



TEXAS HAS ARRESTED THOUSANDS ON TRESPASSING CHARGES AT THE BORDER - ASSOCIATED PRESS

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Photo: Migrants wait to be processed by the U.S. Customs and Border Patrol after they crossed the Rio Grande and entered the U.S. from Mexico, Thursday, Oct. 19, 2023, in Eagle Pass, Texas

Before settling in New York City like thousands of other migrants this year, Abdoul, a 32-year-old from West Africa, took an unexpected detour: Weeks in a remote Texas jail on local trespassing charges after crossing the U.S.-Mexico border.

"I spent a lot of hours without sleeping, sitting on the floor," said Abdoul, a political activist who fled Mauritania, fearing persecution. He spoke on the condition that his last name not be published for fear of jeopardizing his request for asylum.

Starting in March, Texas will allow police to arrest migrants who enter the state illegally and give local judges the authority to order them out of the country. The new law comes two years after Texas launched a smaller-scale operation to arrest migrants for trespassing. But although that operation was also intended to stem illegal crossings, there is little indication that it has done so.

The results raise questions about the impact arrests have on deterring immigration as Texas readies to give police even broader powers to apprehend migrants on charges of illegal entry. Civil rights organizations have already sued to stop the new law signed by Republican Gov. Greg Abbott, calling it an unconstitutional overreach that encroaches on the U.S. government's immigration authority.

On Thursday, the Justice Department told Abbott that it will also bring a lawsuit unless Texas reverses course on the new law by next week, according to a letter that was first obtained by Hearst Newspapers.

Since 2021, Texas authorities have arrested nearly 10,000 migrants on misdemeanor trespassing charges under what Abbott has called a "arrest and jail" operation: Border landowners enter agreements with the state authorizing trespassing arrests, clearing the way for law enforcement to apprehend migrants who enter the U.S. through those properties.

The arrests have drawn constitutional challenges in courts, including claims of due process violations. More recently, one landowner asked officials to stop the trespassing arrests on their property, claiming authorities never had permission in the first place.

Abbott had predicted the trespassing arrests would produce swift results. "When people start learning about this, they're going to stop

coming across the Texas border," he told Fox News in July 2021, when Texas-Mexico border crossings reached 1.2 million that fiscal year.

That number has ticked up even higher over the past fiscal year, topping 1.5 million.



"They're still coming through here," said Sheriff Tom Schmeber of Maverick County, where Abdoul crossed the border and was quickly arrested in July.

Abbott suggested this month Texas may soon phase out the trespassing arrests as it moves forward with illegal entry charges that can be enforced most anywhere in the state, including hundreds of miles from the border.

The trespassing arrests have been a cornerstone of Abbott's nearly \$10 billion border mission known as Operation Lone Star that has tested the federal government's authority over immigration. Abbott has also sent an estimated 80,000 migrants on buses to Democratic-led cities, strung up razor wire on the border and installed buoy barriers on the Rio Grande. Last week, Abbott sent a flight of 120 migrants to Chicago in an escalation of his busing operation.

The mission is visible in Maverick County, where many of the arrests have taken place. Patrol cars are parked every few miles along the two-lane roads leading to the border city of Eagle Pass. Along the Rio Grande, state troopers from Florida, one of several GOP-led states that have sent National Guard members and law enforcement to the border, work in tandem with Texas officials.

Abdoul was arrested in the city's Shelby Park, a small piece of greenery touching the river with a ramp for boaters. It was the Fourth of July when Abdoul set foot on American soil for the first time. Officers standing nearby asked him a few questions and quickly took him into custody.

He said that he was given small food portions in jail and was so miserable he would say anything to get out. He pleaded guilty to trespassing, a charge that carries a maximum sentence of a year in jail.

It's unknown how many of those arrested on the border for trespassing remain in the U.S., were deported, were allowed to stay to seek asylum, or had their cases dismissed. But Kristen Etter, an attorney who said her legal organization has represented more than 3,000 migrants on the trespassing charges, said the majority of their clients were allowed to stay and seek asylum.

She said many migrants seek out law enforcement at the border because they want to surrender.

"If anything, rather than being a deterrent, it is attracting more people," she said.

The trespassing arrests are spearheaded by the Texas Department of Public Safety, which said the state's border operation has resulted in more than 37,000 total criminal arrests. Spokesperson Ericka Miller said officers have stopped gang members, human traffickers, sex offenders and others from entering the country.

"Had we not been there, all of it likely would have crossed into the country unimpeded," Miller said in an email. "The state of Texas is working to send a message to those considering crossing into the country illegally to think again."

Rolando Salinas, the mayor of Eagle Pass, signed a blanket trespassing charge affidavit to allow arrests like Abdoul's on park grounds during a spike in migrant crossings in July. Following local backlash, he rescinded the affidavit before signing it again weeks later. Ultimately, Salinas said, he supports the operation because it has brought needed law enforcement personnel to the city.

"Our force is not big enough to maintain the peace of Eagle Pass if we have 10-15,000 people coming through," Salinas said.

State Rep. David Spiller, who authored the new arrest law Abbott signed this month, said he believes border crossings would be much higher without the trespassing prosecutions. But he said those cases add to prosecutors' workloads, depend on cooperation from

landowners, and, even if defendants are convicted, the offense is not deportable under federal law.

Those charged, Spiller said, are presumably assimilating into the U.S. population.



"We're doing what we can, but we're only slowing down that process," Spiller said. "We haven't stopped anybody."

Abdoul went to New York City after his release, where he said he was allowed to stay at a shelter for a month. He now rents a room with a cousin and is awaiting a work permit. Then, he said, he will get a job and try to go to school until an immigration judge decides his future next spring.

"When everything is finished and my case is guaranteed, I want to go to school because I started school and my dream is to be well educated," Abdoul said.

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Associated Press video journalist Ted Shaffrey reported from New York.