

3. Beyond the Wall: US Immigration Policy under Trump

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The policies and practices implemented over the last four years by the Trump administration and US agencies in charge of immigration enforcement have generated headlines around the world, not to mention constant waves of condemnation and anguish. For the entire duration of President Trump's term the public has witnessed a seemingly endless onslaught of cruel measures aimed to deter immigration into the United States. The world has watched as agencies like Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) have been involved in the separation of thousands of families, in detention practices involving the placement of children in cells denounced by migrant advocates as nothing other than metal cages, and on the virtual suspension of the international asylum protection system through the implementation of the Migrant Protection Protocols (MPP). We have listened to the racist claims mobilized by the US President himself in the context of his campaign but also throughout his mandate that portray "Mexicans" – a proxy for Latin American migrants – as rapists, drug dealers and murderers; watched the construction of the border wall and its lethal impact on the men, women and children desperate to crack it; and witnessed the precariousness and desperation emerging from the closing of border checkpoints allegedly to contain the spread of Covid-19. US citizens from predominantly Muslim countries or identified as supporting

pro-immigrant activities have been subjected to unexplained questioning at ports of entry, their admission into the country delayed without justification. As this article goes to press, US Citizenship and Immigration Services continues to ignore a US Supreme Court order to reinstate the programme providing temporary employment and residence protections to people brought into the United States as children (Deferred Action for Childhood Arrivals programme, or DACA) claiming it is inherently illegitimate, and international students throughout the US are still reeling in the aftermath of a reversed order from the White House which could have forced them to return to their countries of origin following the cancellation of in-person classes in most universities as a result of Covid-19.

The Trump administration has from the onset made clear its distaste for migrants – in particular those arriving to the US-Mexico border, historically ground zero of the US immigration debate. Fighting irregular migration and in doing so countering the presence of so-called “aliens”, drug traffickers, migrant smugglers and drug traffickers through the construction of a “big, beautiful wall” became one of the pivotal promises of the Trump campaign – a campaign that was easily embraced by the hundreds of thousands if not millions of struggling Americans who had long felt side-lined and disrespected by the triumphalist message of change coming from the Obama White House, which hardly spoke to their concerns in an increasingly unequal and polarized nation.

The problematic nature of virtually the entire body of migration-related policies and practices coming from or supported by the Trump White House cannot be denied (as evidenced by the multiple legal challenges they have faced in courts across the land). Yet it is also fundamental to remember that US immigration policy under Trump did not emerge in a vacuum. It constitutes the continuation of decades of US policy-making that has overwhelmingly focused on the Southwestern US border, and that while systematically aiming to control irregular migration across the US-Mexico border from Latin

America, has by extension impacted the lives of people from regions around the world selectively construed as threats to US national security. In other words, US migration policy and practice under Trump is far from new or unprecedented. It is part of a long continuum of decision-making that has impacted disproportionately those reaching the US-Mexico border, at a time when migration dynamics throughout the Americas and into the United States are increasingly diverse. If at all, US immigration policy under Trump is for millions of migrants – including many of those who grew up on the US-Mexico border or who call the region home – yet another if perhaps fiercer iteration of the historical efforts to criminalise our mobility and lives.

In what follows, I summarize some of the most salient points of migration policy and practice under Trump. I must emphasize this is not a comprehensive review of all the Trump administration's measures that have aimed from the onset to restrict US-bound immigration and punish migrants. It is instead an effort to look back at some of these measures in light of the 2020 US presidential election – one that could mark the end of the (current) Trump era, or presage another four years of migration policy rooted in escalating racism and right-wing nationalism. It is also an attempt to express concern over what the return of the Democratic party into office could bring about, given it also lacks a solid plan to safeguard the rights of those arriving to the US-Mexico border or seeking to enter the US in search of protection. I say this not only as a scholar who follows US migration and border policy for a living, but as a migrant who has witnessed how US migration policy's alleged efforts to protect a nation and its people have systematically and historically relied on the depiction of migrants and their communities as threats – a trend that is unlikely to disappear under a new administration, regardless of party.

