

Serious Discrimination Against and Cruel Treatment of Immigrants Fully Expose Hypocrisy of "US-Style Human Rights"

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The United States is a nation mainly composed of immigrants and their descendants. Unfortunately, as time has gone by, the religious, cultural, and racial discrimination against immigrants has kept developing and become increasingly intense. Immigrants who have made a huge contribution to the United States come to be regarded as outsiders who threaten the US political system and burden the country's finances and welfare. Immigrants used to be and will continue to be the victims of exclusion and persecution. Since July 2017, in violation of international human rights laws and international humanitarianism, the US immigration authorities have forcibly separated more than 5,400 children from their parents who are refugees or illegal immigrants in the southern border area, causing the

painful separation of families as well as many child deaths in custody. In 2019, a total of 850,000 immigrants were arrested in the southern border area of the United States. Most of them suffered rough, insulting treatment and their human rights were trampled on. Due to its government's ineffective anti-pandemic efforts, the United States has unfortunately seen itself becoming the most seriously-affected country during the COVID-19 pandemic in 2020, and its immigrant detention centers are the most severely-affected places in the country. Ignoring the risk of spreading the virus, the US government has even forcibly repatriated a large number of illegal immigrants, which has put the people in Central America at higher risk of contracting COVID-19. The US government's policies leading to the violation of the immigrants' rights, especially immigrant children's rights, have been strongly criticized and denounced both in the United States and in the international community.

1. Extremely Harsh Immigration Policies have Caused Severe Discrimination against and Cruel Treatment of Immigrants in the United States

The US government regards illegal immigrants as troublemakers who rob US citizens of their jobs and

disrupt their lifestyle. To prevent them from entering and moving around the country, the US government has adopted unprecedentedly severe measures and law-enforcement actions, including excessive use of force, large-scale arrests, forced separation from family members, and arbitrary deportations. Abuses of human rights of migrants and refugees have occurred frequently.

The US government has treated immigrants violently, and arrested and detained immigrants on a large scale in the border areas of the United States. According to statistics, during the first nine months of 2019, the number of immigrants arrested by the US Immigration and Customs Enforcement (ICE) at the southwestern border of the United States reached as high as 687,000, exceeding the number of arrests in each of the previous five years. These 687,000 arrests included 64,000 immigrant minors who were unaccompanied by a parent or an immediate adult relative. In May 2019 alone, the United States arrested 133,000 immigrants, the highest monthly total of immigrant arrests since 2006. The website of *The Washington Post* reported on February 22, 2019, that most immigrants arrested and detained by the ICE had no criminal record.

The "zero tolerance" immigration policy has resulted in the separation of children from their parents. Given the US government's "zero tolerance" immigration policy, which began in April 2018, law-enforcement officers at the border arrested refugees and illegal immigrants and forcibly resettled their minor children, causing at least 2,000 children to be separated from their families. On June 2, 2018, the UN Independent Expert on human rights and international solidarity submitted a report in accordance with the UN Human Rights Council's 35/3 resolution, stating that the US government's act of forcibly separating children from their asylum-seeking parents seriously harmed the immigrants' right to life, dignity, freedom, and other human rights. In September 2019, Michelle Bachelet, the United Nations High Commissioner for Human Rights, pointed out at the opening ceremony of the 42nd session of the Human Rights Council that the policies currently being implemented in some countries such as the United States greatly increased the risk of violating immigrants' human rights, and that the United States' practice of holding migrant minors in detention centers violated the best interest of the child principle, formulated in Article

3:1 of the United Nations Convention for the Rights of the Child (UNCRC). Felipe Gonzalez Morales, the UN Special Rapporteur on the human rights of migrants, called on the United States to stop detaining immigrant minors, whether accompanied or unaccompanied. According to him, the immigration-induced imprisonment of minors violates international law, harms the minors' well-being, and will have long-term serious adverse effects on them, which is not in line with the best interest of the child principle.

Immigrants, including immigrant children, are subjected to inhumane treatment, with their basic human rights, such as the right to life and right to health, being seriously violated. As reported by the website of *The New York Times* on June 21 and 26, 2019, a report made by an inspector of the Department of Homeland Security exposed that an El Paso border shelter was dangerously overcrowded, with up to 900 immigrants being detained in a detention center designed to accommodate 125 people, and some of them being detained in rooms where they could only stand for days or weeks. When inspecting the detention centers at a Clint border shelter in Texas, an inspection team consisting of lawyers,

