



Countering Trump's Nativist Narrative About Immigrant Youth

Gang violence is a complex issue that requires nuanced and evidence-based solutions. The Trump Administration has taken a narrow punitive approach based on stereotypes that demonize immigrant youth of color and fuel its larger mass deportation agenda under the guise of “law and order.” Claims that curtailing immigration to the U.S. will resolve gang violence are misleading and distract from finding effective law enforcement and community-based solutions.

1. The Trump Administration is targeting immigrant youth and communities of color under the guise of being “tough on gangs.”

Since day one of his campaign and throughout his presidency, Trump has advanced a narrative that falsely links immigrants and people of color with criminality to fuel his vision of who belongs in this country and who does not. To advance this vision, Trump seeks to jail and deport as many immigrant youth as possible. While gang violence is a problem in communities across the country, the law enforcement suppression tactics advanced by the Trump Administration do nothing to address public safety. Instead, they fuel stereotypes and trample on our constitutional norms. This deliberate attempt to demonize immigrant youth is not a new phenomenon; indeed, it echoes the “superpredator” rhetoric deployed in the 1990s against black youth. Instead of marginalizing communities of color and engaging in racially-biased policing, law enforcement should pivot to effective solutions to gang violence which involve listening to and working with local communities to provide alternatives and supports to youth at risk of gang involvement.¹

2. Gang databases are riddled with errors and encourage racial profiling

Gang databases have extremely low thresholds for inclusion, with the result that living in a neighborhood where there are gang members or talking to people who are gang members often results in placement in a gang database.² An audit of California’s gang database CalGangs found that law enforcement could not substantiate a significant proportion of their entries into the gang database.³ Unfortunately, the way most gang databases are used encourages racial profiling of young men of color living in poor neighborhoods. Moreover, individuals often have no knowledge that they have been designated in a gang database, nor are there effective processes in place to challenge or purge these designations.⁴ A gang database designation can have dire legal consequences, including leading to deportation. Deportations can occur without any gang-related conviction or finding.

¹ See The Immigrant Legal Resource Center, [Meaningfully Addressing Gang Violence](#), Jan. 2018.

² See The Immigrant Legal Resource Center, [Practice Advisory: Understanding Allegations of Gang Membership/Affiliation in Immigration Cases](#), Apr. 2017; see also Joshua D. Wright, *The Constitutional Failure of Gang Databases*, 2 Stan. J. of C.R. & C.L. 115, 125 (2005).

³ California State Auditor, *The CalGang Criminal Intelligence System*, Report 2015-130 (August 2016) at 2.

⁴ See, e.g., Griselda Flores, *Chicago Police Admission Exposes Loophole in the City’s Sanctuary Protection*, CityLab, Dec. 27, 2017.

3. Combating gang violence requires an increase in prevention measures and community support

Too often, young immigrants are banished to the margins of society where their vulnerability to human traffickers and gang members is heightened.⁵ Marginalization is not a solution to gang violence. Real solutions entail investing in prevention, trauma-informed support services, and integration programs. We must strengthen the skills and capacities of social support programs in these communities.

4. The Trump Administration's narrative about unaccompanied children is false

The Trump Administration's narrative that unaccompanied children are "wolves in sheep's clothing" who use the unaccompanied minors program to bring gang activity into the U.S. is false and dangerous.⁶ Contrary to this absurd assertion, there is no data to support any MS-13 "plan" to send gang members to the U.S. posing as unaccompanied minors. In fact, organizations that work with this population have extensive anecdotal information running directly contrary to that notion; most children coming to the U.S. from Central America are fleeing forced gang recruitment or other harms inflicted by gangs. Blaming the diverse population of unaccompanied children and youth that seek refuge in the United States for gang violence in our communities will only further traumatize these young people.

5. All children, including those who may have been involved with gangs in their home countries, have a right to seek protection in the U.S.

U.S. law and treaty obligations mandate that any person who seeks protection from persecution or torture in the U.S. must be given an opportunity to do so.⁷ Ultimately, an asylum officer or immigration judge will weigh the relevant discretionary factors and decide whether they are entitled to protection under U.S. law. Most unaccompanied children arriving at the U.S. border are seeking safety they could not find at home.⁸ Longstanding scientific and legal consensus recognizes the vulnerability of youth to gang involvement. In many cases, this vulnerability is compounded for street children, orphans, or abuse survivors. Tough-on-crime rhetoric is simply out of place in the context of gang recruitment and manipulation of youth. It is almost never the case that a young person involved in gang-related activities is there absent cruel tactics of manipulation or coercion, whether recognized by the child or not.

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⁵ See, e.g., Jonathan Blitzer, *The Teens Trapped Between a Gang and the Law; How Gang Victims Are Labelled as Gang Suspects; and Former Gang Members Offer Advice on How to Combat MS-13*, *The New Yorker*, Jan. 2018; Alice Speri, [From School Suspension to Immigration Detention](#), *The Intercept*, Feb. 11, 2018.

⁶ See Lauren Dezenski, [Sessions: Many unaccompanied minors are 'wolves in sheep's clothing'](#), *Politico*, Sept. 21, 2017.

⁷ See 8 U.S.C. § 1158(a)(1); see also U.N. General Assembly, 1967 United Nations Protocol Relating to the Status of Refugees; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, 1465 U.N.T.S. 85.

⁸ See, e.g., Frank de Waegh, [Unwilling Participants: The Coercion of Youth into Violent Criminal Groups in Central America's Northern Triangle](#), *Jesuits.org*, 2015; Inter-American Commission on Human Rights, [Situation of Human Rights in Honduras](#), O.A.S. Doc. OEA/Ser.LV/II. Doc. 42/15 (Dec. 31, 2015); Human Rights Watch, [World Report 2016: Honduras](#).