Beyond “Children in Cages”: Child Immigration Detention

Between May and June of 2018, a series of pictures by the Associated Press generated a global outcry over the conditions faced by migrant children in US immigration custody on the US Mexico border. Taken inside an immigration detention facility in South Texas, the images depicted what were promptly characterized as “cages created by metal fencing”,¹ in which children – some of them apparently infants – were kept as they were classified for immigration-enforcement purposes following their arrival, entry and detention within US territory.

For a number of weeks, the Trump administration, congresspersons and migrant advocates became involved in a battle over the proper way to designate these detention areas.² The semantic debate however took significant time away from the much more urgent conversation on the systematic reliance of US immigration authorities on child detention as a form of immigration deterrence,³ which as President Trump denounced via Twitter,⁴ was not unique to his administration.

Throughout the 1980s and 1990s migrant advocates documented extensive abuses committed against children in immigration detention. Litigation led to the signing of the 1997 Flores settlement, in which the US government agreed to limit the length of time migrant children could be detained to

¹ N. Merchant, “[Judge: US must free migrant children detained with parents](#)”, *Time Magazine*, 26 June 2020.

² S. Rizzo, “[Jeff Merkley’s claims about immigrant children in ‘cages’, access to a Texas shelter](#)”, *The Washington Post*, 6 June 2018; D. Graham, “[Are children being kept in cages at the border?](#)”, *The Atlantic*, 18 June 2018; A. Merelli, “[Those pictures of immigrant children ‘caged’ by the US? They are from 2014](#)”, *Quartz Magazine*, 29 May 2018.

³ C. Domonoske and R. Gonzales, “[What we know: family separation and ‘zero tolerance’ at the Border](#)”, National Public Radio, 19 June 2018.

⁴ D. Trump, “[Democrats had to quickly take down a tweet called ‘Kids in Cages’ because that horrible picture was from the Obama years. Very embarrassing!](#)”, on Twitter, 11 July 2019.

20 days, to comply with certain standards of care, and to place children in the “least restrictive” setting appropriate for their age and needs.⁵ However, the Flores settlement did not lead to the reduction in the number of children processed by immigration detention or to real improvements to the treatment of children in custody. In fact, the practice of child immigration became increasingly institutionalized. Numbers from the then-U.S. Immigration and Naturalization Service (INS) demonstrate the growth in the number of unaccompanied children detained by immigration authorities in the United States after the Flores agreement, going from 2,375 in 1997 to 5,385 in 2001.⁶ In fiscal year 2014, in the midst of the Obama administration, U.S. Customs and Border Protection (U.S. CBP) reported encounters with 67,338 unaccompanied children.⁷ Statistics from CBP confirm that its agents had 76,020 contacts with unaccompanied migrant children for immigration enforcement purposes by the end of the year.⁸ It is estimated that during that same term 4,000 of these children were in custody.⁹

While media coverage focused on the images of infants and young children in detention, there were more pressing issues at hand. Numbers have been shown to be inexact, and not to reflect current deportation and removal practices. Contrary to widely circulated media images, most children in US immigration custody are teenage boys from Central America and Mexico.¹⁰ Often traveling with the hope of reaching the United States to

⁵ Southern Poverty Law Center, *Family separation under the Trump administration – a timeline*, 17 June 2020.

⁶ United States Department of Justice, *Immigration and Naturalization Service*, INS Office of Juvenile Affairs Fact Sheet, 1 August 2002.

⁷ American Immigration Council, *A guide to children arriving at the border. Laws, Policies and Responses*, Special Report, June 2015.

⁸ United States Customs and Border Protection, “Southwest Border Migration Fiscal year 2019”, 2019.

⁹ C. Sherman, M. Mendoza, and G. Burke, “US held record number of migrant children in custody in 2019”, Associated Press, 12 November 2019.