doctors, and journalists found that migrant children were in a prison-like environment, and more than 300 children were detained in a cell without adult supervision. The website of *Time* magazine reported on July 10, 2019, that immigration detention centers managed by the ICE and other federal agencies were overcrowded and had poor sanitary conditions. Since 2018, a total of 24 immigrants, including 7 children, have died while being detained at US border shelters. As reported by the website of the Office of the United Nations High Commissioner for Human Rights on July 8, 2019, Michelle Bachelet, the United Nations High Commissioner for Human Rights, felt deeply shocked by the harsh conditions of the detention centers, which were messy, crowded, and short of food and clothing, and pointed out that migrant children there could be subjected to cruel, inhuman, or degrading treatment prohibited by international law. The immigrant detention centers of the United States have become the places that are most affected by COVID-19 during the recent pandemic. According to a CBS report released on May 15, 2020, clusters of COVID-19 infections were apparent in the immigrant detention centers of the United States, where at least 986

immigrants had tested positive for COVID-19. The United Nations Special Rapporteur on human rights of migrants Felipe Gonzalez Morales and other UN human rights experts issued a joint statement on April 27, requesting the US government to transfer immigrants from overcrowded and insanitary detention centers. On May 29, 15 experts of the Special Procedures of the United Nations Human Rights Council issued a joint statement urging the United States to take more measures to prevent virus outbreaks in the detention centers.

Asylum-seeking children are subjected to abuse and sexual assault, and the dignity of migrants has been trampled on. As reported by the website of the British newspaper *The Independent* on May 23, 2018, the number of cases in which US border law-enforcement officers abused asylum-seeking children increased dramatically, and 116 such cases were disclosed with the involved officers being accused of physical, sexual, or psychological abuse of children aged 5 to 17. The website of *The New York Times* reported on November 12, 2018, that information provided by prosecutors showed that at least 10 people in southern Texas had been abducted, raped, or murdered by border law-

enforcement officers in the past four years. As reported by CNN on June 22, 2018, medical records at a child detention center showed that children in custody were forced to be injected with antipsychotics and sedatives. According to a court record, an 11-year-old girl claimed that she was required to take 10 tablets a day, which caused headaches, loss of appetite, and nausea. At the Shenandoah Valley Juvenile Center in Virginia, children were taunted, stabbed with pens, robbed of clothes and mattresses, and even handcuffed. The website of the United Nations reported on May 21, 2020, that since March, the US government had repatriated at least 1,000 unaccompanied immigrant children to Central and South America regardless of the risk of the pandemic. The United Nations Children's Fund (UNICEF) criticized this move, for it would expose the children to greater danger.

2. Many Reasons Lead to the Overflowing Xenophobia in US Immigration Policies

(1) The Supreme Court of the United States (SCOTUS) Offers Its Endorsement for the Xenophobia Existing in US Immigration Policies

The founders of the country recognized that in order to consolidate the achievements of the founding of the

country and to expand the territory of the country, the government had to rely on population growth and abundant labor resources brought by immigrants. Back then, for the sake of national interests, the United States encouraged immigration, but at the same time, they were concerned about how immigration might affect US political life. Two conflicting mentalities, namely intolerance and doubt concerning the ethnic characteristics of immigrants, and the ideal of and self-confidence in assimilating immigrants, have been embodied throughout the development history of the US immigration system. They have also become the theoretical basis for the US government's immigration policies featuring assimilation or exclusion of immigrants.

Upon entering the 19th century, as more and more immigrants came to the United States, the era of free immigration was ended and another era featuring restriction on and exclusion of immigrants began. In the late 19th century, in order to justify the "Chinese Exclusion Act", an unfamous racial discrimination law, the SCOTUS for the first time had linked "immigrants that could not be assimilated" with "invasion" that

threatened US security and created the doctrine of “plenary power” in the context of immigration law. In the "Chinese Exclusion Case" of 1889, the SCOTUS ruled that if the government of the United States considers the presence of foreigners of a different race who will not assimilate with the US, to be dangerous to its peace and security, the foreigners are excluded to not to be stayed. And the determination of the government is conclusive upon the judiciary. In 1892, the SCOTUS further clarified the "plenary power" doctrine in judging the case of “Nishimura Ekiu v. United States”. Since then, with the "plenary power" doctrine, US federal immigration statutes and policies have begun blatantly embracing xenophobia, constantly discriminating against and excluding certain races, without being reviewed for compliance with substantive constitutional restraints by the Court.

