

December 9, 2019

VIA U.S. MAIL AND EMAIL

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**RE: Implementation of the Migrant Protection Protocols (“MPP”) in Tamaulipas State**

Dear Acting Secretary Wolf, Acting Commissioner Morgan, Acting Director Albence, Chief Patrol Agent Martinez, and Chief Patrol Agent Padilla:

We write to demand that the Department of Homeland Security (“DHS”) immediately cease returning migrants to Tamaulipas State, Mexico, pursuant to the Migrant Protection Protocols (“MPP”). As set forth below, implementation of MPP in Tamaulipas – one of the most dangerous regions in the world, and the object of a State Department level four travel advisory – should have never taken place given the country conditions evidence available to DHS. Consistent with that evidence, implementation of MPP in Tamaulipas has exposed migrants to severe and life-threatening violence and made it practically impossible for them to pursue their asylum claims in the United States. For these reasons, the implementation of MPP in Tamaulipas State must end.

## I. BACKGROUND

Since late January 2019, pursuant to the MPP, DHS has been returning asylum seekers who arrive in the United States at or near the Southern border back to Mexico while they wait for their immigration proceedings to conclude. In April 2019, a U.S. district court in the Northern District of California issued a preliminary injunction against the MPP, finding that it likely violates both the Immigration and Nationality Act (“INA”) and the Administrative Procedure Act (“APA”). *Innovation Law Lab v. Nielsen*, 366 F. Supp. 3d 1110, 1114 (N.D. Cal. 2019). However, a motions panel of the Ninth Circuit stayed that injunction pending the government’s appeal. *Innovation Law Lab v. McAleenan*, 924 F.3d 503, 510 (9th Cir. 2019).<sup>1</sup> In the intervening months, the number of people returned to Mexico under MPP has grown from around 5,000 to over 53,000.

The MPP policy should be rescinded altogether for the reasons set forth in the district court’s order, among others. We write here, however to specifically address the implementation of the MPP in Tamaulipas State, Mexico, where, as the federal government has consistently acknowledged, the extreme level of danger makes it especially unconscionable to be returning migrants.

DHS began implementing MPP in Tamaulipas in July 2019, notwithstanding pre-existing U.S. State Department level four travel advisories, which ranked the danger in Tamaulipas at the same level as in conflict zones like Syria and Afghanistan, and extensive country reports documenting the dangerous conditions in the region. Since then, more than 24,000 migrants have been returned to Nuevo Laredo and Matamoros, widely recognized as among the most violent cities in the world. As set forth in the evidence attached, DHS was aware that migrants returned to these places face life-threatening violence and other dangers, and these threats have borne out. These dangers are extensively documented in reports by the government—including by the U.S. State Department—nongovernmental organizations, and the media. These reports (attached and summarized below) provide extensive and detailed information regarding the widespread dangers migrants face in Tamaulipas and the inability of Mexican authorities to protect them.

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<sup>1</sup> The appeal was argued and submitted to the Ninth Circuit in October 2019 and awaiting decision.



In light of this extensive evidence, we demand that DHS immediately cease its policy of returning migrants to Tamaulipas and requiring that they present for their hearings at ports of entry in Tamaulipas pursuant to the MPP.

## II. EVIDENCE

### 1. U.S. Government Reports Detailing Dangerous Conditions in Tamaulipas State

Prior to and following implementation of MPP in Tamaulipas, the U.S. Department of State and the Congressional Research Service have documented the extreme levels of violence in that region. For example, the State Department issued “Level 4: Do Not Travel” advisories for Tamaulipas in 2018 and 2019—the same level assigned Iraq, Syria, and Afghanistan—warning individuals not to travel there and noting that Mexican authorities have only “limited capability” to respond to violence. The advisories further prohibit U.S. government employees from traveling between cities in Tamaulipas using interior Mexican highways and requiring them to observe a curfew between midnight and 6:00 a.m. in the cities of Matamoros and Nuevo Laredo. Notwithstanding these dangers, asylum seekers with immigration proceedings in Brownsville and Laredo are expected to be present at those ports of entry well before 6:00 a.m. in order to arrive at their court hearings on time.

The U.S. government reports on Tamaulipas include:

- Ex. A, U.S. Department of State, *Mexico Travel Advisory* (Apr. 9, 2019) (issuing a “Level 4: Do Not Travel” advisory for the state of Tamaulipas “due to crime and kidnapping,” warning that “[v]iolent crime, such as murder, armed robbery, carjacking, kidnapping, extortion, and sexual assault, is common,” and reporting that “[f]ederal and state security forces have limited capability to respond to violence in many parts of the state”)
- Ex. B, U.S. Department of State, *Mexico Travel Advisory* (Nov. 15, 2018) (issuing a “Level 4: Do Not Travel” advisory for the state of Tamaulipas “due to crime” and reporting the same dangers as those flagged in the April 9, 2019 travel advisory)
- Ex. C, U.S. Department of State, *Mexico Travel Advisory* (Aug. 22, 2018) (issuing a “Level 4: Do Not Travel” advisory for the state of Tamaulipas state “due to crime” and reporting dangers similar to those flagged in the November 15, 2018 and April 9, 2019 travel advisories)
- Ex. D, U.S. Department of State, *2018 Country Reports on Human Rights Practices: Mexico* (Mar. 13, 2019) (reporting on the disappearance of 23 individuals by Mexican security forces in Nuevo Laredo and complaints of cruel, inhuman, or degrading treatment and sexual torture by federal police and officials in Tamaulipas, including complaints of rape in which no investigations were pursued)
- Ex. E, U.S. Department of State, *2017 Country Reports on Human Rights Practices: Mexico* (Apr. 20, 2018) (reporting that Tamaulipas was the state in Mexico with the most missing or disappeared persons at 5,657 and with the highest number of internally displaced persons at approximately 20,000, as well as the Tamaulipas State government’s inability to control its prisons)

- Ex. F, U.S. Department of State, *2016 Country Reports on Human Rights Practices: Mexico* (updated Apr. 7, 2017) (reporting on the victimization of migrants by criminal groups, police, and immigration officials, including numerous instances of armed groups targeting migrants, including kidnappings and homicides)
- Ex. G, U.S. Department of State, *2015 Country Reports on Human Rights Practices: Mexico* (2016) (reporting on the complicity of municipal police in the 2010 killing of 72 migrants in Tamaulipas; police involvement in the deaths of 193 other victims found in mass graves in Tamaulipas in 2011; and “a period of intense fighting between rival criminal groups in northern Tamaulipas,” including in Matamoros)
- Ex. H, Congressional Research Service, *Mexico: Organized Crime and Drug Trafficking Organizations* (updated Aug. 15, 2019) (describing corruption at different levels of government in Mexico, including the 2017 arrest and extradition to the United States of the former governor of Tamaulipas on charges of drug trafficking, money laundering, and other corruption, as well as increased violence in Tamaulipas—including daily kidnappings and daytime shootings from 2014 through 2016—due to conflicts between several competing gangs)

Moreover, on November 19, 2019, there was a hearing before the House Subcommittee on Border Security, Facilitation, and Operations. While the hearing reviewed the implementation of MPP as a whole, the issue of violence against migrants in Tamaulipas was raised by witnesses to the Subcommittee:

- Ex. I, *Examining the Human Rights and Legal Implications of DHS’ ‘Remain in Mexico’ Policy: Hearing Before the Subcomm. on Border Sec., Facilitation & Operations of the H. Comm. on Homeland Sec., 116th Congress* (2019) (describing migrants being kidnapped on the doorstep of Mexican migration offices and shelters in cities in Tamaulipas, and instances of torture and kidnapping in Matamoros)

