized phenomenon. For the most part over the years, when people have tried to move through Central America en route to the US - and particularly through Mexico - it's always been safer to travel in numbers, just because of all of the dangers of making the trip.

[03:19] But what starts to happen in - I would say - early 2018, and that first arrives on everyone's radar in around April of 2018, is the formation of caravans that are about a thousand people large, which is significant. And primarily these are people from Honduras fleeing together, and moving through Guatemala and eventually Mexico and aiming to arrive at the US Southern border. When the first of these major caravans starts to materialize in essentially April of 2018 from Honduras, the President finds out about it through Fox News.

[[Audio Clip: [Tucker Carlson: Will our leaders protect us from a caravan invasion?](#)]]

We're dealing with a thousand essentially families, people who are making the trip on foot together from Honduras to the US. And before they're even fully into Guatemala, the President is starting to talk about them.

[[Audio Clip: [Trump tells migrant caravan to 'turn back now'](#)]]

I mean, they're over a thousand miles away from the US and the President is already starting to fulminate on Twitter and in public statements about the failure of the Mexican government to stop them, the failure of the Honduran government to keep them in, in Honduras. The failure of the Democrats to articulate a strong border policy. I mean he's ranting and raving in his usual mode. But what that actually did in the region was - it generated a huge amount of attention for these caravans. And so, as the President of the United States is talking incessantly about these caravans heading North, people in the region are starting to hear about the caravans in their own country, in some instances, through local news. It becomes a major media event. And as more and more people start to hear about the formation of these caravans, and as the President clearly acknowledges their seriousness and their reality, people start to join up. And so, he actually starts, by virtue of just paying so much attention to these groups early on in their formation, he ends up sort of doing publicity for them.

Aleinikoff [05:17]: And the difficulty for the US asylum system is that most of the people coming, unlike the undocumented Mexican workers of earlier decades, most of these people would apply for asylum and that would require that they stay in the United States while the claim is being adjudicated.

Blitzer [05:33]: That's right. And around that time, the numbers of apprehensions at the Southern border are creeping up. They're still not at levels that are particularly worrisome, but the President almost takes it personally that the numbers of apprehensions are increasing at the border, obviously because he's defined himself politically as someone who is going to scare the hell out of anyone who wants to head North.

Aleinikoff [05:53]: Yeah, because he expected the numbers to keep going down, down, down because of his tough talk and his tough policies.

Blitzer [05:58]: That's right.

Aleinikoff [05:59]: Right. So, the Administration tries a number of different policies to stop the flow of the Central Americans. They send military to the border, they adopt new regulations on how and when you can apply for asylum. They sort of flail around without a great deal of success, and then they settle on a policy that some refer to as “Remain in Mexico.” The Administration called it, in kind of Orwellian terms, the “Migrant Protection Protocols” and MPP. Tell us about MPP, how it came into effect, and what you think its impact has been.

Blitzer [06:30]: So, you have a few things happening at once as this policy known as “Remain in Mexico” or MPP is, is actually becoming codified. First, you do have—and you allude to this in the Administration's flailing around—you have the Administration trying what it calls its ‘zero tolerance policy,’ but which is in effect a family separation policy at the border, which is designed to deter migrant families from seeking asylum in the US specifically by separating parents and children at the border and sending the harshest message possible.

[[Audio Clips - various news sites describing the conditions at the Southwest border]]

[07:14] That was an idea that had come up in past administrations as a theoretical. And no one was ever willing to do something so inhumane, whatever its potential policy effects were. But it's a mark of both how extreme the views were inside the Trump White House and how desperate people around the President were to lower the numbers that they attempted that in the spring and into summer of 2018. That was a major policy that obviously is, we now know, blew up in the Administration's face. From a political standpoint, all kinds of outrage; on a national level, the President had to announce basically that he was no longer gonna separate families at the border.

[[Audio Clip: news reporting President Trump ending family separations]]

[08:04] Through that whole kind of chaos, there was another policy that had been under discussion for some time, that was at the time only known as “Remain in Mexico,” later it becomes the Migrant Protection Protocols. And the idea of that policy was, essentially, to outsource the issue of dealing with asylum seekers to Mexico.