¹⁰ US Department of Health and Human Services (US HHS), “Latest UAC Data. Fiscal Year 2019”, 2019.

support their families back home, cover the expenses generated from their journeys and start new lives.¹¹ Children under the age of 12 are more likely to travel in the company of parents or extended family members who care for them, and they in fact constitute a significantly smaller proportion of children in US immigration custody (18.6% of all children in immigration detention by September of 2019).¹²

In the aftermath of the AP pictures much has continued to be written about the conditions children face in US immigration and/or detention facilities under Trump.¹³ Their deplorable and dangerous settings have been shown to inflict lasting physical and psychological damage on migrant children,¹⁴ and to have played a critical role in the deaths of at least seven of them in 2019 alone.¹⁵ It is important, however, not to forget that what are needed are not merely improved conditions in detention. Alternatives to a system that has institutionalized child detention in the first place must be proposed and implemented. Discursive debates of the kind mobilized over the course of the Trump administration have been effective at deflecting attention from the enduring reliance on detention as an ineffective and cruel way to deter child migration, and more specifically, to punish parents by separating them from their children. The

¹¹ L. Heidbrink and M. Statz, "Parents of global youth: contesting debt and belonging", *Children's Geographies*, vol. 15, no. 5, 2017, pp. 545-557.

¹² US Department of Health and Human Services (2019).

¹³ A. Cheatham, *US Detention of Child Migrants*, Council on Foreign Relations, 10 February 2020; Human Rights Watch (HRW), "Questions and Answers on the Trump Administration's Zero-Tolerance Immigration Policy", *Human Rights Watch*, 16 August 2018.

¹⁴ US Commission on Human Rights, *Trauma at the Border The Human Cost of Inhumane Immigration Policies*, Briefing report, Washington, DC, October 2019; R. Mishori, "US Policies and Their Effects on Immigrant Children's Health", *Am Fam Physician*, Georgetown University, School of Medicine, Washington, District of Columbia, 15 February 2020, vol. 101, no. 4, pp. 202-204.

¹⁵ J. Morales Rocketto, "Seven Children Have Died In Immigration Custody. Remember Their Names.", *Buzz Feed News*, 30 September 2019; R Moore, "Six children died in US Border Patrol Care and Democrats in congress want to know why", *ProPublica*, 13 January 2020.

initial outpouring of efforts to make child detention visible has distracted us collectively from the fact that to this day the whereabouts of hundreds, if not thousands of migrant children processed by US immigration authorities under the orders of the Trump administration remain unknown.¹⁶ In other words, the focus on detention conditions has served to take attention away from an even more pervasive immigration enforcement practice: the separation of families as they attempt to enter the United States.

From Family Detention to Family Separation

As stated in the previous section, the emphasis on semantics and conditions in detention obscured the much more troubling, long-standing practice of migrant child detention in the United States – one that reached unprecedented levels by fiscal year 2019. It is not surprising that the separation of children from their parents that led to such significant numbers was the subject of a similar narrative by the Trump administration. The administration systematically blamed not merely the detention, but also the deaths of children in US Immigration custody on the negligence of their parents. One by one, Trump officials labelled parents as irresponsible, careless and even potentially criminal¹⁷ for bringing their children on “the treacherous trek to the US-Mexico border”.¹⁸ On at least one occasion, then-US Department of Homeland Security Secretary Kirsten Nielsen, blamed the family of an indigenous migrant child for her death by saying the family “chose to cross illegally”.¹⁹

¹⁶ Southern Poverty Law Center (2020).

¹⁷ L. Dickinson, “Hundreds of immigrant children have been taken from parents at US Border”, *The New York Times*, 20 April 2018.

¹⁸ K. Nielsen, “Statement on the passing of eight year old Guatemalan child”, Press release, US Department of Homeland Security, 26 December 2018.

¹⁹ A. Russo, “DHS Secretary blames migrant family for child’s harrowing death”, *Huffington Post*, 14 December 2018.