In 2018, the SCOTUS used the "plenary power" doctrine once again to endorse the current US government's "travel ban" for specific countries. On January 27, 2017, the US government issued an executive order prohibiting citizens of seven countries, namely Iran, Iraq, Libya, Somalia, Sudan, Syria, and

Yemen, from entering the United States. As the seven countries covered by the ban are majority-Muslim countries, the executive order is also widely interpreted as a "Muslim ban". This ban has sparked widespread protests in the United States and around the world. Although the content of the travel ban has been modified twice by the US government, it is still unfairly and discriminately targeting Muslim countries. The state of Hawaii has filed a lawsuit in federal court over the travel ban, accusing the ban of violating the US Constitution and immigration laws. In June 2018, the SCOTUS ruled ruling in a 5–4 decision split along ideological lines that upheld the validity of the travel ban as within the President's powers. The verdict has caused much controversy in the United States. As *Youm7* (or *Seventh Day*), a daily of Egypt, commented, many Middle East countries expressed disappointment and anger when the US government's travel ban was in full effect with the consent of the SCOTUS.

Through a series of judicial practice and legal precedents, the SCOTUS has turned the federal government's "plenary power" in handling immigration affairs into a tool of national defense, which can be used

to resist the "invasion" of foreign immigrants. Besides, this doctrine originated in the right of exclusion of aliens who are outside the United States, has gradually extended to the right of deportation of aliens who are within the United States. With the endorsement of the SCOTUS, the federal government's power in the field of immigration has become a power reserved exclusively for the "political department" and separated from constitutional reviews. This is the systemic root for the existence, continuation, and even rampancy of xenophobia in US immigration policies.

(2) Xenophobia is Pushed to the Extreme by the Increasing Mainstreaming of the Anti-Immigration Ideology

At present, the anti-immigrant ideology has been increasingly mainstreamed in the political ecology of the United States. On August 8, 2019, a post on the website of the Anti-Defamation League (ADL) pointed out that white supremacists in the United States believe that they are under siege by immigrants and that as demographic changes and the increase in immigration are destroying the white "Anglo-Saxon" Protestant culture and turning the white people into an ethnic minority, it is necessary to

take quick action to stop these ethnic and cultural changes.

Anti-immigration policies have been used as a tool to alienate or draw voters into the US political competition, further pushing xenophobia to the extreme. High-ranking political officials of the United States played the "immigration card". In order to gain political benefits, they encouraged paranoia, xenophobia, and racism by demonizing immigrants in front of the public and demonstrating a negative attitude toward immigration. On November 28, 2018, 10 UN human rights experts, including the Chairman and Rapporteur of the Working Group on Arbitrary Detention of the UN Human Rights Council, the Special Rapporteur on contemporary forms of racial discrimination, the Special Rapporteur on torture, and the Special Rapporteur on trafficking in persons, issued a joint statement, criticizing high-level officials of the US government for violating international human rights standards, making racist and xenophobic remarks and actions, stigmatizing immigrants and refugees, and treating immigrants and refugees as criminals and "infectious diseases", thereby fostering intolerance, racial hatred, and xenophobia and

creating a hostile social atmosphere toward non-whites, etc.

Stigmatizing immigrants has fueled xenophobia and further exacerbated the US people's anxiety toward immigrants. A Gallup poll issued in July 2018 showed that nearly a quarter of US respondents regarded immigration as the number one problem in the United States. The website of *USA Today* pointed out on August 8, 2019, that the constant demonization of immigration has created an atmosphere in which white supremacists have an excuse to turn their hate speech against immigrants into violent actions.

(3) The Unilateral Immigration Policy of the United States has Caused a Deteriorating Situation of Illegal Immigration in the Border Areas

In 2018, thousands of people from Central America left their countries in droves to reach southern Mexico, hoping to go north and eventually enter the United States. This constituted a wave of immigration across the southwestern border of the United States. Immigration flows from Central America are long-existing phenomena, and there were many such waves of immigration in history. The fundamental cause of these

phenomena is the long-standing imbalance in regional development in America, which makes these Central American immigrants want to escape the threats to their survival and personal safety in their own countries, such as poverty, unemployment, hunger, and violent crimes. The website of the British newspaper *The Guardian* pointed out on December 19, 2018, that the destabilization in the 1980s – which was very much part of the US cold war effort – was incredibly important in creating the kind of political and economic conditions that exist in those countries today, therefore the Central American immigrants moving towards the US border are trying to escape a “hell” that the US has helped to create.

To prevent the Central American migration flows from moving northward and entering the United States, the US government adopted a series of tough policies for the border area from 2017 to 2019, and implemented rigorous law-enforcement actions featuring punitive measures. The US President has declared a state of emergency across the border, and billions of dollars have been transferred from national defense and other projects to build a border wall. The US government has also significantly reduced the number of qualifications for

granting asylum to Central American refugees, rejecting applications for asylum from victims of gang or domestic violence. To prevent the entry of Central American immigrants, thousands of active-duty US military personnel and members of the National Guard have been sent to the southern border area of the United States. They have habitually resorted to violent law-enforcement measures and treated the asylum-seeking immigrants cruelly in the US-Mexico border areas. Unfortunately, these punitive measures adopted by the US government to quickly resolve the issue have produced the opposite effect. Instead of preventing immigration flows, the border area is facing a more severe situation. More than 300,000 illegal immigrants were arrested on the southwest US border in 2017 alone, and in 2019, this figure surged to about 850,000. The sharp increase in the number of arrests of illegal immigrants indicates that the security situation at the US border has deteriorated significantly within a short period of time, and that a vicious cycle has been formed between the rigorous, xenophobic immigration policies and the severe immigration situation.