## **2. Reports by NGOs Detailing Dangers Asylum Seekers Face in Tamaulipas State**

Likewise, several non-governmental organizations (“NGOs”) have documented the dangers that asylum seekers face in Tamaulipas, such as extortion, kidnappings, and sexual violence. These NGO reports include:

- Ex. J, Human Rights First, *Human Rights Fiasco: The Trump Administration’s Dangerous Asylum Returns Continue* (Dec. 2019) (highlighting examples of harm to migrants in Nuevo Laredo and Matamoros, including kidnapping and rape of children such that parents are sending their children unaccompanied to the ports of entry; describing targeting of migrant shelters and bus stations, as well as how asylum seekers are risking their lives to appear at the MPP court in Laredo; and, documenting the complicity of Mexican migrant agents and other officials in kidnappings and attacks)
- Ex. K, Human Rights First, *Orders from Above: Massive Human Rights Abuses Under Trump Administration Return to Mexico Policy* (Oct. 1, 2019) (detailing precarious conditions for migrants in Nuevo Laredo and Matamoros, and kidnappings, beatings, assaults, and sexual violence suffered by asylum seekers in these cities)

- Ex. L, Human Rights First, *Trump Administration Delivers Asylum Seekers to Grave Danger in Mexico: 200+ publicly reported cases of rape, kidnapping, and assault just the tip of the iceberg* (Sept. 2019) (reporting on the increasing number of violent crimes against asylum seekers in Mexico, including the kidnapping of Cuban families and children in Nuevo Laredo, and describing the lack of resources available for asylum seekers in Nuevo Laredo and Matamoros and their vulnerability to criminal organizations)
- Ex. M, Human Rights Watch, *U.S. Move Puts More Asylum Seekers at Risk* (Sept. 25, 2019) (highlighting the expansion of MPP to Nuevo Laredo and Matamoros despite the State Department’s Level 4 Travel Advisory for the area and reports of migrants suffering physical violence, sexual violence, and kidnappings)
- Ex. N, Human Rights First, *Complaint to the Office of the Inspector General Concerning Rape, Kidnapping, Assault, and Other Attacks on Asylum Seekers and Migrants Returned to Mexico* (Aug. 26, 2019) (providing information to DHS of the many reported cases of harm suffered by migrants returned to Mexico under MPP, and reporting instances of migrants being kidnapped or extorted by organized crime or Mexican authorities, including in Nuevo Laredo)
- Ex. O, Human Rights First, *Delivered to Danger: Illegal Remain in Mexico Policy Imperils Asylum Seekers’ Lives and Denies Due Process* (Aug. 2019) (highlighting conditions of violence in Tamaulipas, in particular for migrants, while warning about dangers after the expansion of MPP to Laredo and Brownsville)
- Ex. P, Yael Schacher, *Remain in Mexico Policy is Undermining Asylum and Endangering Asylum Seekers*, Refugees International (Aug. 28, 2019) (detailing interviews with asylum seekers who, after reporting to CBP they had been kidnapped or trafficked into prostitution while waiting in Tamaulipas, were still sent back to Matamoros under MPP, and explaining that migrants in Matamoros must sleep in open camps with no protection)
- Ex. Q, Doctors Without Borders, *Mexican city of Nuevo Laredo not a safe place for people seeking asylum* (Jul. 3, 2019) (describing how 45 percent of patients the organization served in Nuevo Laredo had suffered at least one episode of violence as they waited to cross to the U.S.)
- Ex. R, Human Rights Watch, *We Can’t Help You Here* (Jul. 2, 2019), at 21 (warning about the expansion of MPP to Laredo and describing Tamaulipas as one of two Mexican Gulf States where more than 1,300 mass graves, including those of migrants, have been discovered in since 2007)
- Ex. S, Human Rights First, *Barred at the Border: Wait “Lists” Leave Asylum Seekers in Peril at Texas Ports of Entry* (Apr. 2019), at 9 (relaying the account of a migrant shelter director that kidnappings and extortion are prevalent in Nuevo Laredo and are common among migrants hosted in the shelter; reporting on kidnappings and violent acts experienced by asylum seekers in Nuevo Laredo)
- Ex. T, International Rescue Committee, *Needs Assessment Report - Mexico: Northern Border* (Mar. 25, 2019), at 1 (listing Nuevo Laredo and Matamoros among the most dangerous border crossings between the U.S. and Mexico), at 7 (recognizing Nuevo Laredo as a port of entry with increased needs for protection)
- Ex. U, Human Rights First, *A Sordid Scheme, The Trump Administration’s Illegal Return of Asylum Seekers to Mexico* (Mar. 2019), at 14 (describing high levels of violent crimes

committed by organized crime in Tamaulipas and the Mexican government's incapacity to respond; reporting on migrants' experiences of kidnappings, beatings, death threats, and extortion in Nuevo Laredo)

- Ex. V, Kristy Siegfried, *The Refugee Brief*, UNHCR (Mar. 14, 2019) (reporting that Mexican authorities rescued 34 Central Americans, including 15 minors, who had been held captive in north-eastern Tamaulipas, and highlighting the continued search for two large groups of migrants who were kidnapped in a bus while traveling through Tamaulipas)
- Ex. W, American Immigration Council, American Immigration Lawyers Association, and Catholic Legal Immigration Network, Letter to Kristjen Nielsen, Secretary, Department of Homeland Security, *Substantial Evidence Demonstrating Catastrophic Harms That Will Befall Migrants in Mexico with Continued Implementation and Further Expansion of Migrant Protection Protocols* (Feb. 6, 2019) (warning about the harms and dangers that migrants would face if MPP was implemented and expanded, and noting that Tamaulipas is considered one of the most dangerous places in the world)

Many of the dangers detailed above are summarized in a letter recently submitted by nearly 120 immigration, human rights, and civil rights organizations, and over 115 academics to members of Congress, detailing the ways in which the implementation of MPP and conditions in Mexico, particularly cities like Matamoros and Nuevo Laredo, threaten migrants and their asylum cases, including by requiring migrants to navigate border areas controlled by dangerous cartels and impeding access to counsel:

- Ex. X, Letter to U.S. Congress Members Jerold Nadler, Bennie G. Thompson, Jamie Raskin, Zoe Lofgren, Kathleen Rice, United States House of Representatives, on behalf of immigration, human rights, and civil rights organizations and academics, *Request for Action to End "Remain in Mexico" Program* (Nov. 19, 2019) (emphasizing that migrants returned to Mexico are vulnerable to violence, that MPP has caused the separation of children from their families, and that MPP makes it more difficult for asylum seekers to access counsel)

Some of these NGOs are continually documenting and reporting these dangers through the website, <https://deliveredtodanger.org/>, which notes that as of December 5, 2019, at least 636 publicly reported cases of rape, torture, kidnapping and other violent assaults have been documented in Mexico.

