

Yitro 5780
Freedom and Covenant: Facing the Refugee Crisis
Rabbi Betsy Forester

[Note: This d'var Torah begins with the first part of a song, which Rabbi Forester sang in segments throughout the delivery, as indicated by the italicized, centered text.]

*Ribbons of people have woven my story,
Generations of stories stored up in my blood
Inside me a light burns
Outside so much darkness
Sorry but I can't hide my face; how can anyone?*

It is 6:30 on a chilly Thursday morning, February 13, at the Chaparral Port of Entry in Tijuana. People heading for the United States stream toward the pedway to Immigration and Border Patrol, where their passports or Global ID cards will be scanned, and within minutes, they will arrive at the entrance to a San Diego shopping mall and go about their day.

Another group of around 30 people huddles around the corner from the pedway entrance, behind a wall. These are migrants seeking shelter in the United States. They have come from Mexico, Honduras, El Salvador, Guatemala, and Russia. One may be from Cameroon. Some have come alone but most are in small groups, mostly families with young children. Children decorate Valentines with crayons and stickers on a tarp set down on the sidewalk by a blonde American female around my age.

Some have come to put their names on the List. Others are expecting their number to be called today, after having waited 4 to 6 months for their turn to request asylum. The day before, 25 people crossed the border to do so. The day before that, 20 people crossed. There would have been an additional family on Tuesday, but when the father's name was called, it turned out the list maker had not included the man's wife and kids, so the family had to return to their temporary shelter and wait longer. When they returned a day later, on Wednesday, they were told to come back on Thursday.

That same Tuesday, a group of men from Haiti were denied access to the List because they did not have a Mexico-issued Humanitarian Visa. No such visa is required, but they did not know that. Representatives from our human rights observer group, Al Otro Lado, stared down the officials until they relented and allowed some of those men to be listed.

Also on Tuesday, an unexpectedly high volume of numbers were called, but because many of those people were not expecting their names to be called for another week or so, they were not present. If they were lucky, they might have been admitted on Wednesday, or today, at the latest, without having to start the process all over again.

Today there is a hopeful mood in the air. People who traveled thousands of miles fleeing state-sponsored brutality, extortion, and poverty, with little more than the clothes on their backs, expect today to be the day when they will request asylum in the United States if America for themselves and their families.

At around 8 am a woman in jeans and a sweatshirt, a migrant, herself, emerges from a hidden corner where the List is managed. “No List today, and no numbers will be called,” she announces in Spanish, “Come back tomorrow and try again” Within 5 minutes, crayons and toys are packed up and the crowd disperses. Some will not be given re-entry to the shelters they left this morning. Others face hours of travel back to villages outside of Tijuana.

There will be no movement on or off the List today, no entry from the Port that admits the greatest volume of asylum seekers from our country’s southern border. Despite the dangers of being vulnerable in Tijuana, it is still safer here than at than any other port of entry city.

*My ancestors came here on boats bearing homeless.
Refugees in tattered strings made this land their home
I grew up believing these states were a haven
But Miss Liberty, she doesn't just welcome everyone.*

The List itself is illegal. That is why it is managed in a secluded area at the edge of the Chaparral plaza. And it is not recorded in any computer. It is written by hand in a spiral notebook by migrants themselves, under the nose and watchful eye of both Mexican and U.S. officials, who will not let would-be asylum seekers get to the port of entry until their number is called, which takes 4-6 months.

There is no set amount of numbers called between 6:30 and 8 am each day, and it is difficult to predict the date on which a person’s number will be called. There is no guarantee of one’s place on the list and no guarantee that a person’s number ever will be called, because the List is illegal.

According to asylum law, any person seeking asylum has the right to show up at a U.S.

port of entry, request asylum, and have a Critical Fear Interview. There should be no waiting list that keeps would-be asylum seekers from approaching a U.S. immigration officer to trigger their legal rights.

When I crossed the pedway back onto U.S. soil, I looked down and saw makeshift shelters in the ditch below. Clothing was stretched out to dry on the ground--a men's white work shirt, work pants, undergarments, baby clothes. Over 5,000 people live like that while they are waiting to enter the U.S.

U.S. Immigration does allow unaccompanied minors to cross, though, prompting many families to send their teenagers across the border alone. Those kids are kept in government custody unless they have sponsors to take them in.

Judy Pierotti, Steve and Bobbie Jellinek, two local friends, and I volunteered through Al Otro Lado, a human rights observer organization whose name means "On the Other Side." Tijuana is the epicenter of the refugee crisis on this continent since the "Remain in Mexico" policy went into effect a year ago.

While waiting to request asylum, non-Mexicans generally cannot obtain work permits. Whatever work they are able to find usually is under abusive conditions for under \$10 a day. When they go to receive wire transfers of money they may have left in the bank, rather than to carry all of their cash with them, they often receive only half of the funds wired; the rest is pocketed by unscrupulous clerks.

On Tuesday, I gave sandwiches, fruit, and coffee to migrants who came to Al Otro Lado for free counseling and support so that they could understand their rights under the law and navigate the complex process of asylum seeking. They were hungry and very grateful.