Claims of this nature were alarmingly amplified by journalistic coverage suggesting parents were using their children to get admission into the US, allegedly taking advantage of a legal loophole to enter the country and remain together. Conservative think tanks and Trump officials further fuelled the narrative by arguing “some migrants were using children as “human shields” in order to get out of immigration custody faster”,²⁰ while conspiring with smuggling facilitators across Central America, who in response to an allegedly unprecedented demand for services were offering discounts to parents eager to bring their children to the United States.²¹

Taken as a whole, statements of this kind were often used by the Trump administration to justify two key decisions over the span of a few weeks. The first, in early May 2018, allowed US immigration authorities to separate children from their parents at the time they reached US territory. The second, following the uproar over family separation, was an executive order on 20 June 2018 that implemented family detention, in the process ignoring legal limits on the detention of minors.²² In other words, Trump’s executive order suspended the practice of family separation, yet effectively subjected families to indefinite detention terms. This policy marked a definite break with prior presidential administrations, which with the exception of Obama’s had not enforced family detention.²³

²⁰ L. Dickinson (2018).

²¹ J. Partlow and N. Miroff, “For Central Americans, Children open apath to the US and bring a discount”, *The Washington Post*, 23 November 2018; J. Root, “How one migrant family got caught between smugglers, the cartel and Trump’s zero-tolerance policy”, *Texas Tribune*, 7 March 2019.

²² C. Domonoske and R. Gonzales (2018).

²³ Here it is important to mention that the creation of family detention facilities for the purpose of processing admission and stay in the US, and the implementation of protocols aimed to monitor families, and in particular mothers – often ran by for-profit companies – were the target of heavy criticism during Obama’s term in office. *Ibid.*; and B. Chapel, “US To Open Immigrant Family Detention Centers In Response To Influx”, *NPR News*, 20 June 2014.

There have been significant responses to counter the devastating impact family separation has had on children and their families. The Trump administration has repeatedly had to admit in court its failure to keep track of children and reunite families;²⁴ immigration officials' reliance on abusive and misleading tactics to separate parents from their children;²⁵ the prevalence of physical and even sexual abuse (often at the hands of immigration officials and their private contractors) at detention and care facilities,²⁶ among others in a list long of practices.

However, and as discussed earlier, it is important to reflect on how the focus on the actions of immigration officials and on the experiences of children alone have often obscured the impact of family separation on parents themselves. Parents found to be traveling with their children were also subject of criminal prosecution under Trump's zero-tolerance policy. The April 2018 measure "directs US Attorney's offices along the Southwest border to accept for criminal prosecution all cases involving illegal entry referred to them by U.S. CBP" and has led to an exponential increase in "the numbers of parents traveling with children who are prosecuted".²⁷ This suggests that rather than taking advantage of an alleged loophole as the administration argued, many parents were in fact deliberately risking detention, conviction and family separation with the hope that their cases would eventually be heard in court and they would lawfully be allowed to stay in the country together as families. Furthermore, the claim that parents were conspiring with smuggling facilitators, benefitting from reduced prices or other forms of discounts, reflected the monolithic and

²⁴ A. Cheatham (2020).

²⁵ J. Barajas, "Separated parents unknowingly gave up reunification rights, lawyers say", *National Public Radio*, 26 July 2018.

²⁶ R. Gonzales, "Sexual Assault Of Detained Migrant Children Reported In The Thousands Since 2015", *National Public Radio*, 26 February 2019.

²⁷ "In the Freezer: Abusive Conditions for Women and Children in US Immigration Holding Cells", *Human Rights Watch*, 28 February 2018.

dominant perceptions concerning smuggling services and their availability.