### **3. Media Reports Detailing Instances of Violence Against Migrants in Tamaulipas State**

Since well before 2019 and throughout this year, journalists have also reported on the dangers that asylum seekers face in Tamaulipas, including violence of asylum seekers have faced after being returned to Mexico under MPP. These media reports include:

- Ex. Y, This American Life, *The Out Crowd* (Nov. 5, 2019) (reporting on dangers such as kidnappings in Matamoros and Nuevo Laredo and warnings to journalists about being out after dark in those cities)

- Ex. Z, Reynaldo Leños Jr., *As New Migrant Shelter Prepares to Open in Matamoros, Concerns of Safety and Access to Aid Grow*, Texas Public Radio (Oct. 29, 2019) (reporting concerns about the opening of a new migrant shelter given the frequency of kidnappings and other forms of violence at a short distance from the border)
- Ex. AA, Sergio Flores, *What Life is Like for the Migrants Who Occupied a U.S.-Mexico Bridge in Protest*, Vice News (Oct. 28, 2019) (highlighting how the kidnapping of migrants is common in border cities, including Nuevo Laredo and Matamoros)
- Ex. BB, Delphine Schrank, *Asylum Seekers cling to hope, safety in camp at U.S.-Mexico border*, Reuters (Oct. 16, 2019) (reporting on the high levels of kidnappings and extortion in Nuevo Laredo and Matamoros, which increased after the expansion of MPP to the area)
- Ex. CC, Nicole Narea, *House Democrats say migrants aren't getting fair hearings at tent courts on the border*, Vox (Oct. 18, 2019) (noting migrants under MPP in Nuevo Laredo and Matamoros have to present themselves at the port courts at 4:30 in the morning, which puts them at increased risks given the dangerous conditions on the ground that even the Department of State has recognized)
- Ex. DD, Patrick J. McDonnell, *Mexico sends asylum seekers south – with no easy way to return for U.S. court dates*, L.A. Times (Oct. 15, 2019) (reporting on the Mexican government's programmatic busing of migrants out of Matamoros and Nuevo Laredo in "hyper-dangerous Tamaulipas state" to southern Mexico, and asylum seekers who left Nuevo Laredo because of their fear of remaining there)
- Ex. EE, Adolfo Flores, *Asylum-Seekers Protesting Squalid Conditions Shut Down a US Border Crossing for 15 hours*, BuzzFeed (Oct. 11, 2019) (reporting how the border between Brownsville and Matamoros was shut down after migrants stranded in Matamoros protested over the lack of shelters and health and social services that have resulted in unsafe living conditions, including individuals being kidnapped by cartels in Nuevo Laredo while being transported to a shelter)
- Ex. FF, Kristina Cooke, Mica Rosenberg, Reade Levinson, *Exclusive: U.S. migrant policy sends thousands of children, including babies, back to Mexico*, Reuters (Oct. 11, 2019) (noting how Matamoros is considered a violent battleground for cartels)
- Ex. GG, Amanda Holpuch, *U.S. sends asylum seekers to Mexico's border towns as it warns citizens of violence in region*, The Guardian (Oct. 10, 2019) (reporting statistics on crimes committed against asylum seekers returned to Mexico under MPP, which include several instances of kidnappings in Nuevo Laredo and Matamoros)
- Ex. HH, Gaby Del Valle, *Hundreds of Migrants Just Shut Down a Bridge Between the U.S. and Mexico*, Vice News (Oct. 10, 2019) (highlighting how the kidnapping of migrants for extortion is frequent in border cities, including Nuevo Laredo and Matamoros)
- Ex. II, Noah Lanard, *Trump's Brutal Border Policy is Even More Terrifying for LGBTQ Asylum Seekers*, Mother Jones (Oct. 8, 2019) (explaining violence LGBT asylum seekers have faced while stranded in Matamoros, which include beatings, harassment, and gruesome threats to their lives)
- Ex. JJ, Reynaldo Leños Jr., *12 Asylum-Seekers Julián Castro Escorted to the U.S. Sent Back to Mexico*, National Public Radio (Oct. 8, 2019) (recounting the visit of Democratic presidential candidate Julián Castro to Matamoros where he advocated an exemption to MPP for migrants who had faced violence and harassment in Matamoros for being LGBT)

- Ex. KK, Debbie Nathan, *U.S. Border Officials Use Fake Addresses, Dangerous Conditions, and Mass Trials to Discourage Asylum-Seekers*, The Intercept (Oct. 4, 2019) (highlighting how the cities along the border in Tamaulipas are very dangerous, particularly for asylum seekers, who have been seized from buses and kidnapped)
- Ex. LL, Jonathan Blitzer, *How the U.S. Asylum System is Keeping Migrants at Risk in Mexico*, The New Yorker (Oct. 1, 2019) (detailing the different ways asylum seekers are at risk along different parts the Mexican-U.S. border, including the story of a migrant shelter director in Nuevo Laredo who was abducted when trying to protect a group of Cuban asylum seekers from extortion)
- Ex. MM, Silvia Foster-Frau, *Gangs profit from Trump's Remain in Mexico policy*, San Antonio Express News (Sept. 29, 2019) (reporting that migrant shelters have been stormed by gangs, and asylum seekers have increasingly become targets for organized crime, as reflected in the increase in rates of kidnappings in Nuevo Laredo and other border cities since the U.S. government began implementing MPP)
- Ex. NN, Rachel Martin, *Tent Courts for Migrant Asylum Seekers Described as Disorganized*, National Public Radio (Sept. 18, 2019) (reporting that attorneys representing asylum seekers in Nuevo Laredo consider the city unsafe for migrants to wait in and for attorneys to visit)
- Ex. OO, Emily Green, *Trump's Asylum Policies Sent Him Back to Mexico. He was Kidnapped Five Hours Later by a Cartel*, Vice (Sept. 16, 2019) (reporting interviews with multiple asylum seekers who had been kidnapped or narrowly avoided being kidnapped, and explaining cartels have turned kidnapping migrants into a business model that operates with impunity)
- Ex. PP, Gus Bova, *Migrants at Laredo Tent Court Tell Stories of Kidnappings and Violence While Pleading Not to Be Returned to Mexico*, Texas Observer (Sept. 16, 2019) (reporting on several asylum seekers who described assaults or kidnappings in Nuevo Laredo while waiting for their immigration court proceedings in Laredo)
- Ex. QQ, Andrew R. Calderon, *Border Courts Swamped with New Asylum Cases*, The Marshall Project (Sept. 13, 2019) (detailing how long wait times are risky for migrants in Tamaulipas)
- Ex. RR, John Burnett, *Criminals Target Migrants in Mexico Seeking U.S. Asylum*, National Public Radio (Aug. 27, 2019) (reporting on the Cartel of the Northeast's control over Nuevo Laredo, and Mexican authorities busing migrants over two and a half hours away of the border to get them out of the "crime ridden city")
- Ex. SS, Associated Press, *Mexico is Busing Asylum-Seeking Migrants to Southern Border* (Aug. 16, 2019) (reporting how Mexican government bused migrants from Nuevo Laredo and Matamoros to Mexico's southern border, over a thousand miles away, "to provide a safer alternative to those who do not want to remain on the U.S.-Mexico border")
- Ex. TT, Kevin Sieff, *When they filed their asylum claim, they were told to wait in Mexico. There, they say, they were kidnapped*, Washington Post (Aug. 10, 2019) (reporting instances of migrants being kidnapped in Nuevo Laredo and Matamoros since the expansion of MPP to those cities, and the statement of a Mexican congressman from the state of Tamaulipas who affirmed the lives of migrants are in danger and that the State does not have the capacity to protect them)
- Ex. UU, Camilo Montoya-Galvez, *U.S. will now return asylum seekers to one of Mexico's most dangerous areas*, CBS News (Jul. 19, 2019) (reporting on the expansion of MPP to

