



Written by [R. Cort Kirkwood](#) on November 10, 2018

Leftists Sue to Bring In Migrant Horde, Claim Trump's Order Invalid

President Trump kept his promise to issue an order that will prevent the relentless migrant horde streaming across Mexico for the southern border from claiming asylum and entering the United States.

Friday's widely anticipated 90-day order blocks migrants from claiming asylum if they do not present themselves at a legitimate border crossing.



Before the ink was dry, a coalition of open-borders activists, including the anti-American American Civil Liberties Union (ACLU) and Southern Poverty Law Center (SPLC), filed a 20-page lawsuit to stop the order.

The Proclamation

Citing black letter federal law, [Trump's proclamation specifies](#) in great detail why the border must be secured. The migrants, [numbering 4,000 to 6,000](#), "appear to have no lawful basis for admission into our country" and thus "intend to enter the United States unlawfully ... to seek asylum," even though a "significant majority will not be eligible for or be granted that benefit."

The migrants stormed into Mexico and turned down asylum there, and so Trump must act because they "no basis for admission into the United States" and have "precipitated a crisis and undermines the integrity of our borders."

Some 2,000 aliens daily, the proclamation says, are pouring in the country. In fiscal 2018, it says, 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."

The asylum "system is being overwhelmed by migration through our southern border," and too often, "if apprehended, claiming a fear of persecution is in too many instances an avenue to near-automatic release into the interior of the United States. Once released, such aliens are very difficult to remove."

The approaching migrant horde is "detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions."

[Trump also cited](#) the actions of Presidents Ronald and George H.W. Bush, who ordered the return of aliens when the Coast Guard intercepted them on the high seas. The U.S. Supreme Court upheld those orders.

Trump therefore ordered likewise, but "tailoring the suspension to channel these aliens to ports of entry, so that, if they enter the United States, they do so in an orderly and controlled manner instead of unlawfully."

Thus, "aliens who enter the United States unlawfully through the southern border in contravention of this proclamation will be ineligible to be granted asylum."



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But they can “seek other forms of protection.”

The Lawsuit

[The leftist lawsuit complains](#) that migrants “are running from life-or-death situations” and that “for many, remaining in Mexico is not an option. Rates of violence in Mexico have been increasing as of late; 2017 was the deadliest year on record, with more than 23,000 murder investigations opened.”

The lawsuit does not explain why so many of the migrants [have told reporters](#) they left home [to seek work](#) in the United States. Nor does the lawsuit offer any evidence that most or even many of the migrants, are indeed, fleeing from persecution.

Trump’s order must be blocked, the lawsuit says, because waiting at a legitimate port of entry takes too long: “Asylum processing has dramatically slowed down at ports of entry in recent months.” Migrants “are often vulnerable to violence and exploitation while they wait to be processed,” the “region of Mexico near the border with the United States is a particularly violent area,” and when turned away at entry ports, migrants “have been raped, beaten, and kidnapped and held for ransom by cartel members waiting outside.”

Even shelters aren’t safe, and so migrants “who need to reach safety as quickly as possible thus often feel compelled to enter the United States along the border, outside of a port of entry.”



Of course, if the migrants had stayed home, they wouldn’t face violence at the Mexican border, but anyway, the court should block Trump’s order, the [lawsuit says](#), because federal immigration law allows anyone to apply for asylum, whether they entered the country at a legitimate port or illegally in the desert.

“The President’s power to suspend or restrict entry ... does not encompass the ability to limit the forms of relief available to noncitizens once they have entered the country,” the lawsuit argues.

The lawsuit also says that the administration did not comply with the federal law that requires a 30-day wait between publishing an edict and the date it take effect. The administration has “not articulated reasons sufficient to show good cause” why the order had to published so quickly.

Thus is “the proclamation and its final rule are unlawful and invalid.”

The question is whether the leftists can prevail on a matter typically left to the discretion of the president.

As *The New American* [reported](#) last month, the president can close the border to certain aliens, which is what Trump’s proclamation does. The president cited the same statutory authority on Friday as he did with travel restrictions on aliens from largely Muslim countries. That order also invited a lawsuit.

The Supreme Court sided with the president.

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