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President Trump's suspension of asylum marks a break from U.S. past

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 Sergio Martínez-Beltrán

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Asylum-seekers wait for news on the CBP One appointments at El Chaparral crossing port in Tijuana, Baja California state, Mexico, on Tuesday.

Guillermo Arce

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 Seeking asylum in the U.S. through the southern border has been suspended under an executive order President Trump signed this week.
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Critics say this move to suspend asylum indefinitely is unprecedented, and likely to be challenged in the courts.

Asylum has been part of U.S. law since 1980, allowing those who fear for their safety to seek refuge in the U.S. as long as they can show a credible fear of persecution in their home country.

In a fact sheet posted on Wednesday, the White House said that "through the exercise of his authority, President Trump has further restricted access to the provisions of the immigration laws that would enable any illegal alien involved in an invasion across the southern border of the United States to remain in the United States, such as asylum."

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Presidents from both parties have in the past attempted to make it harder to seek asylum, but no other president has taken Trump's actions to suspend it entirely on the southern border.

Trump's order is part of a slew of sweeping actions he signed since his inauguration this week to restrict legal and illegal migration to the U.S. Hours after taking office, Trump abruptly shut down a mobile app used by asylum-seekers waiting in Mexico to schedule an appointment with U.S. immigration officials.



POLITICS

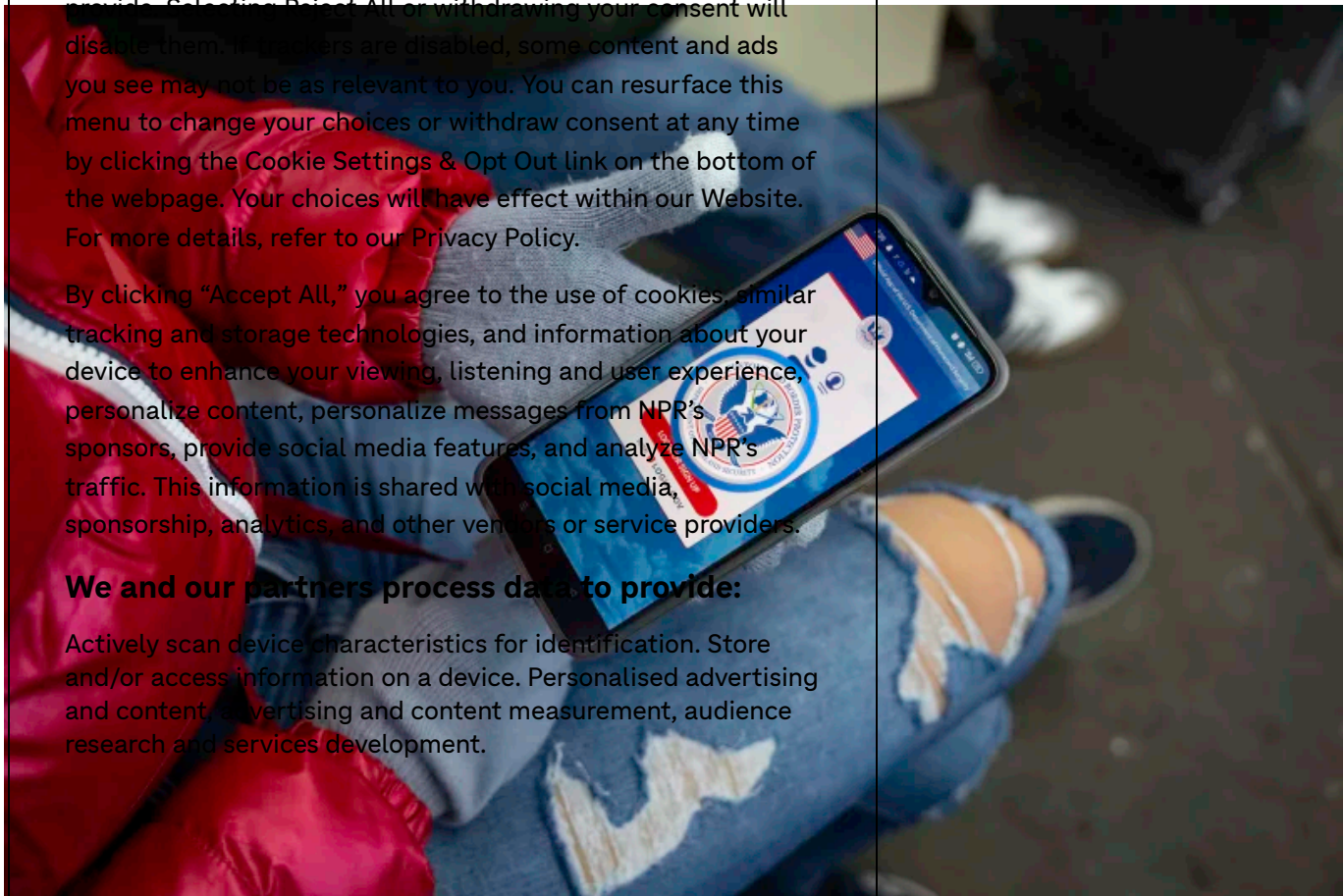
Trump signs sweeping actions on immigration and border security on Day 1