And so, it gradually took shape, through the late summer, early fall of 2018, becomes announced in December of 2018, and then actually instituted in January of 2019. And the thrust of the policy is that for asylum seekers from Central America who want to lodge claims in the US, they arrive at the border, they file their asylum claim, and the US government says, ‘Okay, while you're waiting for this claim to move through our badly backlogged immigration courts, we're going to send you back to Mexico and you're just

going to have to wait in Northern Mexico indefinitely until your case finds some resolution in our courts.'

[09:05] And they're on the whole pretty exposed. I mean these are, these are families, these are generally desperate people - women and children - who are really at wit's end. They're trying to seek asylum in the US. They have no money, they have no work, they have nowhere to go, and they are easy targets for every manner of criminal enterprise in Northern Mexico - from smugglers to local criminals to cartels. And so it's not long before we start to hear truly upsetting grisly accounts of all sorts of abuses—murders, rapes, kidnappings, extortion. And the US view of this all is: 'It's not our problem. We will give you a chance to make your claim in an immigration court, but for the time being, you have to wait in Mexico.'

[09:55] By the end of 2019, you have essentially over 60,000 people who have been sent back to Mexico and forced to wait there.

[[Music Break]]

Aleinikoff [10:08]: So, in some ways, this is the second-best policy that the Administration really wanted. They really wanted to return asylum claimants to Mexico and have those claims heard in Mexico, right? And that's the agreement that they were able to reach with the Central American countries—Honduras, Guatemala, and El Salvador—where the Administration said, 'We are going to actually send you asylum seekers from other countries to adjudicate there.' A few hundred have gone back, I think under those agreements.

Blitzer [10:33]: That's right. I mean, the Holy Grail of restrictionists in the White House at that time was, as you say, a so-called "safe third country" deal with Mexico, where the US just no longer had to deal with asylum claims at all. And so, the premise of that sort of arrangement would be that any asylum seeker who crossed through Mexico to get to the US—which is to say everyone, if they're coming from Central America—would have to seek asylum in Mexico. But the Mexican government, which, you know, has been interesting in all of this - it's tried to resist, the Trump Administration's most forceful gestures, but it's also in many ways between a rock and a hard place where Trump is concerned - but the safe third country deal was one position that the Mexican government, for all of its wavering, was just simply not willing to accept.

Aleinikoff [11:20]: But even the "Remain in Mexico" policy did require the tacit approval of Mexico, because the US was pushing people back into Mexican territory, non-

Mexicans into Mexican territory. You have a left wing — purportedly left wing — Mexican President López Obrador, but he goes along with this. How do we explain that?

Blitzer [11:38]: That's a really interesting drama. I think the most surprising thing for me reporting on this was learning actually how sanguine the Mexicans were about “Remain in Mexico.” You would've thought that they would put up more resistance to it. I think, given what else was on the table—and this is very much been the Trump Administration's sort of bargaining tactic in Central America, where they have total leverage over the people they're bargaining with, or they're negotiating with—it was the lesser of two evils and the other, a safe third country deal with Mexico, would have been absolutely over the top. Despite being avowedly sort of left leaning and expressing its solidarity with regional migrants, and despite the fact that López Obrador on the campaign trail made a big show of his magnanimity toward Central American migrants, you've really seen a kind of total reversal of that, and all in the service of not angering the US because of what the US could potentially do to Mexico.

Aleinikoff [12:35]: So, the numbers didn't drop precipitously immediately after this. The Trump Administration wasn't fully satisfied, and wanted to put more pressure on Mexico and said, ‘we want these people to stop coming through Mexico at all where they can get to our Southwest border.’ Trump then threatened high tariffs on Mexico to shut this flow down, and Mexico then responded even further.

Blitzer [12:54]: In June of 2019, you know, you at this point have all of these policies in effect. You've got the Migrant Protection Protocols, MPP. You've got a whole host of other executive proclamations from the President, some of which are immediately held up in court, others not, that essentially make it all but impossible for asylum seekers to enter the US. And yet, through it all, Trump is so fixated on lowering the number of apprehensions at the Southern border that he actually just comes out with a threat and says to Mexico—it's announced on Twitter, in his characteristic fashion—says, ‘We are going to impose tariffs on you unless you lower the number of people who reach the US.’ In other words, unless you increase your immigration enforcement within your own country.

[[Audio Clip - news anchors reporting on the tariff announcement]]

[13:51] I have to say, I thought Lopez Obrador was going to call Trump's bluff, in large part because I think the Republican caucus in the US is divided about what that sort of policy would mean for the US economy - the idea of taxing Mexican goods. There's a pretty strong constituency, a kind of chamber of commerce type constituency along the border that's very much scared by the idea of Trump upending trade with Mexico. So, I

kind of thought that if there was one issue on which the Lopez Obrador government could push back, it would be that.