*Oh, Mother Earth, can't your beauty stop the beating?
Can't you blow around some of that grain to the ones who aren't eating?
We're a family of people on this planet we share
And we've got conflicting ideas of how to care.*

It is actually more expedient to cross the border illegally. People who do that are usually caught right away. They avoid the execrable 4-6 month wait that way, but it makes them criminals from the moment they enter, which hurts their chances of being accepted for asylum.

Most of the people waiting in Mexico are *not* waiting for their numbers to be called. Their numbers have already *been* called. Here's what happens: When a migrant's number gets called, they are taken into custody on U.S. soil. There is no legal basis for detaining them while their cases are pending, and there are many other ways they could be monitored that would be far less costly and more humane. But they are kept locked in a cement cell called the "*Hileria*," or "Ice Box," pending their Credible Fear Interview. Officially, they are not supposed to be held there for more than 72 hours, but most spend at least a week in the Ice Box, and it is not unusual for people to be kept there for 3 weeks. The temperature is set at 48 degrees, there are no clocks, and the lights are kept on at all times. There are no showers and detainees are not allowed to brush their teeth. There is no access to diapers or soap. People are often stripped down to their base layer of clothing. For that reason, Al Otro Lado recommends that people wear their warmest layer closest to their skin--for example, putting on a sweater, and then a tee shirt over it. Many migrants develop pneumonia or bronchitis in the Ice Box. People must sleep on the floor. They are given food that is often past its expiration date, or frozen. Many kids get sick from it. Because of family separation, now, many parents write their full names and birth dates on their children's bodies in permanent marker. Some parents enter with a legal form stating that they know it is illegal for their children to be separated from them without their permission, and they expressly, and in writing, do *not* give their consent. Those forms do sometimes help. I saw those forms. We entertained those kids. We met groups of people who had been sent back to Mexico. Many people's documents are taken from them, and sometimes not returned. Al No media or attorneys are allowed into the Ice Box.

Some ports of entry have something called a "dog cage" instead of an "ice box." I don't know details about the dog cage.

When the day arrives for their Credible Fear Interview, detainees are awakened in the middle of the night by officers yelling for them to get up and leave the Ice Box to meet with an officer. They must plead their case for asylum in that wretched condition--bedraggled, freezing, dirty, and terrified. That makes it easier for officers, lacking empathy, to reject their petitions for asylum out of hand and order that they be deported. It takes more work to make a person eligible to continue the process than to reject their claim. If they are not found eligible, they are deported. If their case seems credible enough to continue the process, and they are not from Mexico, they are sent back to Mexico to wait for a court date. That is what "Remain in Mexico" is about. They are sent to wait in Mexico for a court date, beginning a cycle many migrants never complete because the standard of evidence required for those people has been made unreasonably high since last July. Less than .1% of those seekers are granted asylum.

Those who are from Mexico face a different set of circumstances. 5% of them end up being granted asylum.

What we have at the border is a manufactured crisis, and the List is only the beginning.

I want to stop here and be clear about something. President Trump's recent policies have made the humanitarian situation much worse on both sides of the border, but he is not the first or the only U.S. President to disappoint on this issue. And it's not only Republican presidents who have enacted policies that made it more difficult for refugees to settle or remain in the U.S. Presidents Clinton and Obama did, it, too. Now, it will take years for people with asylum cases that are already deemed worthy, by U.S. judges, to be granted asylum, because of the extraordinary and unprecedented backlogs created by intentional mismanagement. The song I've been singing: I wrote it during Reagan's presidency.

*A mighty powerful person, he heard from a person
She'd heard through the grapevine 'bout folks hungry and cold
Now in words they can't read and in a tongue they don't know
He bids them welcome while he's making them go.*

My point here is not to blame a specific administration but to bear witness to the humanitarian nightmare being carried out in our name right now, because we, as Jews, have a responsibility to our fellow human beings. The fact that it is far worse now only makes our responsibility heavier and our task greater.

There is a great deal more to share about what we saw, and in fact there are details that make the situation even worse than I described. We will find another time for the group of us who went to the Border to share with you more fully what we saw there. But today is Parashat Yitro, the Shabbat of witnessing, and it is only right that I bring this much to you now. Because we were not freed from liberation so that we could bask in happiness without responsibility. That was not God's goal. At Sinai, we were called to a way of life that demands radical responsibility for our fellow human beings, and our ancestors eagerly accepted that mantle. It is not our job to understand, as Isaiah says in today's *haftarah*, why some of us are lucky enough to be born in this country and live lives of abundance while others suffer and flee their homes in search of health and safety. God calls us to strive for human justice, in our Torah and in our lives. God's law asks us to see the face of God in all of humanity and to make Earth a place where God's presence can dwell.

I could make that case using any number of Biblical, prophetic, and rabbinic texts from ancient times up to the present moment, and if I had more time to prepare these words, I would have been tempted to do so. In fact, I was tempted, and I got as far as gathering many sources and then I realized: Either we understand this, or we don't.

As Jews living in this country, we have been incredibly blessed. Most of us descended from refugees. This country is built on refugees. The song I wrote in the 80s sadly rings true today.

*What work should I do, whom should I love?
What should I fight for? What am I made of?
Whom do I stand for? Is there Something above,
Touching the light in my spirit awaiting the dove?*

*Ribbons of people have woven my story,
Generations of stories stored up in my blood
Inside me a light burns.*

We were liberated in order to make this world habitable for humanity and for God. I hope and pray that we will find the best ways to do our part.