- Nuevo Laredo and Matamoros, including the prior statement of Martha Bárcena, Mexico's ambassador to the U.S., noting the high security challenges in Tamaulipas)
- Ex. VV, Kirk Semple, *Migrants in Mexico Face Kidnappings and Violence While Awaiting Immigration Hearings in U.S.*, New York Times (Jul. 12, 2019) (describing conditions in Nuevo Laredo for migrants, where they have “long been frequent targets” of organized crime)
  - Ex. WW, Scott McDonald, *Mexican Border Town Where Americans Advised Not to Travel Set To Receive Migrants Sent Back From U.S.*, Newsweek (June 24, 2019) (warning about the potential implementation of the MPP in Nuevo Laredo, noting the high levels of violence and the State Department travel advisory)
  - Ex. XX, KGNS.tv, *Migrants kidnapped from charter bus in Mexico* (Mar. 14, 2019) (reporting on the kidnapping of 22 migrants from a bus traveling through Tamaulipas)
  - Ex. YY, Kate Linthicum, *Mexico launching search for migrants pulled off bus by gunmen near the U.S. border*, L.A. Times (Mar. 13, 2019) (reporting on the kidnapping by cartels of 19 migrants traveling by bus in Tamaulipas)
  - Ex. ZZ, Kate Morrissey and Kate Linthicum, *Mexico promises to take care of asylum seekers sent back by the United States*, San Diego Union-Tribune (Jan. 25, 2019) (describing Tamaulipas as a state where migrants have been killed, kidnapped, extorted and forcibly recruited; noting skepticism of Mexican government's ability to protect migrants)
  - Ex. AAA, David Brennan, *Twenty People Found Dead and Burden Close to U.S.-Mexico Border Crossing*, Newsweek (Jan. 10, 2019) (reporting on the discovery of 20 bodies near Nuevo Laredo, and noting the levels of violence in the city and how it is dangerous for migrants)
  - Ex. BBB, Kevin Sieff, *U.S. Sends Thousands of Deportees Each Month to Mexico's Most Dangerous Border Areas*, Washington Post (Jan. 8, 2019) (reporting that in 2017 the Tamaulipas government recorded dozens of cases of migrants being kidnapped or extorted by criminal groups)
  - Ex. CCC, Noah Lanard, *Why Trump's Latest Asylum Decision Will Put Migrants' Lives in Danger*, Mother Jones (Dec. 21, 2018) (interviewing an expert on country conditions in Mexico who explained how border areas in Tamaulipas are being contested by cartel factions, and reporting that conditions are so dangerous that migrant shelters do not permit migrants to leave at night)
  - Ex. DDD, Kevin Sieff, *Migrants will wait in Mexico while the U.S. processes asylum claims. That's a dangerous proposition*, Washington Post (Dec. 20, 2018) (noting the high levels of violence in Tamaulipas, how migrants are a target for organized crime, and the fact that migrants are often kidnapped and extorted in Tamaulipas)
  - Ex. EEE, Colleen Long and Mark Stevenson, *US says migrants will wait in Mexico after claiming asylum*, Associated Press (Dec. 20, 2018) (noting areas in northern Mexico, particularly across from Texas, are extremely dangerous, and the Department of State's warning not to travel to Tamaulipas)
  - Ex. FFF, Associated Press, *At least 4,000 migrants on way to U.S. have died or gone missing in last four years*, NBC News (Dec. 5, 2018) (describing Tamaulipas as the Mexican state with the highest number of disappearances in the country, and the place where the corpses of 72 migrants were once found near the border with Texas)

- Ex. GGG, Nick Miroff, *Migrant caravan: One reason Central Americans are going all the way to Tijuana to reach the U.S. border? El Chapo*, Washington Post (Nov. 15, 2018) (describing high number of migrants who have gone missing in the states of Veracruz and Tamaulipas along the route to south Texas)
- Ex. HHH, Seth Robbins, *Migrant Caravan in Mexico Changes Course, but Dangers Still Lurk*, InSight Crime (Nov. 13, 2018) (reporting how a Central American migrant caravan that journeyed through Mexico in 2018 opted to take a longer route to Tijuana instead of going through Tamaulipas, a notoriously dangerous state for migrants)
- Ex. III, Patrick Timmons, *African Migrants Surge at U.S.-Mexico border; Rio Grande drownings up*, United Press International (Sept. 4, 2018) (describing Tamaulipas as one of Mexico's "most deadliest states and a hotbed of organized criminal activity")
- Ex. JJJ, Daniel Peña, *What happens to deportees back in Mexico? One group is offering a hand*, NBC News (Aug. 24, 2018) (noting how cartel control and corruption, including in the northern areas of Tamaulipas, have worsened the conditions for migrants)
- Ex. KKK, Ray Sanchez, Nick Valencia and Tal Kopan, *Trump's immigration policies were supposed to make the border safer. Experts say the opposite is happening*, CNN (July 20, 2018) (reporting on rising insecurity in the Southern border region, including the kidnapping and extortion of 30 migrants while they traveled on a bus through Tamaulipas)
- Ex. LLL, John Daniel Davidson, *With Cartels In Control, There Are No Easy Answers to the Border Crisis*, The Federalist (June 26, 2018) (describing how cartel control, violence, and influence makes the 'border crisis' harder to handle, and highlighting the U.S. Department of State Level 4 Travel advisory for Tamaulipas and how the mayor of Nuevo Laredo warned citizens not to travel to the U.S. through Tamaulipas due to the violence)
- Ex. MMM, Joshua Partlow, *U.N. says Mexico's security forces likely behind disappearances of people along the border*, Washington Post (May 30, 2018) (noting there have been over 1,300 unresolved disappearances in Nuevo Laredo since 2016, some of the cases including children as young as 14, and the Tamaulipas's incapacity to prevent disappearances or find the disappeared)
- Ex. NNN, Alex Horton, *Trump keeps calling the Southern border 'very dangerous.' It is, but not for Americans*, Washington Post (Jan. 20, 2018) (summarizing President's Trump public statements on the dangers and levels of violence of the southern border, and highlighting Tamaulipas as a deadly state where migrants are at risk of being caught in cartel crossfire)
- Ex. OOO, Julia Zorthian and Lon Tweeten, *This Map Shows Where Americans Are Being Told 'Do Not Travel' in Mexico*, Time (Jan. 11, 2018) (reporting the U.S. Department of State issued "do not travel" advisories to 5 Mexican states, including Tamaulipas, placing them in the same category as countries like Syria, Yemen, and Somalia)

MPP, as a whole and specifically applied in Tamaulipas, should never have been adopted. Given the well-documented risks that asylum seekers face in Tamaulipas, we demand that you cease returning migrants to Tamaulipas and requiring that they report for their court hearings at corresponding ports of entry pursuant to the MPP.



Sincerely,

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/s/ Judy Rabinovitz  
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CC:

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# EXHIBIT A

# Mexico Travel Advisory

Travel Advisory  
April 9, 2019

Mexico - Level 2: Exercise  
Increased Caution



Exercise increased caution in Mexico due to **crime** and **kidnapping**. Some areas have increased risk. Read the entire Travel Advisory.

Violent crime, such as homicide, kidnapping, carjacking, and robbery, is widespread.

The U.S. government has limited ability to provide emergency services to U.S. citizens in many areas of Mexico as travel by U.S. government employees to these areas is prohibited or significantly restricted.

U.S. government employees may not travel between cities after dark, may not hail taxis on the street, and must rely on dispatched vehicles, including from app-based services like Uber, or those from regulated taxi stands. U.S. government employees may not drive from the U.S.-Mexico border to or from the interior parts of Mexico with the exception of daytime travel within Baja California, and between Nogales and Hermosillo on Mexican Federal Highway 15D.

Read the Safety and Security section on the [country information page](#).

Do Not Travel to:

- Colima state due to **crime**.
- Guerrero state due to **crime**.
- Michoacán state due to **crime**.
- Sinaloa state due to **crime**.
- Tamaulipas state due to **crime** and **kidnapping**.