[14:21] But of course I'm also not - I'm not the president of a country that is staring down the barrel of a gun. Lopez Obrador blinks and the Mexicans entirely in a defensive maneuver to keep Trump from imposing these tariffs, seriously ramps up its enforcement, both of its Southern border with Guatemala and then also its interior enforcement through the country. So that, coupled with all of these other policies that are making asylum so difficult to get, and you have this bottleneck in Northern Mexico where more and more people are getting stuck as they're waiting for claims to be heard in American immigration courts, that you just start to see a shift in what the composition of, of arrivals look like in the Southern numbers look like.

Aleinikoff [15:04]: So, throughout the campaign and ever since, Trump has talked about building his big beautiful wall on the Southwest border, but I'm wondering if Trump in fact got his wall in a different way. He has enforcement at the Southern border of Mexico. He's got MPP and a whole set of regulations in place that keep asylum seekers inside Mexico, those who get through Mexico, and he's got these agreements to send people back to Latin America. So, in some ways he's accomplished his wall and guess what? Mexico's paying for it.

Blitzer [15:31]: That's right. That's absolutely right. Critics of the administration, myself included, are generally loath to give any sort of credit to the administration for the prosecution of its agenda. Because on the whole, obviously we're all pretty aghast at what this agenda looks like. But, in terms of doing what the Administration set out to do, this has been—all of these policies, the sum total of all of these policies—has been a success. But what's transpired, uh, over the three years has been a systematic dismantling of the asylum system.

Amos [16:06]: “A systematic dismantling of the asylum system”. That’s the New Yorker’s Jon Blitzer.

Aleinikoff [16:12]: So, Deb, Jon has told us about the Trump Administrations changes at the border. These new policies have affected the lives of tens of thousands of migrants, most of them from Central America.

Amos [16:22]: Alex, you talked to two people who we’ll hear from in a minute. Tell us a little bit of their background before we hear their story in their words.

Aleinikoff [16:31]: Right, I spoke with two Guatemalan asylum seekers, Gaspar Cobo and Francisco Chavez. They are currently stuck at the border, in Juarez, Mexico across from El Paso, Texas. And they've been caught in the 'Remain in Mexico' policy that Jon described. They asked for asylum in the United States in July 2019. A year later they are still waiting to make their case in full to an Immigration Judge.

Aleinikoff [16:59]: We'll hear Gaspar first, and we'll hear the word 'Ixilees' which refers to an indigenous people from the Ixil region of Guatemala. Here's their story as told through a translator.

[[Gaspar Cobo begins speaking in Spanish]]

Gaspar Cobo [17:14]: Realmente no sólo somos nosotros y esta historia no es hasta ahorita.

[[Fade in English translation speaking over Spanish]]

Translator: Really, it's not just us and this story isn't just about right now. We know that, historically, the indigenous communities have been subject to persecution, and dispossession of land. During the '80s, many Ixiles were forced to save their lives by seeking refuge in the mountains, while others had to leave the country.

After the '80s, the Ixil region turned into the target of multinational corporations. We are a region that is rich in water resources and other minerals. So, since I was a child, my parents taught me to protect the land, and defend human rights for the wellbeing of the public. I realized all of the bad things that were happening, and I had the opportunity to study and have a career. In 2010, I became an important leader in the community, at the municipal level, defending our territory.

And when you become a defender of human rights and Mother Earth, and an environmental activist, automatically you become an enemy of the State, condemned to be persecuted and harassed by the government. That was one of the reasons why I had to leave, because of the work that I was doing. I began to receive death threats.

Aleinikoff [18:20]: Francisco then told his story.

[[Francisco Chavez begins speaking in Spanish]]

Francisco Chavez [18:23]: Que durante mi niñez, con mis, con mis familias, con mis padres...

[[Fade in English translation speaks over Spanish]]

Translator: During my childhood, my family was persecuted for being part of Mayan communities, indigenous communities. They had to get rid of my parents and I was one of the survivors of the massacres that the Guatemalan military committed against the population of the Ixil region. I was one of the survivors who have been fighting since we were kids to achieve justice in the Guatemalan national courts, and that's why they persecuted me and the other witnesses who testified in the court about what happened in the Ixil region.