While facilitators may certainly adapt their prices, the smuggling of children is generally catalogued as a high-risk activity, which rather than being subjected to price reductions often involves significantly higher costs given the physical vulnerabilities of children.²⁸ In other words, the costs of smuggling a child are often prohibitive for migrant families already living in highly precarious settings and/or fleeing from conflict or violence, as in the case of most of those arriving on the US-Mexico border. Families instead often decide to travel alongside others for protection, and to dedicate whichever financial resources they may have to cover other expenses like room, board or medication.²⁹ In other words, smuggling facilitation services, and in particular those for children are often unaffordable, and assuming all migrant families can simply cover costs at will as many journalistic and policy outlets suggest is amiss. The precariousness faced by families may in fact help explain why in the aftermath of the signing of the executive order and despite the existence of the zero-tolerance policy, groups of hundreds of families began to turn themselves to US immigration authorities near the US Mexico border, hoping to be eventually reunited,³⁰ rather than relying

²⁸ W.A. Vogt, *Lives in transit: Violence and intimacy on the migrant journey*, Berkeley, University of California Press, 2018; G. Sanchez, “‘This Time I Am Going to Cross!': Fighting Entrapment Processes Through the Provision of Human Smuggling Services on the US-Mexico Border”, in F. Vecchio and A. Gerard (eds.), *Entrapping Asylum Seekers*, Palgrave Macmillan, London, 2017, pp. 135-155; J.M. Hagan, *Migration miracle*, Cambridge MA, Harvard University Press, 2008.

²⁹ W.A. Vogt (2018); Y. González-Guevara, “Navigating with coyotes: Pathways of Central American migrants in Mexico’s southern borders”, *The ANNALS of the American Academy of Political and Social Science*, vol. 676, no. 1, 2018, pp. 174-193.

³⁰ United States Customs and Border Protection, “[Large groups of migrants surrender near Sasabe](#)”, Press release, 30 August 2019; D. Silva, “[CBP says it has seen ‘dramatic increase’ of large groups of 100 or more migrants crossing border](#)”, *NBC News*, 24 January 2019; C. Hansen, “[Border Patrol: More Large](#)

on smuggling services to specific locations within the United States.

But the Trump administration's attempts to curtail migration did not stop here. In fact, Trump's officials had already started to craft other measures that would eventually allow the US to remove itself from its commitments to the international protection and asylum system. The Migrant Protection Protocols, known informally as the MPP programme, is perhaps the most recent and drastic assault of the Trump administration on US and international asylum law.

Migrant Protection Protocols (MPP)

As described above, the Trump administration has imposed a series of policies to stop migration and to deter asylum seekers from reaching the United States and ask for protection. But perhaps the most drastic of them was the passage on 25 January 2019 of the Migrant Protection Protocols or MPP. Under MPP, people seeking to enter the US at official ports of entry, or who are apprehended in between them (that is, along any other section of the US-Mexico border), were to be immediately returned by immigration officials to Mexico to await a US-immigration court hearing. In other words, rather than following international law, MPP made it impossible for those reaching US ports of entry to apply for asylum, forcing them to wait at their own risk in a country known to be hostile to people in transit, in cities often ranked among the most dangerous in the world, until a US-immigration court was able to schedule them.

Trump administration officials immediately claimed MPP would “allow more resources to be dedicated to individuals who legitimately qualify for asylum”, and to help end “the exploitation of our generous immigration laws”³¹ by allegedly

Groups of Migrants Trying to Enter U.S.”, *US News*, 31 May 2019.

³¹ The United States Department of Homeland Security (DHS), “Migrant

decreasing the ability of smuggling facilitators to take advantage of people and ensuring that those who were really vulnerable received the protections they deserved. DHS (Department of Homeland Security) went as far as claiming MPP effectiveness would be such that all cases would be heard within a year.³² It was estimated that the numbers of people waiting on the Mexican side of the US border for a hearing peaked in November of 2019, when the total number of records contained in “waiting lists” – registries of every person who had officially presented him or herself to US immigration authorities for admission – reached 21,400.³³

Numbers had decreased not as a result of expedited processing by US immigration authorities – in fact, efforts to limit the number of people applying for asylum and those attending court hearings became quite clear since the onset of MPP.³⁴ It is not hard to imagine that news of the unlikelihood of being admitted into the United States served in part to deter some people seeking asylum. It is also believed that many decided to apply for asylum in Mexico instead. Data from Mexico’s agency in charge of asylum processing, COMAR, reports a total of 20,496 people applied for refugee status in the first six months of 2020.³⁵

However, it is also likely that the numbers are a reflection of changing and worrisome trends that show the desperation faced by many migrants and asylum seekers trying to enter the United States. The number of apprehensions at the US-Mexico

Protection Protocols”, Press release, 24 January 2019.