The shutdown effectively meant asylum-seekers at the border had no way of getting appointments.

Trump's border restrictions will be loosened after he determines the "invasion at the southern border has ceased," he said in a proclamation on Monday – though it's unclear how that determination will be made.

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Trump won reelection in large part due to his promises of targeting illegal immigration, border security, and deporting millions of migrants in the country without legal status, including migrants who have not committed crimes.



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An immigrant from Venezuela waiting in Nogales, Mexico, tries in vain to access the CBP One app a day after the second inauguration of President Trump.

John Moore/Getty Images

This is not the first time Trump has attempted to use his authority to end asylum.

During his first administration, Trump barred migrants from making their asylum claims between ports of entry and prohibited those who had traveled through another from petitioning for asylum.

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This time his executive orders rely on a provision of the Immigration and

Nationality Act that allows for the suspension of the entry of migrants after

declaring an invasion on the U.S. southern border.

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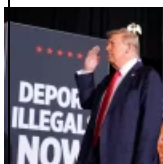
ACLU calls suspension 'unprecedented'

Lee Gelernt, the deputy director of the ACLU Immigrants' Rights Project, told NPR Trump's action "means no one will be allowed to apply for asylum anymore in the United States."

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"This is unprecedented; this is a flat-out ban on all asylum," Gelernt said. "This is way beyond anything that even President Trump has tried in the past."

He declined to say whether the ACLU will sue Trump.



POLITICS

Trump is promising deportations under the Alien Enemies Act of 1798. What is it?

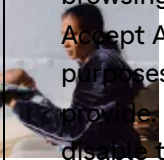
Elora Mukherjee, the director of the Immigrants' Rights Clinic at Columbia Law School, also called Trump's action on asylum "blatantly illegal and unconstitutional," adding that Trump cannot end asylum with just a stroke of a pen.

"The president cannot single-handedly undo laws passed by Congress nor can the president unilaterally change international treaties to which the United States is a party," Mukherjee said.

She also questioned Trump's argument that there is an invasion at the southern border, which the White House is using to justify the suspension of all asylum-seekers.

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During the Biden administration, unauthorized crossings hit an all-time high in December 2023. Border Patrol made nearly 250,000 apprehensions just in December of that year. However, data from the U.S. Customs and Border Protection shows unauthorized crossings have sharply dropped compared to COVID-era numbers. The change can be attributed in part to Biden's asylum restrictions at the border, which funneled people to make their petition at a port of entry.

Mukherjee said that Trump's actions send a message that the United States "is no longer a beacon of freedom, of hope, of protection for refugees and asylum-seekers."

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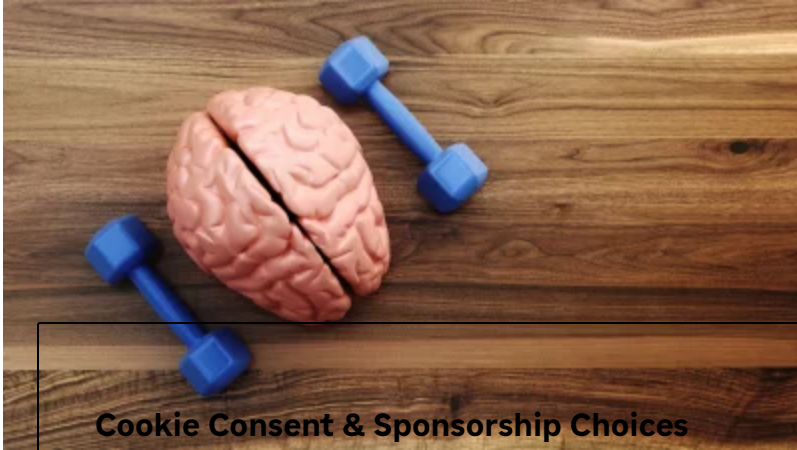
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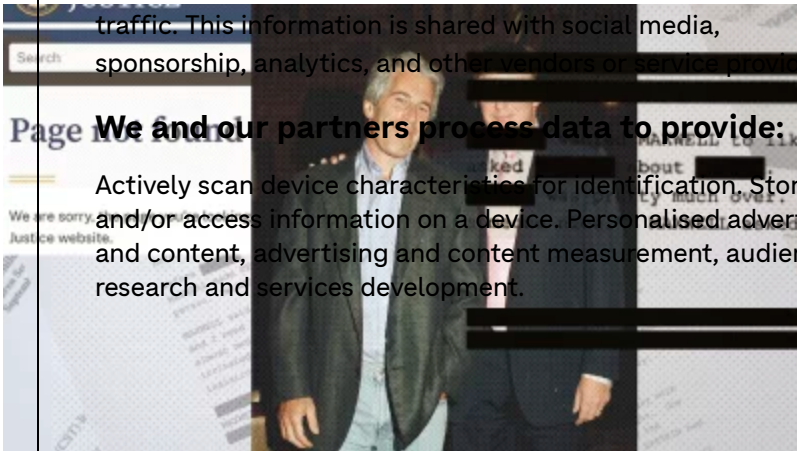
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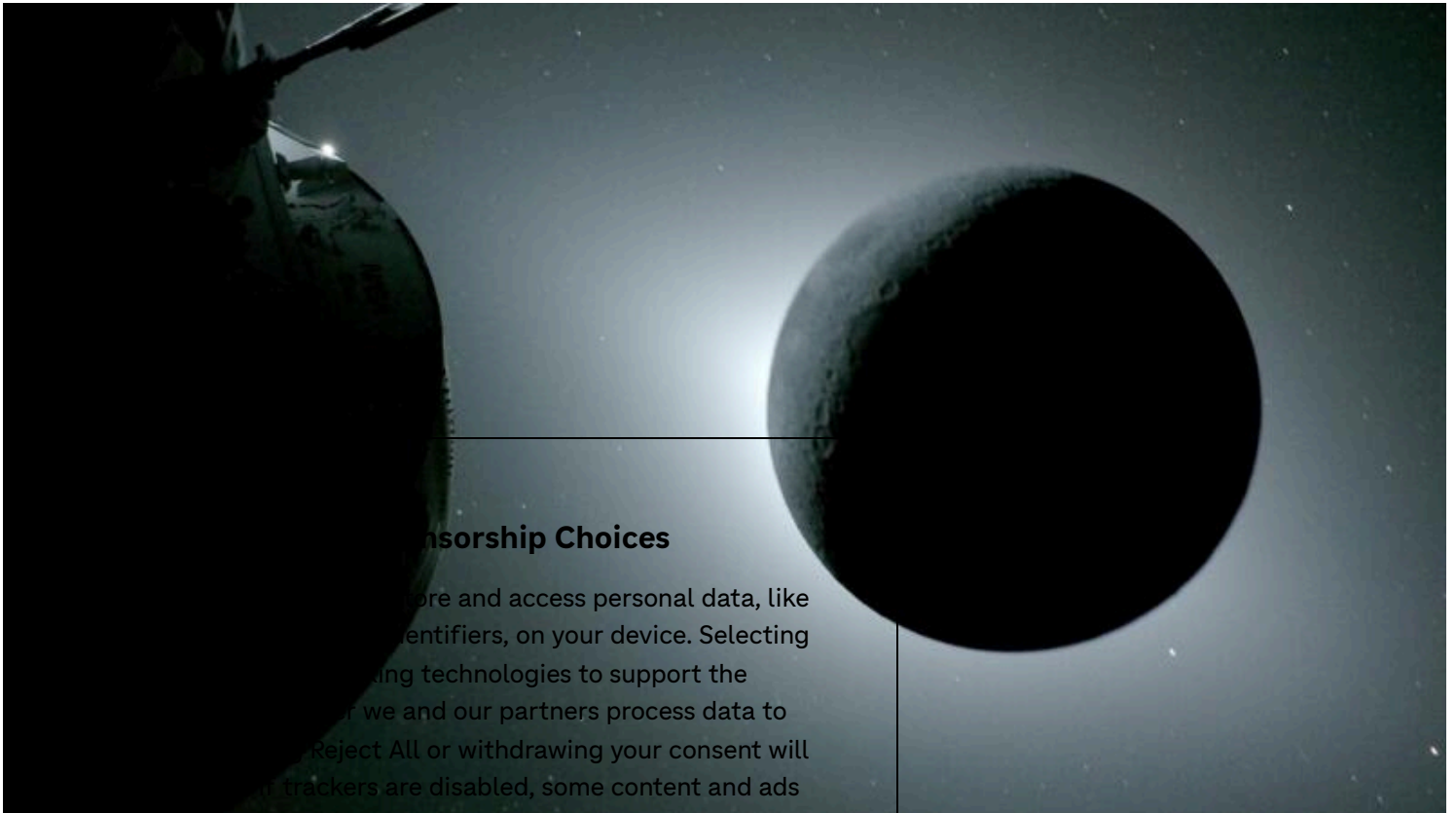
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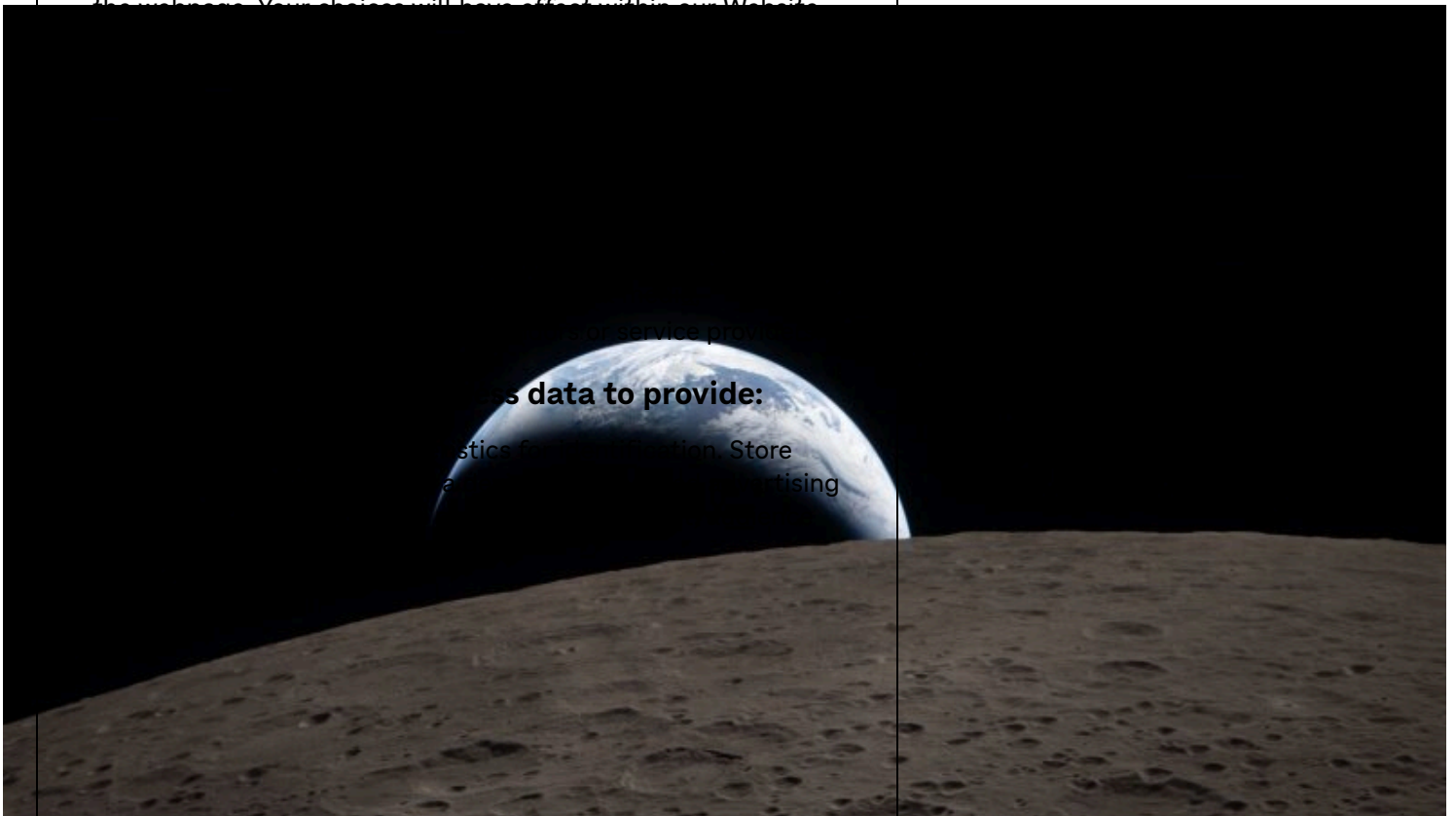
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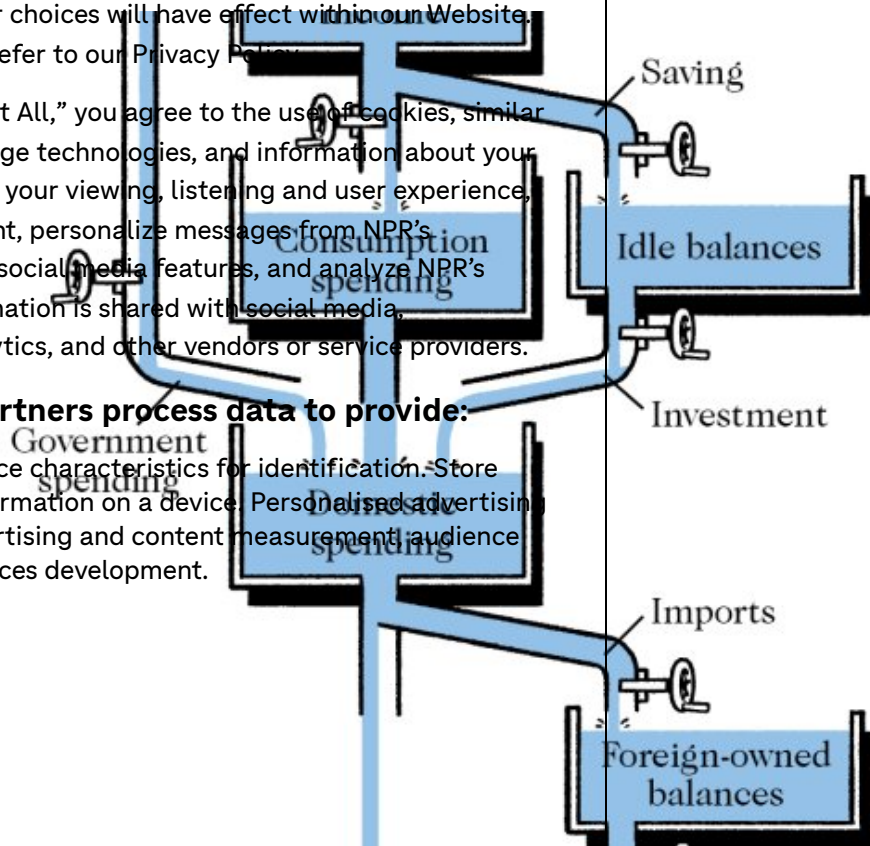
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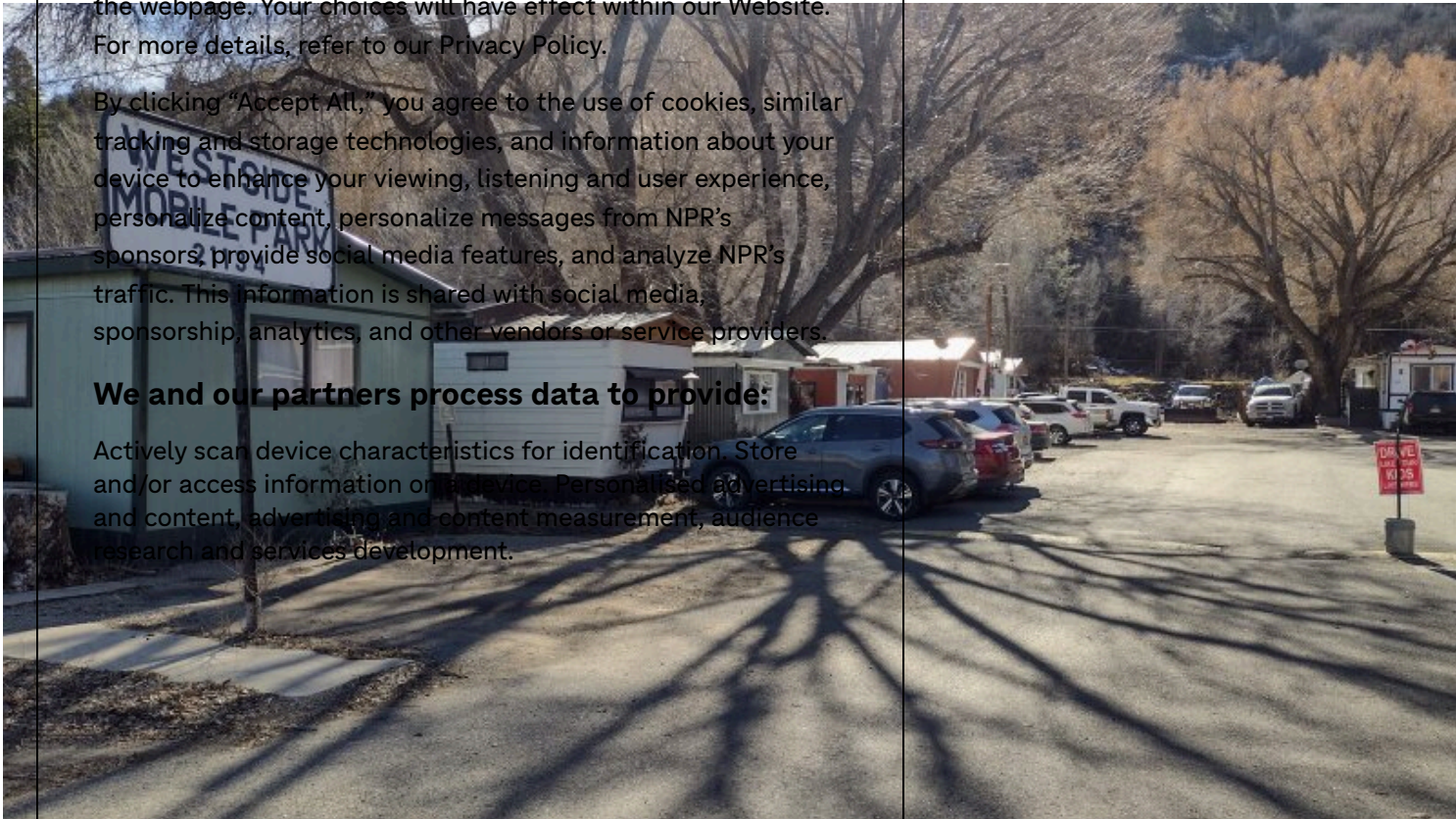
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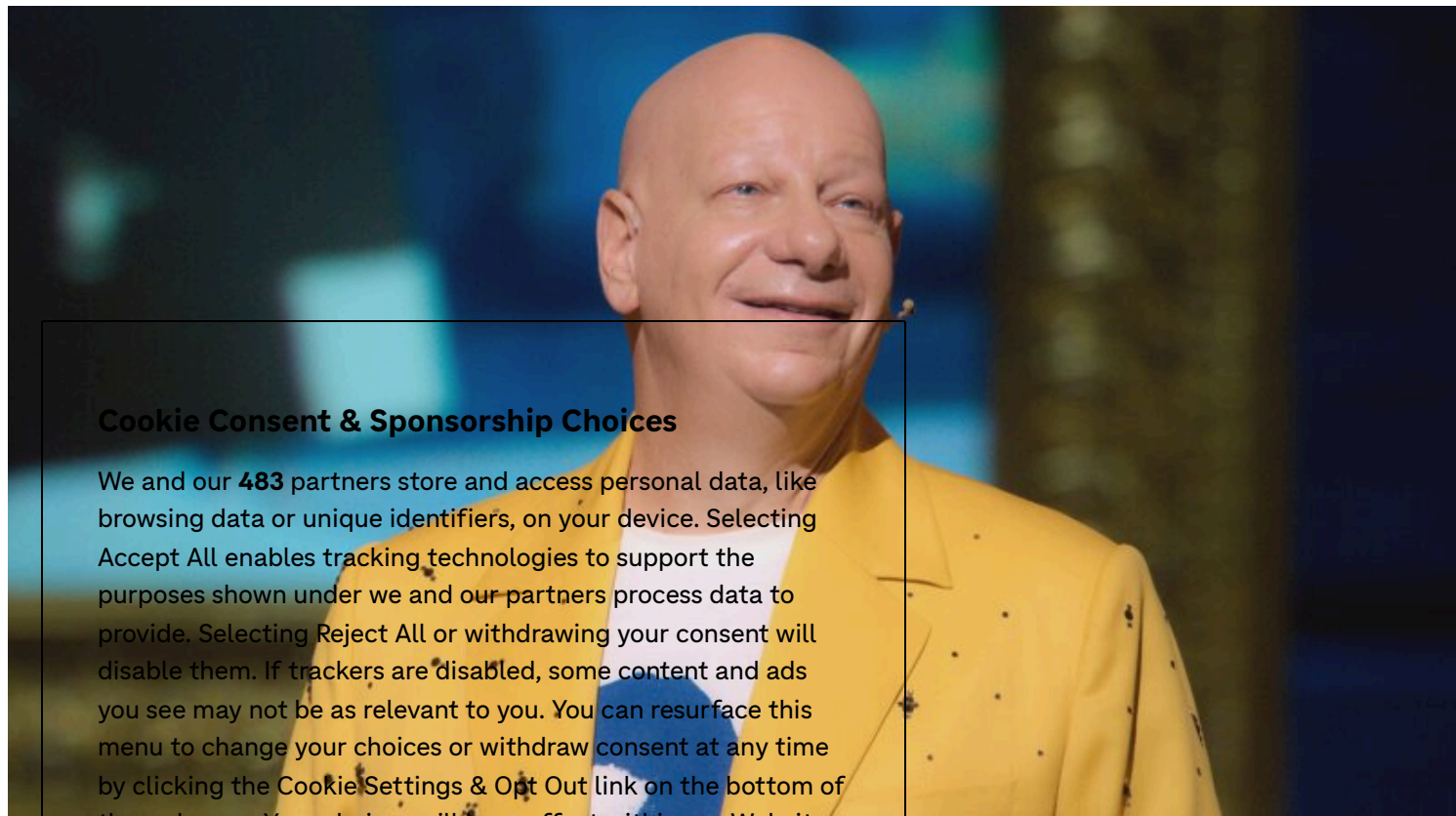
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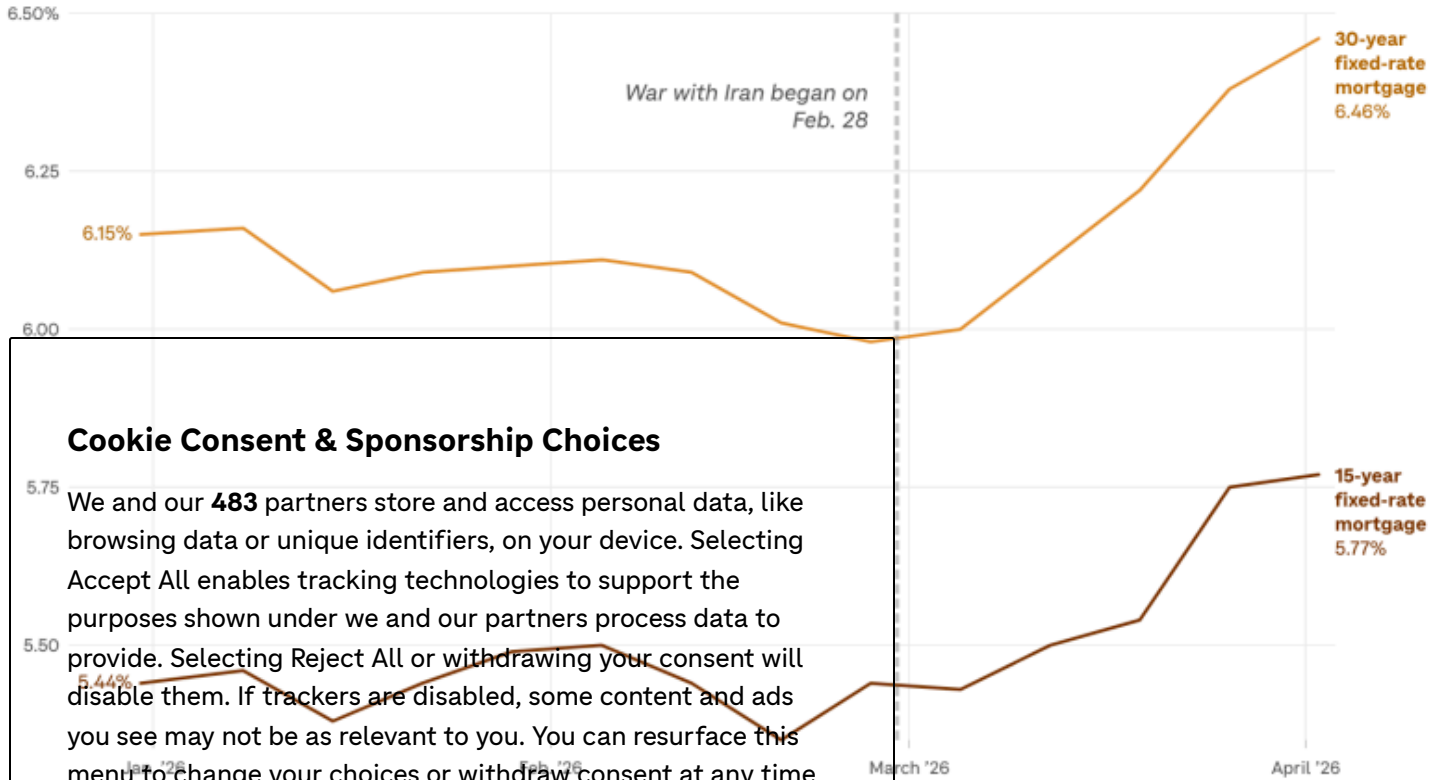
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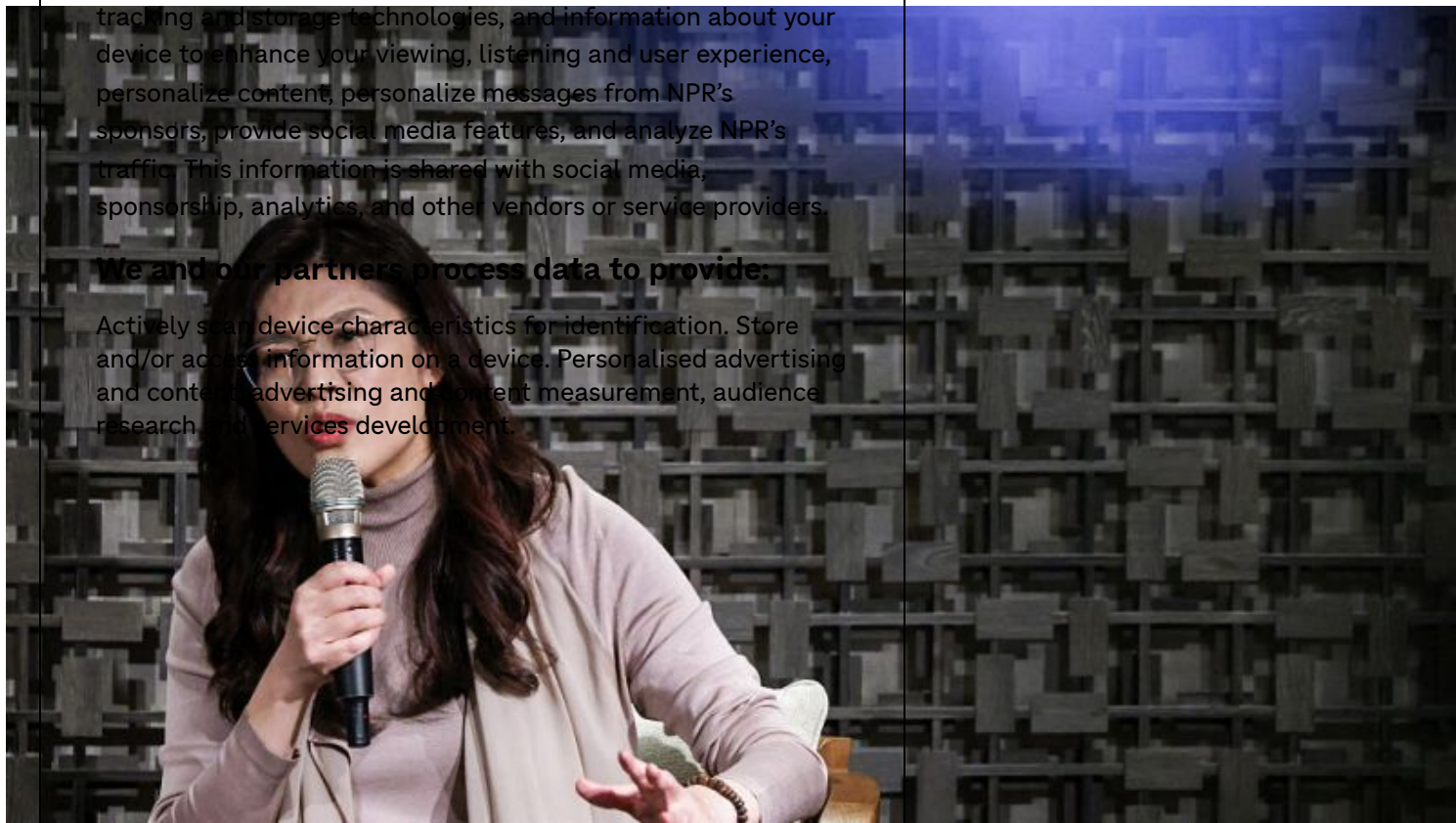
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