**For detailed information on all states in Mexico, please see below.**

If you decide to travel to Mexico:

- Use toll roads when possible and avoid driving alone or at night. In many states, police presence and emergency services are extremely limited outside the state capital or major cities.
- Exercise increased caution when visiting local bars, nightclubs, and casinos.
- Do not display signs of wealth, such as wearing expensive watches or jewelry.
- Be extra vigilant when visiting banks or ATMs.
- Enroll in the [Smart Traveler Enrollment Program \(STEP\)](#) to receive Alerts and make it easier to locate you in an emergency.
- Follow the Department of State on [Facebook](#)<sup>↗</sup> and [Twitter](#)<sup>↗</sup>.
- Review the [Crime and Safety Reports](#) for Mexico.
- U.S. citizens who travel abroad should always have a contingency plan for emergency situations. Review the [Traveler's Checklist](#).

### **Aguascalientes state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no restrictions on travel for U.S. government employees.

### **Baja California state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

Criminal activity and violence, including homicide, remain a primary concern throughout the state. While most of these homicides appeared to be targeted, criminal organization assassinations and turf battles between criminal groups have resulted in violent crime in areas frequented by U.S. citizens. Bystanders have been injured or killed in shooting incidents.

Due to poor cellular service and hazardous road conditions, U.S. government employees may only travel on Highway 2D between Mexicali and Tijuana via “La Rumorosa” during daylight hours.

There are no restrictions on travel for U.S. government employees in Baja California, which includes tourist areas in: **Ensenada, Rosarito, and Tijuana.**

### **Baja California Sur state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

Criminal activity and violence, including homicide, remain a primary concern throughout the state. While most homicides appeared to be targeted, criminal organization assassinations and turf battles between criminal groups have resulted in violent crime in areas frequented by U.S. citizens. Bystanders have been injured or killed in shooting incidents.

There are no restrictions on travel for U.S. government employees in Baja California Sur, which includes tourist areas in: **Cabo San Lucas, San Jose del Cabo, and La Paz.**

### **Campeche state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no restrictions on travel for U.S. government employees.

### **Chiapas state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no restrictions on travel for U.S. government employees in Chiapas state, which includes tourist areas in: **Palenque, San Cristobal de las Casas, and Tuxtla Gutierrez.**

### **Chihuahua state – Level 3: Reconsider Travel**

Reconsider travel due to crime.

Violent crime and gang activity are widespread. While most homicides appear to be targeted assassinations carried out by criminal organizations, turf battles between criminal groups have resulted in violent crime in areas frequented by U.S. citizens. Bystanders have been injured or killed in shooting incidents.

Travel for U.S. government employees is limited to the following areas with the noted restrictions:

- **Ciudad Juarez:** They may travel at any time to the area of Ciudad Juarez bounded to the east by Bulevar Independencia; to the south by De los Montes Urales/Avenida Manuel J Clouthier/Carretera de Juarez; to the west by Via Juan Gabriel/Avenida de los Insurgentes/Calle Miguel Ahumada/Francisco Javier Mina/Melchor Ochampo; and to the north by the U.S.-Mexico border.

Additionally, direct travel to the Ciudad Juarez airport and the factories (maquilas) located along Bulevar Independencia and Las Torres is permitted. Travel to the factory (maquila) and cattle inspection station in San Jeronimo is permitted only through the United States via the Santa Teresa port of entry; travel via Anapra is prohibited.

- **Chihuahua City:** U.S. government employees must travel from Ciudad Juarez to Chihuahua City during daylight hours via Highway 45, with stops permitted only at the Federal Police station, the overlook, the border inspection station at KM 35, and the shops and restaurants on Highway 45 in the town of Villa Ahumada. They may not travel to the Morelos, Villa, and Zapata districts of Chihuahua City.
- **Nuevo Casas Grandes Area (including Nuevo Casas Grandes, Casas Grandes, Mata Ortiz, Colonia Juarez, Colonia LeBaron, and Paquime):** U.S. government employees must travel to the Nuevo Casas Grandes area during daylight hours through the United States. U.S.

government employees must enter Mexico at the Palomas Port of Entry on New Mexico Route 11 before connecting to Mexico Highway 2 to Nuevo Casas Grandes.

- **Ojinaga:** U.S. government employees must travel to Ojinaga via U.S. Highway 67 through the Presidio, Texas Port of Entry. U.S. government employees may visit the city during daylight hours only and must overnight in Texas.
- **Palomas:** U.S. government employees must travel to Palomas via U.S. highways through the Palomas Port of Entry in Columbus, New Mexico.

Travel by U.S. government employees to all other areas of the state of Chihuahua, including Copper Canyon, is prohibited.

Visit our website for [Travel to High-Risk Areas](#).

### **Coahuila state – Level 3: Reconsider Travel**

Reconsider travel due to crime.

Violent crime and gang activity are common in parts of Coahuila state.

Travel for U.S. government employees is limited to the following areas with the noted restrictions:

- **Piedras Negras and Ciudad Acuña:** U.S. government employees must travel directly from the United States and observe a midnight to 6:00 a.m. curfew in both cities.
- **Highway 40 and areas south**

Visit our website for [Travel to High-Risk Areas](#).

### **Colima state – Level 4: Do Not Travel**

Do not travel due to crime.

Violent crime and gang activity are widespread.



Travel for U.S. government employees is limited to the following areas with the noted restrictions:

- **Colima City:** U.S. government employees must travel on toll road 54D to reach Colima City from Guadalajara.
- **Manzanillo:** U.S. government employees may travel by air or on route 200 from the Jalisco border. U.S. government employees are limited to the tourist and port areas between Marina Puerto Santiago and Playa las Brisas.

Visit our website for [Travel to High-Risk Areas](#).

### **Durango state – Level 3: Reconsider Travel**

Reconsider travel due to crime.

Violent crime and gang activity are common in parts of Durango state.

U.S. government employees may not travel to the area west and south of Highway 45 and the city of Gomez Palacio.

There are no additional restrictions on travel for U.S. government employees.

Visit our website for [Travel to High-Risk Areas](#).

### **Estado de Mexico state – Level 3: Reconsider Travel**

Reconsider travel due to crime.

Both violent and non-violent crime is prevalent in the Estado de Mexico. Mexican government statistics indicate criminal incidents in the Estado de Mexico occur at a significantly higher rate than much of the rest of Mexico. Pay particular caution to areas outside of the frequented tourist areas, although petty crime occurs frequently in tourist areas as well.

There are no restrictions on travel for U.S. government employees.

Visit our website for [Travel to High-Risk Areas](#).

**Guanajuato state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

The majority of gang-related violence occurs in the south of the state, near the border with Michoacán, and is often linked to the widespread theft of petroleum and natural gas from the state oil company and other suppliers.

There are no restrictions on travel for U.S. government employees.

**Guerrero state – Level 4: Do Not Travel**

Do not travel due to crime.

Armed groups operate independently of the government in many areas of Guerrero. Members of these groups frequently maintain roadblocks and may use violence towards travelers. U.S. government employees may not travel to the entire state of Guerrero, including Acapulco, Zihuatanejo, Ixtapa, and Taxco.

Visit our website for [Travel to High-Risk Areas](#).

**Hidalgo state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no restrictions on travel for U.S. government employees.

**Jalisco state – Level 3: Reconsider Travel**

Reconsider travel due to crime.

Violent crime and gang activity are common in parts of Jalisco state. In metropolitan Guadalajara, turf battles between criminal groups are taking place in areas frequented by U.S. citizens. Shooting incidents between criminal groups have injured or killed innocent bystanders.

