

## President Biden: Shut the American Gulag, Issue a Presidential Pardon, Uphold Universal Asylum Rights

By Gonzalo Santos [Op-ed published in The Bakersfield Californian on 3/5/23]

On February 17, 77 individuals detained at the Mesa Verde ICE Processing Center in Bakersfield and the Golden State Annex in McFarland launched a joint hunger strike demanding the immediate release of all individuals detained at the facilities and the shutdown of both detention centers, owned and operated by the private prison contractor GEO Group. Detained people have described living conditions in both facilities as “abhorrent” and “soul-crushing.”

Since then, the hunger strike has grown to about 100. Similar hunger strikes are occurring in other states among the vast network of immigrant prisons-for-profit passing as “detention” and “processing” centers that constitute “America’s Gulag” - one of our country’s most egregious moral failures, costly boondoggles, and policy quagmires.

It bears repeating that most of the tens of thousands undocumented immigrants imprisoned every year are *not criminals* but have immigration status irregularities deemed civil infractions. The waste of public funds, in the billions every year, is scandalous and unnecessary, as there are other proven, community-based approaches to manage immigrants awaiting their immigration status cases to be resolved.

Just last fiscal year (2022), the daily average for the number of immigrants held in these prisons was over 22,000, costing the American taxpayers hundreds of dollars a day per immigrant to keep them caged in small rooms and under cruel, terrible conditions, sometimes for years.

While this figure is lower than the 34,000 daily average number of held immigrants on the last year of the Trump administration, candidate Joe Biden did pledge to shut down the gulag and adopt the well-tested, cheaper, more humane, and less harsh approaches. And now, as the appalling conditions in these for-profit facilities have become intolerable to those detained, they have been pushed to desperate measures like hunger strikes.

It’s time President Biden shuts down the gulag and carries out his promise to the millions of Latinos and others who voted for him. And there’s a way he can do that at the stroke of his pen, even with a gridlocked Congress and a hostile Supreme Court: *pardon all undocumented immigrants residing in the U.S. for their immigration infractions!*

It requires political audacity, something in very short supply thus far in this administration; but if Biden does that, overnight there will be no legal basis to keep in detention the thousands of people for their immigration infractions; the cruel and immoral gulag will be denied any more bodies to fill their “warm beds” and will have to be shut down - at great taxpayers’ savings!

But more importantly, it would bring relief to those many more on the outside, too - the estimated 11 million Americans-in-waiting who have languished for decades waiting and in fear of sudden detention and deportation.

President Biden abandoned too quickly his early efforts to pass comprehensive immigration reform when he came into office. While he did introduce a strong bill to Congress in early 2021, the appetite to fight for it quickly dissipated in the face of relentless Republican attacks (and some Democrat, too) over the surge of asylum-seekers appearing at the border.

All subsequent partial relief bills submitted or included in major funding bills – including the effort made over the last so-called “lame-duck session” failed, in the face of total Republican obstructionism and Democrat lack of resolve. The hopes were raised among Dreamers, TPSers, and farm workers, only to be dashed again.

So, this is another promise the Biden administration and the Democrats in Congress have not delivered on, choosing instead to engage in Kabuki Theater performances to feign “commitment” and express lamentations at the lack of action even when they have controlled both chambers of Congress and the White House. Latinos and other people who voted for them to get immigration reform results are rightfully disappointed (and appalled and disgusted at the Republicans’ callous obstructionism).

A last word on the asylum-seeker crisis at the border. It is real, but only because of the deep state of denial among both parties of the duopoly in Washington. It is a *humanitarian* crisis – not a “*security*” crisis. The fentanyl traffic, for instance, is done by U.S. citizens crossing ports of entry. It’s as if the countries neighboring Ukraine would begin closing their borders to asylum-seekers in fear they may be Communist infiltrators sent by Putin!

The problem is that the Biden administration has caved to the Republican narrative and is now busy trying to enact new rules that essentially enforce the notorious “travel ban” that the Trump administration sought to impose on asylum-seekers – which was thrown out of court for violating U.S. and international asylum law – prior to adopting the public health “Title 42” rule.

This does not bode well for either asylum-seekers or interior undocumented communities, nor for the incarcerated migrants in the gulag because, instead of displaying political courage and boldness, President Biden is showing that he is capitulating to the Republican’s relentless nativist immigrant-baiting, manufactured border hysteria, and ultra-restrictionist policies.

And in so doing, he is betraying American values and his pledges to Latino voters and the immigrant communities, in utter fear of sure-to-come Trumpist attacks - instead of showing leadership and resolve, call their bluff, and act boldly. He is thus risking the support of his base for his reelection campaign next year, who will surely demand: **President Biden: shut the American Gulag, issue a Presidential Pardon, and uphold universal asylum rights!**

*Gonzalo Santos is Professor Emeritus of Sociology at the California State University in Bakersfield. A rally outside the Mesa Verde ICE-GEO facility in Bakersfield, California, will be held on Sunday, March 5, at 12:00 pm.*