



Written by [R. Cort Kirkwood](#) on November 20, 2018

## Judge: Open the Borders; Trump Can't Block Asylum Claims

The United States is open to anyone who wants to show up and claim asylum, and the president can't do a thing about it.

That is the upshot [of a ruling from](#) Judge Jon Tigar of the United States District Court for the Northern District of California, who blocked President Trump's order that would deny the asylum claims of the violent, migrant invaders [who have occupied Tijuana, Mexico](#), and now demand entry into the United States.



Ignoring the images of [flag-burning](#), [fence-hopping illegal aliens](#), Tigar sided with the subversives who hope an unchecked surge of immigrants will alter the country's demographics and secure a Democratic majority.

### The Proclamation

Two Fridays ago, [Trump promulgated rules](#) that would deny asylum to the marching horde of migrants who "intend to enter the United States unlawfully" and seek asylum even though most "will not be eligible."

The migrants have "no basis for admission into the United States" and have "precipitated a crisis and undermines the integrity of our borders." Trump noted that some 2,000 aliens daily are pouring into the country. In fiscal 2018, 124,511 aliens "were found inadmissible at ports of entry on the southern border, while 396,579 aliens were apprehended entering the United States unlawfully between such ports of entry."

Too often, [he wrote](#), asylum claims are an "avenue to near-automatic release.... Once released, such aliens are very difficult to remove."

Thus, "aliens who enter the United States unlawfully through the southern border in contravention of this proclamation will be ineligible to be granted asylum." Only aliens who show up at legitimate ports of entry could apply for asylum.

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### The Order

But just as [Trump apparently has no authority](#) to control the White House press room, he now has no authority to protect the country from what amounts to an invasion.

Or so says the judge, [who sided](#) with the subversive immigration groups and their anti-American legal torpedoes: the American Civil Liberties Union and Southern Poverty Law Center.

Ignoring the U.S. Supreme Court's decision that the president can indeed block aliens from entering the country, [Tigar wrote](#) that Trump ignored Congress' clear intent in the Immigration and Nationality Act. "Congress has clearly commanded in the INA that any alien who arrives in the United States,



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irrespective of that alien's status, may apply for asylum — 'whether or not at a designated port of arrival,'" the Obama appointee wrote.

Thus, it doesn't matter how an illegal alien crosses the border:

The rule barring asylum for immigrants who enter the country outside a port of entry irreconcilably conflicts with the INA and the expressed intent of Congress. Whatever the scope of the President's authority, he may not rewrite the immigration laws to impose a condition that Congress has expressly forbidden. Defendants' claims that the rule can somehow be harmonized with the INA are not persuasive.

Trump's order is unlawful, the [judge wrote](#), because illegal aliens, although technically "inadmissible," have the right to apply for asylum: "Congress has clearly commanded that immigrants be eligible for asylum regardless of where they enter. Prior to IIRIRA, asylum was potentially available to "an alien physically present in the United States or at a land border or port of entry, irrespective of such alien's status." Thus, he wrote, "Congress provided that this violation would render those aliens inadmissible but would have no effect on their ability to apply for asylum."

But the judge also found that the subversive immigration groups that filed the lawsuit are irreparably harmed. And why is that? Because if the migrants can't apply for asylum, the "immigration organizations" can't provide their "core service;" i.e., they can't bring in an endless number of asylees.

"The inability of an organization's constituency to gain access to or participate in the organization's core services," the [judge wrote](#), "is a well-recognized impairment of an organization's ability to function." The funding of these groups is "directly tied to their ability to pursue affirmative asylum claims on a per-case basis." But Trump's order blocks asylum claims, and "therefore impairs their functioning by jeopardizing their funding, an independently sufficient injury."

In other words, a subversive group whose mission is undermining America sovereignty is injured if the president blocks the entry of illegal aliens the group uses to undermine American sovereignty.

The judge's ruling applies nationwide.

Whether it will pass scrutiny in the U.S. Supreme Court remains to be seen. [As The New American reported](#) in late October, the president can close the borders if he wants, a power the U.S. Supreme Court recognized when it upheld temporary travel restrictions from certain Muslim-majority countries.



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