U.S. government employees may not travel to:

- Within 20 km (12 miles) of the Jalisco/Michoacán border, south of Route 120

- Highway 80 south of Cocula
- Highway 544 from Mascota to San Sebastian del Oeste

There are no restrictions on travel for U.S government employees to: **Guadalajara Metropolitan Area, Riviera Nayarit (including Puerto Vallarta), Chapala, and Ajijic.**

Visit our website for [Travel to High-Risk Areas](#).

### **Mexico City – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

Both violent and non-violent crime is prevalent in Mexico City. Mexican government statistics indicate criminal incidents in the capital city occur at a significantly higher rate than much of the rest of Mexico. Pay particular caution to areas outside of the frequented tourist areas, although petty crime occurs frequently in tourist areas as well. Neighborhoods such as Tepito and Guerrero warrant additional vigilance, especially at night.

There are no restrictions on travel for U.S. government employees.

### **Michoacán state – Level 4: Do Not Travel**

Do not travel due to crime.

Travel for U.S. government employees is limited to the following areas with the noted restrictions:

- **Highway 15D:** U.S. government employees may travel on Federal Toll Highway (cuota) 15D to transit the state between Mexico City and Guadalajara.
- **Morelia:** U.S. government employees may travel by air and by land using Highways 43 or 48D from Highway 15D.
- **Lazaro Cardenas:** U.S. government employees must travel by air only and limit activities to the city center or port areas.

Visit our website for [Travel to High-Risk Areas](#).

### **Morelos state – Level 3: Reconsider Travel**

Reconsider travel due to crime.

Violent crime and gang activity are common in parts of Morelos state.

There are no restrictions on travel for U.S. government employees.

Visit our website for [Travel to High-Risk Areas](#).

### **Nayarit state – Level 3: Reconsider Travel**

Reconsider travel due to crime.

Violent crime and gang activity are common in parts of Nayarit state. U.S. government employees may not travel to:

- Tepic
- San Blas

There are no restrictions on travel for U.S government employees to: **Riviera Nayarit (including Nuevo Vallarta and Bahia de Banderas)** and **Santa Maria del Oro**.

Visit our website for [Travel to High-Risk Areas](#).

### **Nuevo Leon state – Level 3: Reconsider Travel**

Reconsider travel due to crime.

Violent crime and gang activity are common in parts of Nuevo Leon state.

U.S. government employees in Monterrey must stay within the San Pedro Garza Garcia municipality, south of the Santa Catarina River, between 1:00 a.m. and 6:00 a.m., except for direct travel to and from the airport.

There are no additional restrictions on travel for U.S. government employees.

Visit our website for [Travel to High-Risk Areas](#).

### **Oaxaca state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

U.S. government employees may not travel to:

- Isthmus region of Oaxaca, defined by Highway 185D to the west, Highway 190 to the north, and the Oaxaca/ Chiapas border to the east. This includes the towns of Juchitan de Zaragoza, Salina Cruz, and San Blas Atempa.
- Highway 200 northwest of Pinotepa.

There are no restrictions on travel for U.S. government employees to other parts of Oaxaca state, which include tourist areas in: **Oaxaca City, Monte Alban, Puerto Escondido, and Huatulco.**

### **Puebla state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

Gang-related violence is often linked to the widespread theft of petroleum and natural gas from the state oil company and other suppliers.

There are no restrictions on travel for U.S. government employees.

### **Queretaro state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no restrictions on travel for U.S. government employees.

### **Quintana Roo state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

Criminal activity and violence, including homicide, remain a primary concern throughout the state. While most of these homicides appeared to be targeted, criminal organization assassinations and turf battles between criminal groups have resulted in violent crime in areas frequented by U.S. citizens. Bystanders have

been injured or killed in shooting incidents.

There are no restrictions on travel for U.S. government employees in Quintana Roo state, which include tourist areas in: **Cancun, Cozumel, Playa del Carmen, Tulum,** and the **Riviera Maya**.

### **San Luis Potosi state – Level 3: Reconsider Travel**

Reconsider travel due to crime.

Violent crime and gang activity are common in parts of San Luis Potosi state.

There are no restrictions on travel for U.S. government employees.

Visit our website for [Travel to High-Risk Areas](#).

### **Sinaloa state – Level 4: Do Not Travel**

Do not travel due to crime.

Violent crime is widespread. Criminal organizations are based and operating in Sinaloa state.

Travel for U.S. government employees is limited to the following areas with the noted restrictions:

- **Mazatlan:** U.S. government employees may travel by air or sea only. U.S. government employees are limited to the Zona Dorada and historic town center, and must use direct routes when traveling to and from those locations and the airport and cruise terminals.
- **Los Mochis and Topolobampo:** U.S. government employees may travel by air or sea only. U.S. government employees are restricted to the city and the port, and must use direct routes when traveling between these locations and to and from the airport.

Visit our website for [Travel to High-Risk Areas](#).

### **Sonora state – Level 3: Reconsider Travel**

Reconsider travel due to crime.

Sonora is a key location used by the international drug trade and human trafficking networks. However, northern Sonora experiences much lower levels of crime than cities closer to Sinaloa and other parts of Mexico.

U.S. government employees may not travel to:

- The triangular region west of the Mariposa Port of Entry, east of Sonoyta, and north of Altar.
- The district within Nogales that lies to the north of Avenida Instituto Tecnológico and between Periferico (Bulevar Luis Donaldo Colosio) and Corredor Fiscal (Federal Highway 15D), and the residential areas to the east of Plutarco Elias Calles.
- The eastern edge of the state of Sonora, which borders the state of Chihuahua: all points along that border east of Federal Highway 17, the road between Moctezuma and Sahuaripa, and State Highway 20 between Sahuaripa and the intersection with Federal Highway 16.
- All points south of Federal Highway 16 and east of Highway 15 (below Hermosillo), and all points south of Empalme.

In addition, U.S. government employees may not use taxi services in Nogales.

U.S. government employees may travel between the Nogales border crossing points of DeConcini and Mariposa in Nogales to and from Hermosillo during the day only on Highway 15D. U.S. government employees may stop in the towns of Santa Ana and Imuris and at restaurant/restroom facilities located along the highway.

U.S. government employees may travel to Puerto Peñasco via the Lukeville/Sonoyta crossing during daylight hours on Federal Highway 8, or by using Federal Highway 15 south from Nogales and east via Federal Highway 2 and State Highway 37 through Caborca during daylight hours. U.S. government employees may also travel directly from the nearest U.S. Ports of Entry

to San Luis Rio Colorado, Cananea, and Agua Prieta, but may not go beyond the city limits.

Visit our website for [Travel to High-Risk Areas](#).

### **Tabasco state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no travel restrictions on travel for U.S. government employees.

### **Tamaulipas state – Level 4: Do Not Travel**

Do not travel due to crime and kidnapping.

Violent crime, such as murder, armed robbery, carjacking, kidnapping, extortion, and sexual assault, is common. Gang activity, including gun battles and blockades, is widespread. Armed criminal groups target public and private passenger buses as well as private automobiles traveling through Tamaulipas, often taking passengers hostage and demanding ransom payments. Federal and state security forces have limited capability to respond to violence in many parts of the state.

U.S. government employees may only travel within a limited radius between the U.S. Consulates in Nuevo Laredo and Matamoros and their respective U.S. Ports of Entry. U.S. government employees may not travel between cities in Tamaulipas using interior Mexican highways and they must observe a curfew between midnight and 6:00 a.m. in the cities of Matamoros and Nuevo Laredo.

