

# What's Really Happening at the Border

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In central Tijuana there are many shelters designed to house families who plan to ask for asylum at the border. Tijuana is one of several dozen so-called ports of entry, where people crossing the U.S.-Mexico border can declare their intention to seek asylum. An asylum claim begins with the assertion that a person, or a family, is afraid to go home. There is little doubt that the asylum seekers here have indeed been driven by fear.

There is Claudio, a farm worker, and Mariana, a housewife, who travelled with their fourteen-year-old son, Jairo, by bus nearly two thousand miles from the state of Veracruz. Mariana's brother is one of the many people who have been kidnapped and beaten by gangs seeking ransoms, and each year the threats and kidnappings intensify.

A widow named Carmen took the bus to Tijuana from the state of Michoacán with her three children, who are fourteen, ten, and seven. She has tried to balance working on farms and watching over her children since her husband died, but has struggled to do so in fear for her children's safety due to the many kidnappings and drug-related murders in Michoacán.

Odelia came from Guerrero—another bus trip that lasted two days and two nights. Her three sons are eleven, eight, and six. Her husband and sister were already living in the United States. Her story was similar: violence in Guerrero had become pervasive, and the fear was unbearable, especially after two of her relatives had been killed.

Wait times for asylum seekers looking to cross the border in Tijuana have ranged from a couple of weeks to a month and a half. They have only the vaguest idea of what would happen after that. Everyone had, of course, heard that some children had been separated from their parents, but they have no choice but to be unafraid of this. It is impossible to predict what will happen to them in the immediate future. Almost certainly, they will face some time in detention—at the border, in holding cells reserved for “inadmissibles,” or perhaps in a hotel in San Diego where families have sometimes been housed.

Under the Trump Administration, *ice* has instituted a practice of blanket detention for new asylum seekers and others with pending cases (including

people who had been granted asylum but have faced an appeal of that decision from the government). Earlier this month, the American Civil Liberties Union won an important judgment against that practice. That does not, however, mean that all or even a majority of asylum seekers will be released from detention.

Émigrés usually base their decisions to travel on the information that they receive from those who have come before them—relatives or friends who have charted the path. However, there are major changes to the asylum process happening constantly. Last month, the Attorney General, Jeff Sessions, announced that nongovernment violence—the sort of violence that the inhabitants of the Tijuana shelter were fleeing—would no longer be considered a type of persecution that entitles people to asylum. Many asylum seekers stress that they cannot seek protection from their local police, who were often acting in concert with kidnappers—a claim that has, in the past, helped bridge the legal gap between the experience of violence and the concept of persecution. But, with his decision, Sessions explicitly rejected the idea that gang violence in a community amounted to persecution.

In other words, the people in the Tijuana shelter, as well as their relatives in the United States who had already applied for asylum, will probably see their claims rejected. The rate of positive decisions in asylum cases has been falling for years—from 56% in 2012 to 43% in 2016. Statistics are unknown for the first year of the Trump Administration, but in a recent interview with NPR Kirstjen Nielsen, the Secretary of Homeland Security, said that only 20% of asylum claims were granted. Seven hundred thousand people are currently awaiting decisions on their asylum applications.

Still, an asylum seeker's status itself provides a modicum of protection in the United States. Asylum seekers cannot apply for public assistance (this Clinton-era policy sets the United States apart from other countries that grant asylum) and, for the first six months, do not have the right to work, but they are at least in the country legally while their claims are pending. That process takes months. After presenting themselves at the border, asylum seekers are interviewed by an immigration officer—often over the phone, while the asylum seekers are in a detention facility. The officer makes a determination about whether an applicant's fear of persecution is credible. Only after that does the actual legal process of seeking asylum commence. The final decision

on a claim is made by an immigration-court judge, part of a process that is likely to take years.

The Trump Administration wants to change this, too. Following Sessions's announcement last month, President Trump sent out a tweet appearing to propose scrapping due process for asylum seekers altogether. "No Judges or Court Cases, bring them back from where they came," he wrote. In fact, U.S. and international law requires all asylum seekers to be allowed into the country to plead their case. Asylum seekers and immigration lawyers, though, have reported that border agents had been turning people away summarily since just before Trump took office, in January of 2017. Last week, the *Times* reported that a new proposal would abolish ports of entry altogether—literally closing the border to asylum seekers. It's a two-pronged attack: on the one hand, the Administration is prosecuting asylum seekers whom it considers to have crossed the border illegally (though, again, U.S. law and international law allow them to do so in approved places); on the other, the Administration is making it impossible to enter in ways it sees as legal.

Most of the changes to asylum policies and practices have been barely noticed in the barrage of immigration news—though they probably affect many more people than the separation of families at the border.

#### **Genesis 40:15**

*[Joseph said,] "For in fact I was stolen out of the land of the Hebrews; and here also I have done nothing that they should have put me into the dungeon." (For context, read 40:12-15.)*

After Joseph son of Jacob was sold to human traffickers by his own brothers, he was taken to Egypt, where he served as a slave, was falsely accused of attempted rape, and imprisoned. While he was incarcerated, he told his story to a fellow convict, the king's cupbearer, in the hope that he would speak for him upon his release. The text is part of his affidavit that describes his experience as kidnapping and unlawful imprisonment.

Advocates say that even refugees fleeing for their lives who have followed the law in seeking asylum at recognized ports of entry to the United States, who "have done nothing that should have put them into the dungeon," have been detained and separated from their children at our border.

**Questions:** What, if anything, should the church do about alleged violations of the human rights of such refugees? Have you ever been falsely accused and punished unfairly for something you did not do? What role, if any, did your faith play in helping you through that experience?

#### **Galatians 5:14**

*For you were called to freedom, brothers and sisters; only do not use your freedom as an*

*opportunity for self-indulgence, but through love become slaves to one another. For the whole law is summed up in a single commandment, "You shall love your neighbor as yourself." (no context needed)*

In Paul's letter to the Galatians he specifically commands them to treat each other with respect. Using the word "neighbor" specifically invokes the story of the Good Samaritan, in which Jesus outlines that anyone needing our help is our neighbor.

**Question:** Can we love those from other countries while still turning them away at our border?

**Prayer for Sound Government** (BCP p.821)

O Lord our Governor, bless the leaders of our land, that we may be a people at peace among ourselves and a blessing to other nations of the earth.

Lord, keep this nation under your care.

To the President and members of the Cabinet, to Governors of States, Mayors of Cities, and to all in administrative authority, grant wisdom and grace in the exercise of their duties.

Give grace to your servants, O Lord.

*Amen.*