³² D. Lind, “The US is sending some legal asylum seekers back to Mexico”, *Vox*, 25 January 2019.

³³ S. Leutert, E. Ezzell, and S. Arvey, *Metering Update*, Strauss Center International Security and Law and Center for US-Mexican Studies, February 2020.

³⁴ S. Leutert, E. Ezzell, S. Arvey, G. Sanchez, C. Yates, and P. Kuhne, *Asylum Processing and Wait lists at the US-Mexico Border*, Strauss Center for International Security and Law, Center for US-Mexican Studies, Migration Policy Centre at the European University Institute, December 2018; American Immigration Council, “Policies affecting asylum seekers at the border”, *Fact Sheet*, 29 January 2020.

³⁵ COMAR, *Estadísticas de Enero a Junio de 2020*, Cierre de Junio 2020.

border, after having decreased significantly in April and May of 2020, are on the rise again.³⁶ This suggests that rather than waiting, or as indicated by migrant advocates, after having waited for months for a court hearing or on the outcome of an asylum claim under precarious conditions on the Mexican side of the border, people may be opting to enter the US without inspection by themselves or with the assistance of smuggling facilitators.³⁷

The physical and psychological risks involved in crossing the border irregularly have been well documented, as well as the acts of violence irregular migrants encounter on their journeys across the US-Mexico border. Yet for those who manage to cross successfully, the precariousness does not stop. Migrants opting for an irregular entry will be unlikely to qualify for relief under the current guidelines, and could even be placing themselves at risk of deportation or removal, not to mention facing criminal charges under the zero-tolerance policy, if they make their presence in the United States known to immigration authorities. What a successful irregular entry to the United States under the current administration also implies is the unlikelihood of obtaining regular immigration status, which in turn perpetuates the precariousness of migrants and their families, and condemns them to enduring low salaries, insecure and unstable labour, and limited mobility.

Another worrisome trend has been the large increase in the number of children traveling unaccompanied across the US Mexico border for the purpose of turning themselves to immigration authorities.³⁸ This also suggests that parents unable

³⁶ U.S. Border Patrol Southwest border encounters for April 2020 reached 16,045 people, compared with 21,498 in May, and 30,300 in June of the same year. See U.S. Customs and Border Protection, “[Southwest Border Migration Fiscal Year 2020](#)”, 2020.

³⁷ D. Silva, “[One year into ‘Remain in Mexico’ policy, migrants confront danger and instability](#)”, *NBC News*, 29 January 2020; M. Gupta and M. Fawcett, “[Refugees in the Time of Covid-19](#)”, *The Nation*, 21 April 2020.

³⁸ The number of unaccompanied children encountered by US Border Patrol more than doubled from April to June of 2020, going from 697 to 1,564. See U.S.

to reach US territory may be making the decision of allowing their children to cross on their own, or with the assistance of facilitators, so that they can be admitted by immigration authorities, even if this implies detention, or long-term or even permanent separations. This would also confirm reports by media and migrant advocates that fearing the conditions on irregular settlements or camps on the Mexican side of the border, many parents are opting to invest whichever resources they may have available in sending their children across, with the hopes they can safely reach relatives in the US.³⁹

The Weaponization of Covid and Its Impact on the Asylum System

As described above, the MPP altered admission dynamics along the entire border, while creating a backlog of asylum seekers who had to wait in cities on the Mexican side of the border for their claims to be heard.⁴⁰ The experience of managing large numbers of arrivals however was by no means new to civil society on either side of the US-Mexico border, which over the years has systematically responded to humanitarian crises derived from migration enforcement and controls. Neither the US nor the Mexican government put official provisions in place to ensure the well-being and safety of migrants, asylum seekers and refugees on the border, a region that is often characterized by its high levels of violence. The sheer numbers of people stranded along border cities, however, did indeed limit the initial capacity of both local governments and civil society to respond to MPP, especially given the lack of facilities that could accommodate hundreds of people in search of international protection for long periods of time.