Visit our website for [Travel to High-Risk Areas](#).

### **Tlaxcala state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no travel restrictions on travel for U.S. government employees.

### **Veracruz state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.



There are no restrictions on travel for U.S. government employees.

### **Yucatan state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no restrictions on travel for U.S. government employees in Yucatan state, which includes tourist areas in: **Chichen Itza, Merida, Uxmal, and Valladolid.**

### **Zacatecas state – Level 3: Reconsider Travel**

Reconsider travel due to crime.

Violent crime and gang activity are common in parts of Zacatecas state.

There are no restrictions on travel for U.S. government employees.

Visit our website for [Travel to High-Risk Areas](#).

***Last Update: Reissued after periodic review with updates to U.S. government restrictions on personnel.***

# EXHIBIT B



## Mexico Travel Advisory

Travel Advisory  
November 15,  
2018

### Mexico - Level 2: Exercise Increased Caution



Exercise increased caution in Mexico due to **crime**. Some areas have increased risk. Read the entire Travel Advisory.

Violent crime, such as homicide, kidnapping, carjacking, and robbery, is widespread.

The U.S. government has limited ability to provide emergency services to U.S. citizens in many areas of Mexico as travel by U.S. government employees to these areas is prohibited or significantly restricted.

U.S. government employees may not travel between cities after dark, may not hail taxis on the street, and must rely on dispatched vehicles, including from app-based services like Uber, or those from regulated taxi stands. U.S. government employees may not drive from the U.S.-Mexico border to or from the interior parts of Mexico with the exception of daytime travel within Baja California, and between Nogales and Hermosillo on Mexican Federal Highway 15D.

Read the Safety and Security section on the [country information page](#).

#### Do not travel to:

- Colima state due to **crime**.
- Guerrero state due to **crime**.
- Michoacán state due to **crime**.
- Sinaloa state due to **crime**.
- Tamaulipas state due to **crime**.

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If you decide to travel to Mexico:

- Use toll roads when possible and avoid driving alone or at night. In many states, police presence and emergency services are extremely limited outside the state capital or major cities.
- Exercise increased caution when visiting local bars, nightclubs, and casinos.
- Do not display signs of wealth, such as wearing expensive watches or jewelry.
- Be extra vigilant when visiting banks or ATMs.
- Enroll in the [Smart Traveler Enrollment Program \(STEP\)](#) to receive Alerts and make it easier to locate you in an emergency.
- Follow the Department of State on [Facebook](#) and [Twitter](#).
- Review the [Crime and Safety Reports](#) for Mexico.
- U.S. citizens who travel abroad should always have a contingency plan for emergency situations. Review the [Traveler's Checklist](#).

### **Aguascalientes state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no restrictions on travel for U.S. government employees.

### **Baja California state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

Criminal activity and violence, including homicide, remain a primary concern throughout the state. While most of these homicides appeared to be targeted, criminal organization assassinations and turf battles

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in areas frequented by U.S. citizens. Bystanders have

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Due to poor cellular service and hazardous road conditions, U.S. government employees may only travel on Highway 2D between Mexicali and Tijuana via “La Rumorosa” during daylight hours.

There are no restrictions on travel for U.S. government employees in Baja California, which includes tourist areas in: **Ensenada, Rosarito, and Tijuana.**

### **Baja California Sur state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

Criminal activity and violence, including homicide, remain a primary concern throughout the state. While most homicides appeared to be targeted, criminal organization assassinations and turf battles between criminal groups have resulted in violent crime in areas frequented by U.S. citizens. Bystanders have been injured or killed in shooting incidents.

There are no restrictions on travel for U.S. government employees in Baja California Sur, which includes tourist areas in: **Cabo San Lucas, San Jose del Cabo, and La Paz.**

### **Campeche state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no restrictions on travel for U.S. government employees.

### **Chiapas state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no restrictions on travel for U.S. government employees in Chiapas state, which includes tourist areas in: **Palenque, San Cristobal de las Casas, and Tuxtla Gutierrez.**

### **Chihuahua state – Level 3: Reconsider Travel**

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Crime and gang activity are widespread. While

most homicides appeared to be targeted, criminal organization assassinations and turf battles between criminal groups have resulted in violent crime in areas frequented by U.S. citizens. Bystanders have been injured or killed in shooting incidents.

Travel for U.S. government employees is limited to the following areas with the noted restrictions:

- **Ciudad Juarez:** U.S. government employees require prior approval to travel to the downtown area (i.e., the area south of Calle Malecon, west of Calle 5 de Mayo, north of Calle 18 de Marzo, and east of Avenida Francisco Villa). They may access the Paso del Norte (Santa Fe) Bridge, the Bridge of the Americas, and the Stanton Street Bridge via the border highways only. They must access the San Geronimo Port of Entry through the United States or the Anapra-San Geronimo Highway in Mexico. U.S. government employees require prior approval to travel after dark to areas east of Bulevar Independencia. They must travel to and from the airport after dark via Mexico Highway 45, using the most direct route north of Bulevar Zaragoza to access the highway.
- **Chihuahua City:** U.S. government employees must travel from Ciudad Juarez to Chihuahua City during daylight hours via Highway 45, stopping only at the shops at Highway 45/Miguel Ahumada in the town of Villa Ahumada. They may not travel to the Morelos, Villa, and Zapata districts of Chihuahua.
- **Nuevo Casas Grandes Area (including Nuevo Casas Grandes, Casas Grades, Mata Ortiz, Colonia Juarez, Colonia LeBaron, and Paquime):** U.S. government employees must travel to the Nuevo Casas Grandes area during daylight hours through the United States. U.S. government employees should enter Mexico at

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- **Ojinaga:** U.S. government employees must travel to Ojinaga via U.S. Highway 67 through the Presidio, Texas Port of Entry. U.S. government employees may visit the city during daylight hours only.
- **Palomas:** U.S. government employees must travel to Palomas via U.S. highways through the Palomas Port of Entry in Columbus, New Mexico.

Visit our website for [Travel to High-Risk Areas](#).

### Coahuila state – Level 3: Reconsider Travel

Reconsider travel due to crime.

Violent crime and gang activity are common in parts of Coahuila state.

Travel for U.S. government employees is limited to the following areas with the noted restrictions:

- **Piedras Negras and Ciudad Acuña:** U.S. government employees must travel directly from the United States and observe a midnight to 6:00 a.m. curfew in both cities.
- **Highway 40 and areas south**

Visit our website for [Travel to High-Risk Areas](#).

### Colima state – Level 4: Do Not Travel

Do not travel due to crime.

Violent crime and gang activity are widespread.

Travel for U.S. government employees is limited to the following areas with the noted restrictions:

- **Colima City:** U.S. government employees must travel on toll road 54D to reach Colima City from Guadalajara.

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1,451 captures travel by air or on route 200 from the Jalisco  
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to the tourist and port areas between Marina Puerto Santiago and Playa las Brisas.

Visit our website for [Travel to High-Risk Areas](#).

### **Durango state – Level 3: Reconsider Travel**

Reconsider travel due to crime.

Violent crime and gang activity are common in parts of Durango state.

U.S. government employees may not travel to the area west and south of Highway 45 and the city of Gomez Palacio.

There are no additional restrictions on travel for U.S. government employees.

Visit our website for [Travel to High-Risk Areas](#).

### **Estado de Mexico state – Level 3: Reconsider Travel**

Reconsider travel due to crime.

Both violent and non-violent crime is prevalent in the Estado de Mexico. Mexican government statistics indicate criminal incidents in the Estado de Mexico occur at a significantly higher rate than much of the rest of Mexico. Pay particular caution to areas outside of the frequented tourist areas, although petty crime occurs frequently in tourist areas as well.