Aleinikoff [18:53]: They then talked about their travel to the US. We start with Francisco.

Chavez [18:58]: nos llevó alrededor de 20 días y lo que estuvimos viviendo en el transcurso del viaje son maltratos hacia nuestro viaje, hacia hacia dónde irnos, verdad?

[[Fade in English translation speaks over Spanish]]

Translator: It took us about 20 days, and what we experienced on the journey was abuse intended to prevent our travel. First of all, we had to find a group of people who were also traveling, and because of that the authorities realized that we weren't from the area that we were passing through. And what's worse, even the people who guided the group abused us, taking advantage of their position. The authorities, like the local police, were robbing us all along the route. When there was a checkpoint, instead of doing their jobs, they took everything from us, even the little economic resources that we carried, and we didn't get anything back. Everything that we went through with them we had to report to the public prosecutor, here in Ciudad Juárez. Unfortunately, the authorities here intimidated us and rejected our report.

Aleinikoff [19:42]: Gaspar then picked up the story.

[[Fade in English translation speaks over Spanish]]

Translator [19:45]: Women and children were also suffering throughout the journey. The treatment from the guides was inhumane. For them it is a job, and the migrants need their service, but often the traffickers abuse them. They really abuse, for example, the young women. The children suffered too, many got sick and cried out of hunger and thirst since sometimes, we went without food or water.

Aleinikoff [20:06]: Francisco and Gaspar were stopped at the US border. They spent two days in detention, questioned, and then told to wait in Ciudad Juarez. Here's what happened next . . .

Chavez [20:19]: Después de que nos regresaron, nos dejaron en una fecha próxima para.

[[Fade in English translation speaks over Spanish]]

Translator: After they returned us, we were given another date, our first chance to stand before a judge. We were to return, a few months later.

So, the date arrived and we went again with our lawyer. We went to the bridge and that time we didn't stay there in the detention center but we went before a judge. The judge only asked us if we had decided to begin the asylum application process and if the lawyer would accompany us. We were there for about ten minutes before they left us locked up, and the next day they returned us to do the interview, but once more we were rejected and they sent us to Juárez.

And there was also a third appointment with the judge to give us the date for the final appearance. But that time, the judge wasn't there and they simply sent us back.

Cobo [21:01]: Nosotros llegamos aquí a principios de julio del año pasado.

[[Fade in English translation speaks over Spanish]]

Translator: We don't have any idea when they will give us an answer, or if they will accept us or not. Because, we understand that the policy that the United States government is implementing is to close the doors for people who are seeking protection, who are seeking asylum.

Chavez [21:18]: Muchos dicen que algunos salen por por pobreza y otros salen por persecución, pero en realidad es un problema en sí. Eso no es un solo

[[Fade in English translation speaks over Spanish]]

Translator: Many say that some migrants leave their communities because of poverty and others leave because of persecution, but in reality, it is all one singular problem that has united us. There is no government policy that is supporting the population and unfortunately many people cannot survive there.

We have endured because there's a network that supports us, that has lent us a hand, that has been very generous with us, and that is in solidarity with our work, and it's thanks to that help that we've made it this far. But we know and have seen many people who had given up hope and have returned to their lands; they will confront once more the situation of extreme poverty and the conditions of their countries right now.

Amos [21:57]: That was Gaspar Cobo and Francisco Chavez, two Guatemalan asylum seekers who are currently in Juarez, Mexico.

OK, so we've been talking in this episode about the Trump Administration's actions to stop the arrival of asylum seekers - and we heard from Jon Blitzer, he outlined those actions from the very start of the Trump era.

Alex, you recorded your interview with Jon Blitzer just before COVID-19 hit, and the situation at the border has changed dramatically since then-- we called him back to update the story.

[[Audio clip: phone ringing]]

Aleinikoff [22:31]: Jon, we spoke a few months ago, uh, and you described at length the actions that have been taken at the Southwest border to prevent the arrival of asylum seekers. Uh, since that time we've seen the arrival of the COVID pandemic and I think we need to factor that in now to our discussions of the border.

Blitzer [22:51]: All of the things that we observed over the last couple of years with alarm as the border seemed to progressively be sealed up more and more by the Trump administration has now gone into hyperdrive and all of the things we were most afraid of have now come to pass with COVID: That the administration claiming broad powers to be acting in the interests of American public health have actually literally sealed the border, uh, and have claimed powers to continue to keep the border sealed indefinitely.