Customs and Border Protection, 2020.

³⁹ J. Burnett, “‘I Want To Be Sure My Son Is Safe’: Asylum-Seekers Send Children Across Border Alone,” *National Public Radio*, 27 November 2019; J. Root (2019).

⁴⁰ S. Leutert et al. (2018).

Despite some initial challenges, and having to adapt to the guidelines established by US immigration authorities, local officials, civil society and international organizations on both sides of the border were able to devise a system that provided arriving, waiting and stranded migrants, asylum seekers and refugees in key cities on the Mexican side of the border with a basic layer of services (shelter, access to emergency medical services, legal and consular assistance, and for many, a path to employment) while they waited in Mexico for their court dates in the United States.

This newfound stability, however, came to a halt with the advent of Covid-19 and the responses that were put in place on both sides of the US-Mexico border to contain the virus's spread. The United States Government closed international borders to non-essential transits on 20 March with the claim that the decision would prevent the spread of the virus.⁴¹ In the days that followed, cities hosting migrants, refugees and asylum seekers on the Mexican side of the border also proceeded to shut down all non-essential activities,⁴² bringing an end to many of the employment options and income sources available to migrants, asylum seekers and refugees in Mexico. The closure orders meant many emerging, small migrant-owned businesses like grocery stores, hair salons, restaurants and other shops had to shut down; construction (an important labour-generating industry for migrants) was also suspended in most border cities. The availability and frequency of local public transportation⁴³ also left many migrants, asylum seekers and refugees unable to reach their places of employment.

The lack of employment translated not only on the drying up of sources of income, but eventually in the loss of housing

⁴¹ J. Aguilar, "To slow COVID-19, Trump administration closes southern border to non-essential travel", *The Texas Tribune*, 20 March 2020.

⁴² J. Olmos, "Inicia Juárez su cuarentena: educación reanudará hasta el 22 de abril", *El Diario de Juárez*, 21 March 2020.

⁴³ S. Miranda, "Reducirán a la mitad el transporte público", *El Heraldo de Juárez*, 26 March 2020.

for the many who had managed to move out of the shelters. It is unknown how many migrants, asylum seekers and refugees found themselves without a place to stay, and shelters, out of public health concerns related to the pandemic and the potential for contagion, were unable to receive returning guests.

These challenges do not merely impact the lives of people under MPP waiting for a hearing in Mexico. Concerns over the spread of the virus have been used by the Trump administration to maintain border ports of entry closed to non-citizens. But most critically, the White House has used the pandemic to argue that as a result of migrants and asylum seekers coming from countries with high numbers of Covid-19 cases, MPP court dates must be rescheduled in order to contain the spread of the virus in the United States (this despite the record number of Covid-19 cases in the US).⁴⁴ While the need to reschedule hearings is understandable in light of the public health crisis, what the Trump government's measure has caused is the effective suspension of any possibilities for people to secure protection or relief in the immediate future.

Restrictions on Foreign and International Students

On 6 July 2020, the Trump administration announced that international students enrolled at US universities that had switched their classes to online mode would not be allowed to remain in the country unless they secured a way to attend in-person classes. The Student and Exchange Visitor Program (SEVP) indicated that

the US Department of State will not issue visas to students enrolled in schools and/or programs that are fully online for the fall semester nor will U.S. Customs and Border Protection permit these students to enter the United States. Active students

⁴⁴ The United States Department of Homeland Security and Department of Justice, [Announce Plan to Restart MPP Hearings](#), Press release, 17 July 2020.

currently in the United States enrolled in such programs must depart the country or take other measures, such as transferring to a school with in-person instruction to remain in lawful status”, [or] “face immigration consequences including, but not limited to, the initiation of removal proceedings (U.S. Immigration and Customs Enforcement 2020).