There are no restrictions on travel for U.S government employees.

Visit our website for [Travel to High-Risk Areas](#).

### **Guanajuato state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

The majority of gang-related violence occurs in the south of the state, near the border with Michoacán, and is often linked to the widespread theft of petroleum and



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There are no restrictions on travel for U.S. government employees.

### Guerrero state – Level 4: Do Not Travel

Do not travel due to crime.

Armed groups operate independently of the government in many areas of Guerrero. Members of these groups frequently maintain roadblocks and may use violence towards travelers. U.S. government employees may not travel to the entire state of Guerrero, including Acapulco, Zihuatanejo, Ixtapa, and Taxco.

Visit our website for [Travel to High-Risk Areas](#).

### Hidalgo state – Level 2: Exercise Increased Caution

Exercise increased caution due to crime.

There are no restrictions on travel for U.S. government employees.

### Jalisco state – Level 3: Reconsider Travel

Reconsider travel due to crime.

Violent crime and gang activity are common in parts of Jalisco state. In metropolitan Guadalajara, turf battles between criminal groups are taking place in areas frequented by U.S. citizens. Shooting incidents between criminal groups have injured or killed innocent bystanders.

U.S. government employees may not travel to:

- Within 20 km (12 miles) of the Jalisco/Michoacán border, south of Route 120
- Highway 80 south of Cocula
- Highway 544 from Mascota to San Sebastian del Oeste

There are no restrictions on travel for U.S government employees to: **Guadalajara Metropolitan Area, Riviera**

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Website for Travel to High-Risk Areas.

### Mexico City – Level 2: Exercise Increased Caution

Exercise increased caution due to crime.

Both violent and non-violent crime is prevalent in Mexico City. Mexican government statistics indicate criminal incidents in the capital city occur at a significantly higher rate than much of the rest of Mexico. Pay particular caution to areas outside of the frequented tourist areas, although petty crime occurs frequently in tourist areas as well. Neighborhoods such as Tepito and Guerrero warrant additional vigilance, especially at night.

There are no restrictions on travel for U.S. government employees.

### Michoacán state – Level 4: Do Not Travel

Do not travel due to crime.

Travel for U.S. government employees is limited to the following areas with the noted restrictions:

- **Highway 15D:** U.S. government employees may travel on federal toll road (cuota) Highway 15D and to those parts of Michoacán north of Highway 15D and can utilize Highway 15D to transit between Mexico City and Guadalajara.
- **Lazaro Cardenas:** U.S. government employees must travel by air only and limit activities to the city center or port areas.
- **Morelia:** U.S. government employees may travel by air and by land using Highway 15D to Highway 45D that leads directly to Morelia.

Visit our website for [Travel to High-Risk Areas](#).

### Morelos state – Level 3: Reconsider Travel

Reconsider travel due to crime.

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Morelos state.

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There are no restrictions on travel for U.S. government employees.

Visit our website for [Travel to High-Risk Areas](#).

### **Nayarit state – Level 3: Reconsider Travel**

Reconsider travel due to crime.

Violent crime and gang activity are common in parts of Nayarit state. U.S. government employees may not travel to:

- Tepic
- San Blas

There are no restrictions on travel for U.S. government employees to: **Riviera Nayarit (including Nuevo Vallarta and Bahía de Banderas)** and **Santa María del Oro**.

Visit our website for [Travel to High-Risk Areas](#).

### **Nuevo Leon state – Level 3: Reconsider Travel**

Reconsider travel due to crime.

Violent crime and gang activity are common in parts of Nuevo Leon state.

U.S. government employees in Monterrey must stay within the San Pedro Garza García municipality, south of the Santa Catarina River, between 1:00 a.m. and 6:00 a.m., except for direct travel to and from the airport.

There are no additional restrictions on travel for U.S. government employees.

Visit our website for [Travel to High-Risk Areas](#).

### **Oaxaca state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

U.S. government employees may not travel to:

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1,451 captures 185D to the west, Highway 190 to the north,  
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This includes the towns of Juchitan de Zaragoza, Salina Cruz, and San Blas Atempa.

- Highway 200 northwest of Pinotepa.

There are no restrictions on travel for U.S. government employees to other parts of Oaxaca state, which include tourist areas in: **Oaxaca City, Monte Alban, Puerto Escondido, and Huatulco.**

### **Puebla state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

Gang-related violence is often linked to the widespread theft of petroleum and natural gas from the state oil company and other suppliers.

There are no restrictions on travel for U.S. government employees.

### **Queretaro state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no restrictions on travel for U.S. government employees.

### **Quintana Roo state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

Criminal activity and violence, including homicide, remain a primary concern throughout the state. While most of these homicides appeared to be targeted, criminal organization assassinations and turf battles between criminal groups have resulted in violent crime in areas frequented by U.S. citizens. Bystanders have been injured or killed in shooting incidents.

There are no restrictions on travel for U.S. government employees in Quintana Roo state, which include tourist



and the Riviera Maya.

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### San Luis Potosi state – Level 3: Reconsider Travel

Reconsider travel due to crime.

Violent crime and gang activity are common in parts of San Luis Potosi state.

There are no restrictions on travel for U.S. government employees.

Visit our website for [Travel to High-Risk Areas](#).

### Sinaloa state – Level 4: Do Not Travel

Do not travel due to crime.

Violent crime is widespread. Criminal organizations are based and operating in Sinaloa state.

Travel for U.S. government employees is limited to the following areas with the noted restrictions:

- **Mazatlan:** U.S. government employees may travel by air or sea only. U.S. government employees are limited to the Zona Dorada and historic town center, and must use direct routes when traveling to and from those locations and the airport and cruise terminals.
- **Los Mochis and Topolobampo:** U.S. government employees may travel by air or sea only. U.S. government employees are restricted to the city and the port, and must use direct routes when traveling between these locations and to and from the airport.

Visit our website for [Travel to High-Risk Areas](#).

### Sonora state – Level 3: Reconsider Travel

Reconsider travel due to crime.

Sonora is a key location used by the international drug trade and human trafficking networks. However,

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than cities closer to Sinaloa and other parts of Mexico.

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U.S. government employees may not travel to:

- The triangular region west of the Mariposa Port of Entry, east of Sonoyta, and north of Altar.
- The district within Nogales that lies to the north of Avenida Instituto Tecnológico and between Periferico (Bulevar Luis Donaldo Colosio) and Corredor Fiscal (Federal Highway 15D), and the residential areas to the east of Plutarco Elias Calles.
- The eastern edge of the state of Sonora, which borders the state of Chihuahua: all points along that border east of Federal Highway 17, the road between Moctezuma and Sahuaripa, and State Highway 20 between Sahuaripa and the intersection with Federal Highway 16.
- All points south of Federal Highway 16 and east of Highway 15 (below Hermosillo), and all points south of Empalme.

In addition, U.S. government employees may not use taxi services in Nogales.

U.S. government employees may travel between the Nogales border crossing points of DeConcini and Mariposa in Nogales to and from Hermosillo during the day only on Highway 15D. U.S. government employees may stop in the towns of Santa Ana and Imuris and at restaurant/restroom facilities located along the highway.

U.S. government employees may travel to Puerto Peñasco via the Lukeville/Sonoyta crossing during daylight hours on Federal Highway 8, or by using Federal Highway 15 south from Nogales and east via Federal Highway 2 and State Highway 37 through Caborca during daylight hours. U.S. government employees may also travel directly from the nearest U.S. Ports of Entry to San Luis Rio Colorado, