

DOSSIER DE SYNTHÈSE: US immigration

Document 1

Migrants in the Caravan Have the Right to Claim Asylum in America.

Newsweek, By Abigail Stepnitz, October 25, 2018

Roughly 5,000 people, mostly from Central America's violent and unstable "Northern Triangle" of

Guatemala, El Salvador and Honduras are reportedly making their way through Mexico with the intention of claiming asylum at the U.S. border. The so-called "migrant caravan" is attracting intense social and political attention, with U.S. President Donald Trump declaring it a "national emergency." He has also claimed, erroneously, that the migrants "have to" claim asylum in Mexico first.

Migrants aren't obligated to claim asylum in any country, but have a right to seek asylum in a country of their choosing, the right to a fair process in that country, and crucially, a right not to be sent back to a country where they will face persecution—or even death.

I've been working with asylum-seekers in Europe and the U.S. since 2008. Over the last decade I have witnessed firsthand the increasing pressure on the asylum system to manage complex situations at borders. The reality is that even if the migrants currently traveling through Mexico are able to claim asylum at the U.S. border, the legal path to safety is challenging.

What has always been a difficult process has been made more difficult by growing governmental and public concern that asylum-seekers are gaming the system or that asylum itself has become a backdoor route for economic migrants.

Pressures like these lead to ever-narrowing legal protections for asylum-seekers. The asylum system is flawed, and ensuring fair access to genuine protection requires making significant improvements to the broader legal, administrative and social contexts.

The international legal framework for asylum is the 1951 Convention on the Status of Refugees, which was developed at the end of WWII by the United Nations. The convention established five categories on which asylum claims can be based: race, nationality,

religion, political opinion or membership in a particular social group.

From the beginning, however, these protection categories were political. Much like recent efforts to limit protection for those fleeing domestic or gang violence, these categories have always protected some, but not all persecuted people. For example, the 1951 convention excluded Germans expelled from Eastern Europe and those forced to flee the partition of India and Pakistan.

Many of the people displaced or persecuted today also struggle to fit their experiences into the boxes created by the law. For example, despite broad global support for the rights of women and LGBTQ persons, no specific categories exist for gender or sexuality.

The 1951 Convention is not useless—far from it. However, it contributes to a legal environment in which successful asylum-seekers must have rather narrowly defined experiences in order to be protected.

When a person seeks asylum—not just in the U.S., but in any country that is a party to the refugee convention—they have to prove they have been persecuted because of their race, nationality, religion, political opinion or membership in a particular social group. What's more, they have to prove that they cannot live safely in their country of origin. Their proof depends in large part on being able to demonstrate credibility.

This process is made more challenging by suspicions that asylum-seekers are abusing the system. For example, in January 2018, U.S. Citizenship and Immigration Services, which manages the administrative process, changed their policy regarding interviews so that those who have claimed asylum more recently are interviewed first.

The assumption by USCIS is that newer applications are more likely to be fraudulent. In the meantime, those who have been waiting years to be interviewed will wait even longer. In January 2018 more than 300,000 people were waiting. The last USCIS published bulletin showed that, for example, people in Miami were waiting nearly four and a half years to be interviewed.

In addition to confronting suspicion that they are abusing the system, asylum-seekers face a lack of legal support for making claims, and decision-makers have a great deal of discretion in deciding their fate. No legal representation is automatically provided for

asylum-seekers. Many manage the entire process, including going before an immigration judge, entirely on their own. Unsurprisingly, those who do have an attorney are five times more likely to be granted asylum.

Research also regularly shows that the chances of being granted asylum vary considerably depending on the applicant's nationality and the location within the U.S. where they seek asylum. In 2017, almost 90 percent of claims from Mexicans were denied, compared to only 20 percent of Chinese cases. All three Northern Triangle countries—El Salvador, Honduras and Guatemala—are in the top five most frequently denied, with more than 75 percent of claims being refused. Similarly, a case is more likely to be granted in New York or San Francisco than in those courts closer to the border in Texas or Arizona.