The announcement was a devastating blow to universities across the United States that had been forced to shut down or to switch to online activities as a result of the pandemic. It also implied massive financial losses, since foreign students in the United States are by mandate required to pay significantly higher fees than those paid by US nationals. Foreign students were also seen as a potential way to maintain universities afloat post-Covid-19, as academic institutions saw their revenue decrease as a result of the pandemic and decreasing enrolment.

While the quick reaction of elite universities in the form of a lawsuit led the White House to drop its plans a few days after the initial announcement was made, the Trump administration policies have already sent a clear message to international students: their status as international, elite or paying students does not necessarily make them safe. While a significant portion of the international students who attend university in the United States have the ability to finance their education, it is also important to keep in mind that for many others studying abroad is the result of hard work and dedication at obtaining scholarships and participating in funding programmes aimed to reduce educational disparities. Thousands of Mexican students cross the border to attend university on the American side of the border, assisted by binationally-funded programmes focused precisely on addressing educational gaps. An attempt to dismantle international education is also an attack on them and their efforts to improve their quality of life and that of their families.

DACA

In June 2020, the US Supreme Court blocked an attempt by the Trump administration to end the DACA programme, which provides young people who were brought to the United States the opportunity to apply for employment authorization and protection from deportation. Approximately 700,000 people in the US have applied and hold DACA status.⁴⁵

The Court's decision was initially welcomed by migrant advocates, who encouraged those already under DACA to file for extensions of their permits. It was also assumed that the Court's decision implied that those who qualified under DACA but had not been able to apply for it for the duration of the legal process, could file new petitions. However, acting US Homeland Security Secretary Chad Wolf was prompt to state that DACA had been implemented illegally and had to be ended.⁴⁶ As this article goes into print, the Trump administration has yet to start issuing permits or extensions, claiming DACA policies are being subjected to "ongoing active [...] deliberation"⁴⁷ and that no decision to restart issuing them had been made.

Conclusions: Beyond the Wall

The world has watched as the Trump administration enacts laws and policies aimed to prevent virtually all forms of migration into the United States. And yet, as described here, this has depended on the circulation of a specific discourse, which by focusing on the most visible and appalling of practices, has distracted most people from the real issues at hand: the pervasiveness of child detention; family separation practices; the virtual destruction

⁴⁵ *The case for protecting dreamers. General Fact Sheet*, fwd.us, Washington DC, 2020.

⁴⁶ United States Department of Homeland Security, "[DHS Statement on Supreme Court Decision on DACA](#)", Press release, 18 June 2020.

⁴⁷ A. De Vogue, "[No answers yet on DACA revival, Justice Department Says](#)", CNN, 24 July 2020.

of the asylum system, and the implementation of practices aimed to disrupt the lives and the livelihoods of young people and migrants. Similar to the conversation on metal cages, the rhetoric of fear and intimidation that accompanied the threats over the construction of the wall erased the fact that for the people of the border barriers, checkpoints, fences, and walls of many kinds have been part of their landscape for generations.

And yet, as mentioned in the introduction, we must be careful when attributing these developments to Trump alone. Child detention has been a constant element of the US immigration enforcement system; separating families has also been used as a deterrent. And while the MPP has virtually stopped the possibility of people reaching the US for protection, the number of asylum seekers being admitted to the US has been in decline since the 1980s (Multidimensional Poverty Index 2020).

It is therefore important, in the run-up to the 2020 election, to think beyond the wall, beyond the cages, and the overall border spectacle – especially at a time when neither party has articulated a strong migration agenda for the next presidency. While the concern of what another 4 years of Trump could mean to migrants in the United States is legitimate, equally concerning should be the lack of a migration agenda within the Democratic party. To this date, there have been no pronouncements on the part of Joseph Biden concerning migration other than the oft-recycled narrative of the nation of immigrants, one that rather than fostering unity, has systematically been used to exclude.