In the meantime, the US government is trying every

way to push its immigration-related responsibilities on to its neighboring countries. The US government has implemented a "Remain in Mexico" policy that requires asylum-seekers to stay in Mexico for months or even longer, awaiting a decision on asylum or repatriation by the United States. In the meantime, the United States has forced the Mexican government to agree to accept illegal immigrants in the United States by threatening to increase tariffs. *The Intercept* website reported on July 14, 2019, that the "Remain in Mexico" policy was not protecting immigrants but putting them at greater risk, as these immigrants' lives and security were seriously threatened when they were forced to stay in border cities for months, where rape, abduction, murder, and other crimes occur most frequently. Since the outbreak of the COVID-19 pandemic in 2020, the US government has adopted a "beggar-my-neighbor" policy. Disregarding the spread of the pandemic, it has forcibly repatriated a large number of illegal immigrants, which has increased the risk of the spread of COVID-19 in Central American countries. Such an irresponsible practice of passing on the risk to other countries points to a go-it-alone "unilateralism" on the part of the United States.

The US government's strong punitive measures and unilateralism on immigration issues cannot help solve the root cause of illegal immigration. Instead, they will worsen the imbalance in the development between the United States and Mexico and other countries where immigrants come from. This will further worsen the immigration situation in the border areas and make the illegal immigration issue fall into a long-term quagmire.

3. Xenophobia in US Immigration Policies Has Caused Serious Consequences

As regards immigration, the United States essentially pursues white (Anglo-Saxon) supremacy. It suppresses other races through extreme xenophobia and violates the basic rights and personal dignity of immigrants. This has exposed the hypocrisy of the so-called "US-style human rights". Social contradictions are deeply entrenched in US society, and it is extremely difficult to solve these contradictions.

Extreme immigration policies and xenophobia have intensified social conflicts and hate crimes in the United States. As reported by the website of *The New York Times* on August 5, 2019, from the morning of August 3 to the early morning of August 4, large-scale shootings

occurred in El Paso, Texas, and Dayton, Ohio, killing 31 people and injuring several dozens, and according to the officials, before the El Paso shooting, the gunman spread hate and racist speech in a statement accusing Latin American immigrants of "invading" Texas. The public generally believes that the gunman's motive is related to his general hostility toward immigrants. As reported by the website of the British newspaper *The Guardian* on August 27, 2019, white supremacists should be held accountable for 71 percent of the deaths in US terrorist attacks between 2008 and 2017.

The divergence in immigration policies existing in different sectors of the United States has exacerbated the country's internal divisions. The current Republican administration and Democrats have long been deadlocked over congressional budget appropriations to build the border wall, about a quarter of federal government agencies had been "shut down" for as long as 35 days since December 22, 2018, and about 800,000 federal government employees have been forced to work without pay or take vacations during this period of time. This federal government shutdown has greatly affected the US people's lives. Many states in the US have

strongly criticized the federal government's immigration policies. On August 26, 2019, 19 US states and Washington, DC jointly filed a lawsuit against the Trump administration's new rules that allow illegal immigrant families to be detained indefinitely.

The US immigration policies that are full of racial discrimination have seriously damaged the recognition for national identity and the fusion of races in the United States. As reported by the *VOX* news website on August 12, 2019, the US government's xenophobia against immigrants who cannot be assimilated has reached an unprecedented extreme in US history, which delivers a negative message to the public: "If you are brown, black, or an immigrant, you are no longer welcome here." This will fundamentally challenge the tradition of the United States as an immigrant country and exert a strong influence on the national and social well-being.

Since the independence of the United States, immigrants have offered abundant labor resources for the United States, made great contributions to its economic prosperity and development, facilitated scientific and technological exchanges and innovation, and shaped the diversity of its ethnicity and culture. Nevertheless, now

the US government is showing extreme xenophobia and rejecting and discriminating against immigrants, while chanting human rights slogans. This act is not only ironic, but it also undoubtedly ignores the traditions and reality of the United States. The reality of severe discrimination against and cruel treatment of immigrants has completely exposed the hypocrisy of the so-called "defender of human rights".