Immigration streams have been declining pretty rapidly. And of course, the sort of definitive piece in all of this is the fact that now the US is simply turning away anyone who reaches the Southern border. I mean, the idea of someone seeking asylum now at the Southern border is actually off the table. Uh, and I, I think as a result, the numbers, I mean, who knows what the numbers would even look like, conceivably. Um, but they've, they've, they've dropped just astonishingly.

Aleinikoff [23:54]: Jon, can you talk specifically about what the Administration has put in place now, uh, because of the COVID pandemic?

Blitzer [24:00]: So, the first and most obvious thing is, the US government citing guidance from the Center for Disease Control has basically said, we are not allowing anyone to enter through the Southern border. Um, and initially they said that that authority would exist for one month and it would be renewed, uh, or, or reevaluate it after one month. And to no one's surprise, they have renewed that authority. And so now, for a few months, the border has been completely sealed. Now, anytime someone shows up at the Southern border, they are... deportation isn't even really the word for it. It's more, it's more like expulsion. They're immediately turning people around. And that includes in a very significant category of cases: unaccompanied minors who for decades now, uh, have enjoyed sort of a special status, a special battery of protective measures in, in US law because they are the most vulnerable of the most vulnerable.

[24:58] I know from reporting that at the time, highest levels of DHS and at the White House, the fact that unaccompanied children were able to still enter the US despite all of the measures the Trump administration had put in place to block asylum seekers was a source of tremendous frustration. And so now under the current circumstances with the White House claiming these broad powers to seal the border in the name of public health, um, even unaccompanied minors are being turned around. And, and you know, the latest figures to that effect are that some 900 unaccompanied minors have basically been deported, uh, summarily without having been given a chance to appeal cases or to lodge proper asylum claims.

And so, you're basically seeing the wish list of the Trump Administration had for a asylum policy of the border now being fully executed because the things that it couldn't get past Congress before or couldn't get past federal courts before it can now kind of smuggle into existence through these broad public health powers that the White House has been invoking.

Aleinikoff [26:04]: Under the Remain in Mexico policy, thousands of migrants were pushed back to Mexico and told to wait to present their asylum claim later in the US. Those dates had been put off. But what you're saying about the COVID orders is, people now expelled under the COVID orders will not even have the opportunity to apply for asylum that the people waiting in Mexico were given the ability to do. Is that right?

Blitzer [26:30]: One of the strongest arguments the administration could make in defense of the remain in Mexico policy was that at the very least, despite all of the obstacles that the government erected to make it harder for people to apply for asylum, in theory, people were still given the chance to apply for asylum. Sure, they might have to wait in Mexico. Sure, the circumstances in Mexico might be incredibly dangerous. Sure, it was

untenable to essentially force someone to shuttle back and forth over the border over a period of months and months to try to see their asylum claim through. But still the Administration could at least claim in theory that the right, uh, that individual's fleeing persecution had to seek asylum in the US remained in some way enshrined in US policy. Even if it was just in this kind of superficial kind of lip service sort of way. And now not even that pretext exists. And so, it is a pretty naked overhaul of US immigration policy.

Aleinikoff [27:32]: We've talked about a lot of policies that the Trump Administration adopted at the border--changes to asylum procedures and substantive rules were being granted asylum and the Remain in Mexico policy, the third country agreements. The COVID regulations really deliver the *coup de grace*, don't they?

Blitzer [27:49]: That's absolutely right. For this White House, that's the silver bullet.

[[Music Break]]

Amos [28:00]: We've recently spoken with Gaspar and Francisco, who have been stuck in Mexico. Their asylum hearing has now been rescheduled for the end of August. And Alex - here's an update on asylum camps in Mexico - in Matamoros, Mexico - at the end of June - three asylum seekers tested positive for the coronavirus.

Aleinikoff [28:20]: That's it for this episode of Entry Denied.

We'd like to thank Michal Cusick and Peter Beiser for production assistance. Sahil Ansari is our producer and engineer, and our music is composed by Eli Aleinikoff.

Check our show notes on EntryDeniedPodcast.com and you'll find resources to help you go even deeper into some of these issues.

Amos [28:44]: And please subscribe to the show on Apple Podcasts, Spotify, or wherever you listen to podcasts. Leave us a review as well, we'd love to hear from you. See you next week.