

At the border, “law and order” looks a lot like chaos

## **Trump’s new policies are creating confusion and misery.**

From the Editors in the [February 26, 2020](#) issue



Photo by Lexie Harrison-Cripps / Alamy Stock Photo

Over recent months the Trump administration has implemented a series of policies designed to sharply reduce the number of people crossing the southern border and applying for asylum in the US. Proponents invariably proclaim that the rule changes are meant to “bring order to the southern border,” “return to the rule of law,” or “enforce our current policies.”

In reality, the rule changes have brought chaos and misery.

The US government's "remain in Mexico policy" insists that non-Mexican asylum seekers apply for asylum to the US from Mexico rather than from the US, as has long been the practice. A "safe third country transit rule" means that those who don't apply for asylum in a third country (such as Mexico) cannot apply for asylum in the US. Another rule allows for the US to send migrants to Guatemala to seek asylum there instead of the US, in an agreement with that ill-equipped country's government.

As a result of these policies, thousands of people are camping on the Mexican side of the border without running water, toilets, or beds. A hodgepodge of church-run shelters are there as well, with little oversight. A tent city of 2,000 sits just over the US border in the city of Matamoros, and similar encampments have been set up in other border towns like Tijuana, Nuevo Laredo, and Ciudad Juárez. In these impromptu and unregulated environments, gang and cartel activity has likewise increased, ramping up the chaos and making vulnerable people even more vulnerable.

Adding to the chaos is that rules are being arbitrarily applied. In the push to turn back asylum seekers, border patrol and customs officials have been empowered to conduct interviews at the border to assess the credibility of asylum seekers' fears of returning home. These agents lack the training of asylum officers. Hasty hearings ensure that asylum seekers are denied access to lawyers who could help them understand the rules and how to present their applications. The sort of enforcement that places such burdens on asylum seekers promotes disorder, not order; it undermines the rule of law.

The result of the new rules is to effectively end US participation in the 1951 UN Convention Relating to the Status of Refugees, which committed the US to recognize as refugees those with "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion." This convention was put in place after the US and many other countries ignored the humanitarian crisis as refugees fled Nazi Germany. The situation today is similarly life and death, as denied asylum seekers face persecution and death in both their home countries and those through which they have traveled.

The government's approach to immigration has created a system that is less orderly, less humane, and less fair. It is a system that preys upon the most vulnerable and reeks of injustice. The US is not required to accept every person who

comes to its borders seeking asylum. But decency and humanity require that the process be equitable and humane.

*A version of this article appears in the print edition under the title "Chaos at the border."*