

June 13, 2018

Attorney General Jeff Sessions
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Sessions:

As members of the Society for Latin American and Caribbean Anthropology (SLACA) of the American Anthropological Association (AAA), we express grave concern over the recent Department of Justice ruling to deny asylum to those seeking refuge from gang persecution or domestic violence [27 I&N Dec. 316 (A.G. 2018)]. With nearly 500 members, SLACA remains the largest AAA organization of scholar-fieldworkers with regional experience and permanent living ties throughout Latin America and the Caribbean. Our expertise is grounded in decades of empirical research that may better inform policy decisions regarding the most basic of human rights: the right to escape violence and calculated death. As such, we understand better than most the deadly stakes of the DOJ ruling. Many of us have provided expert witness testimony for scores of asylum cases in which there exist the very real possibilities that both women and men will lose their lives to domestic and gang related violence. In short, this ruling is an unequivocal death warrant for thousands seeking to escape destructive situations that have in part been shaped by past U.S. foreign policy decisions.

It is a grave historical irony that many asylum seekers are fleeing to a country whose own domestic and foreign policies have forged the infernos they now seek to escape. The United States played a key role in stem-winding the transnational “gang problem” during the 1980s and 90s; as our affiliate members’ ethnographic research demonstrates, the hyper-incarceration and forced deportation of imprisoned citizens or simple migrants from Central America led to thousands of displaced, traumatized individuals banding together in the first place. Such groups aimed first and foremost to protect themselves, but often projected the violence inculcated against them in the United States across new urban areas in their countries of repatriation. The threat of extortion, kidnapping, and summary execution by highly organized gang members is clear and present. For some communities, vigilantism, crime, and politically motivated killings are simply part of daily life. Some counter this violence with more violence (in the form of self-defense organizations, paramilitaries, guerrillas); others merely blame the government and advocate for strong-arm regimes; but all violent responses to pockets of endemic or intensifying conflict would appear to erode civil rights and to stimulate even further state militarization. In the aftermaths of genocides that plagued the hemisphere in the 70s and 80s, numerous communities have to navigate across a looming or hazardous new terrain of low-intensity warfare, unaccountable police, a generalized culture of fear, and tenuous trust between citizens and the state.

The undeniable ramping up of violence throughout certain geographical zones in Latin America has stimulated a rising tide of crimes against women of all ages, including a quietly unrecorded wave of persecutions and murders. To be sure, systemic violence toward women remains an abhorrent injustice that continues to stain our societies and the humanity with which we identify as foundational to our very being. Domestic violence is not a recent phenomenon and it unfortunately will not end with legislation. However, this ruling will not only block the efforts of activists who strive to reduce violence against women across the globe, it will also fortify the position of those who seek to eliminate the option of emigration to the U.S. as a last resort. The lack of serious policing efforts or uncompromised judicial sincerity backed by state resources has strengthened impunity and emboldened would-be perpetrators. Without a doubt, the separation of children from women fleeing domestic violence adds yet another layer of trauma and violence to these desperate journeys. Despite the continued political rhetoric drawn from and replayed through particular media outlets, asylum applicants are not ‘criminals’ or ‘aliens.’ They are victims and survivors who seek sanctuary within a putatively lawful democracy.

Turning away those fleeing from fratricidal or femicidal violence at the U.S. southern border is no solution. Untold numbers of Latin Americans will be placed in great physical danger, and many thousands will be left vulnerable to the lethal forces and predatory groups that have already taken the lives of their family members and neighbors. Anthropologists working in the region perhaps more than any other body of regional experts recognize how DOJ's ruling perpetuates the "offshoring" of lethal violence generated in large part by U.S. foreign policy and the inevitable blowback into our country. Minimal standards of mercy - and even the most basic ethical understanding of this ruling's effects on members of particular countries - should not be lost on this administration. To many, ruling 27 I&N Dec. 316 (A.G. 2018) could potentially be understood as one of the cruelest and unusual sets of guidelines enshrined into legal protocol in recent U.S. history.

To be clear, we also reject tendentious portrayals that seek to paint an entire region, its peoples, and its diaspora as "violent." The diverse countries and peoples of Latin America and the Caribbean resist any one typecast, especially the nefarious mischaracterizations that underwrite and justify blanket legislative and judicial actions. And yet, despite the resilience, richness, and dense global interconnections that comprise Las Américas, we recognize that regional ecologies of violence must also demand the scrutiny and nuance that only regional expertise can offer. In many areas, the threat of domestic (and public) violence against women is real. Likewise, the risk of persecution by organized gangs is real. Countless reports, studies, and expert testimonies flesh out a situation that should neither be ignored nor misunderstood. We ponder, then, to what degree this DOJ policy is grounded more in clearing queues or enacting a covert targeting practice than it is about any philosophical legal stance that equally runs counter to the protection of human rights.

We are deeply concerned with this ruling and implore the Department of Justice to encourage a broader awareness and seek consultation with regional experts and their work throughout the hemisphere. The DOJ ought to blindly wield scales of justice and proportionality, not sharp legal swords that may cause increasing damage to both the United States and its closest friends and neighbors.

With all sincerity,

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