Lastly, asylum has in many ways become an outlet for broader social anxieties about borders, security, terrorism, economic inequality and multiculturalism. Research shows us that migrants and refugees are in fact not more likely to commit crime than citizens. Nor are they likely to be terrorists. In fact, they contribute to local economies in positive ways. But until these social attitudes and assumptions change, the prospect of there being sufficient political will to create workable legal solutions will likely remain low.

Document 2

Trump administration planning changes to U.S. citizenship test

The Washington Post, By Abigail Hauslohner, July 19, 2019

If you were to take the test to become a U.S. citizen tomorrow, you might be asked to name one of five U.S. territories, or two of the rights contained in the Declaration of Independence, or to provide the correct number of amendments to the Constitution.

The naturalization test is a crucial part of an immigrant's journey to becoming an American. And, according to U.S. Citizenship and Immigration Services, it is meant not just as a measure of U.S. civics knowledge, but also as a reason to study and absorb the principles, values and functions of the U.S. government, including the rights and responsibilities that come with citizenship.

(Question No. 49: What is one responsibility that is only for United States' citizens?
Answer: "Serve on a jury" or "vote in a federal election.")

The Trump administration is planning to update the test, and a new version is slated to debut before the end of President Trump's first term, officials said Friday. A pilot test should

be available this fall.

USCIS officials are offering few details about the changes to the test, which was last revised in 2008. Officers who administer the exam now pose as many as 10 randomly generated questions to each applicant from a list of 100 in three categories: American government, American history and integrated civics (geography, symbols and holidays). The questions are not intended to trip up applicants — they are published and available for all to study.

With the executive branch able to control the test, and with Trump making it clear that he wants to dramatically change the nation's immigration policies and laws, how the White House approaches new questions or the test's format could become an object of scrutiny.

"Isn't everybody always paranoid that this is used for ulterior purposes?" USCIS acting director Ken Cuccinelli, an immigration hard-liner and former Virginia attorney general whom Trump appointed last month, said in an interview with *The Washington Post* on Thursday. "Of course they're going to be sorely disappointed when it just looks like another version of a civics exam. I mean that's pretty much how it's going to look."

In the first 2 1 / 2 years of his presidency, Trump has slashed the number of refugees admitted to the United States; banned thousands of would-be immigrants based on their nationality in a handful of majority-Muslim countries; made it more difficult to qualify for asylum; and proposed a visa system overhaul that would prioritize immigrants with advanced degrees, English-language skills and deep pockets.

In tweets this week, Trump also sought to draw a line between the kinds of rights enjoyed by existing U.S. citizens, distinguishing between "the people of the United States" and four minority Democratic congresswomen, who, he claimed, "originally came from countries whose governments are a complete and total catastrophe." Many critics have said the president was suggesting that the latter had little or no right to criticize the former.

(Question No. 51: What are two rights of everyone living in the United States? Answer: freedom of expression, freedom of speech, freedom of assembly, freedom to petition the government, freedom of religion, or the right to bear arms.)

Readers of Trump's tweets have pointed out that only one of the four congresswomen he was tweeting about is foreign-born, and that, like all members of Congress, they are U.S. citizens. (Question No. 50: Name one right only for United States citizens. Answers: "Vote in a federal election" or "run for federal office.")

USCIS officials described the forthcoming test revision as a benign act; a rewording or reshuffling or reconsideration of some questions in alignment with adult education standards and best practices, which, they said, mandate regular updates to standardized tests.

"I just think we need to freshen the material," Cuccinelli said. "Even if all we do is go pull

questions from 2000 and questions from 2008.”

Hundreds of thousands of people become naturalized U.S. citizens every year. Last year, USCIS naturalized more than 750,000 people, a five-year high. Immigration attorneys have said there is an increasingly long application processing time, and there is a record backlog that has grown dramatically since 2016. A foreign national has to be a legal permanent resident of the United States for at least five years before applying for citizenship.

The questions are developed in consultation with middle school and high school curriculums across all 50 states, according to USCIS. An applicant must get at least six out of 10 correct to pass. The average pass rate on the naturalization test is 90 percent, according to USCIS data.

Not all the questions are easy.

Cuccinelli said that he often encounters applicants for citizenship who are better versed in U.S. civics than natural-born U.S. citizens.

“I can’t tell you how many spouses seeking to become citizens know more about that answer than their spouse,” he said, referring to Question No. 20: Who is one of your state’s U.S. senators now?

He said his staff also has been “joking about the ones that currently exist — and whether we know them all.”

A survey last year by the Woodrow Wilson National Fellowship Foundation found that of 1,000 U.S. citizens questioned, just 1 in 3 would pass the naturalization test. Khizr Khan — the Gold Star father whom Trump attacked during the 2016 campaign — publicly challenged Trump to take the test.

Question No. 91 asks applicants to name one U.S. territory; Trump has referred to the governor of the U.S. Virgin Islands — one of the correct answers — as the “president” of the Caribbean territory, and he has complained in a tweet that Puerto Rico — another correct answer — has gotten too much aid “from USA.” Hogan Gidley, a White House spokesman, has twice referred to Puerto Rico as “that country.” (The three other correct answers would be American Samoa, Northern Mariana Islands and Guam.)

The test was introduced in 1986; officials said its last revision removed a lot of the trivia — such as an excessive number of questions surrounding the appearance of the American flag — and incorporated questions meant to foster a better understanding of the U.S. system of government and how the country came to be.

Cuccinelli said there isn’t anything in the existing naturalization test that strikes him as out of place in the way the previous test did. That version, he remembers, included a question about the United Nations, which he found preposterous because it “has absolutely nothing to do with United States of America,” and having such a question in there is “just not right.”

“Who gives a flying rat’s ass?” he added, about how the U.N. is headquartered in the United States. “So is the Russian Embassy. We don’t ask about Russia.”

But nothing stands out as inherently wrong with the existing test, he said.

“Really — and you see it in a lot of the questions that are already there — I want to see it reflecting American principles, constitutional principles, that are unique that help make us exceptional and are frankly part of the reason people want to come here,” Cuccinelli said.

The first pilot test is expected to involve approximately 1,400 volunteers around the country. A second pilot is expected to be field-tested in the spring.

A lot of the questions — such as “What is the economic system in the United States?” and “What was one important thing that Abraham Lincoln did?” — is likely to stay the same, officials said.

Two new questions that USCIS officials said are on the drafting table — but could be abandoned — include: Why did the United States enter World War II? (Answer: the bombing of Pearl Harbor, or the Japanese attacked Pearl Harbor.) And: Whom do we celebrate on Veterans Day? (Answer: people in the military, or people who have served in the armed forces.)

Some people have contacted the citizenship office with their own suggestions, requesting more questions about inventors or scientists; a question about the national parks; and maybe something about Mount Rushmore.

“Nobody has suggested anything specific to me,” Cuccinelli said.

The president, he said, has not weighed in.

Document 3

US immigration: what is Ice and why is it controversial?

The Guardian, By Jamiles Lartey, July 5, 2019

Family separations at the border are driving calls to abolish the agency seen as villain

As outrage over family separations at the southern US border continues to boil, protesters and even a number of Democratic politicians are increasingly calling for the abolition of the US Immigration and Customs Enforcement agency, or Ice.

Those calls reached a new dramatic pitch on Wednesday when a woman scaled the pedestal of the Statue of Liberty, and at least six protesters were arrested after hanging a banner calling for the abolition of Ice.

What is ICE ?

Ice was created in 2003 when the Bush administration reorganized a number of federal agencies in response to the 11 September 2001 terrorist attacks, and placed them under the brand new Department of Homeland Security. Ice, which now employs over 20,000 people, is one of three agencies that absorbed and assumed the functions of the now defunct Immigration and Naturalization Service and the United States Customs Service.

Ice is not the agency conducting family separations at the US border. Ice is not responsible for patrolling or securing US borders; that task falls to the Customs and Border Protection Agency (CBP). It is CBP agents who have been charged with enforcing the administration's "zero tolerance" policy, detaining migrants and asylum seekers at the border and initiating the separation of undocumented families.

Instead, Ice is primarily tasked with what it calls Enforcement and Removal Operations: essentially the location, detention and deportation of undocumented immigrants who have already successfully crossed the border and are living in the US. Under President Barack Obama, the unit prioritized removing those undocumented immigrants who had committed serious crimes, but the Trump administration has broadened its mandate to target anyone in the US illegally.

Why is ICE controversial ?

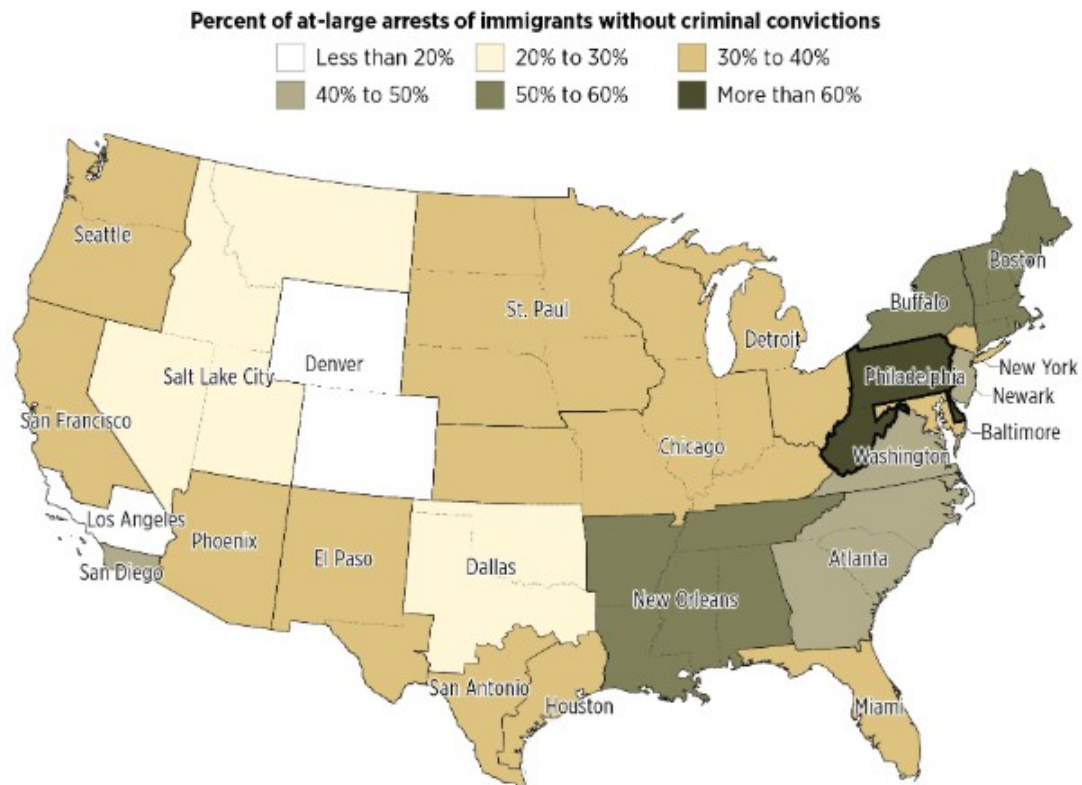
In January 2017, the president signed an executive order to increase the agency's staffing by 10,000 employees. The order also vastly expanded Ice's immigration enforcement powers.

The agency also houses a Homeland Security Investigations (HSI) unit which targets major border-related crimes such as the trafficking of drugs, weapons and human beings, as well as a much smaller legal services department.

Because of this multipart structure, even some Ice agents believe it should be abolished, although likely not in the way that activists are calling for. In a letter to the homeland security secretary, Kirstjen Nielsen, earlier this week, 19 HSI agents expressed concern that Donald Trump's hardline crackdown on undocumented migrants has made it harder for them to conduct effective investigations into significant national security issues.

Annual immigration arrests have soared since January 2017, from 110,568 in 2016 to 143,470 last year, although they still remain below the height of annual arrests under Barack Obama's administration.

Document 4 – ICE raids 2018



SOURCE: U.S. Immigration and Customs Enforcement

JARED WHALEN / Staff Artist

Document 5 (au choix)

a)



- *Mar-a-Lago is a national historical land in California that Donald Trump bought in 1985 and is often referred to as the Winter or Southern White House.*

b)



c)



d)



e)



f)

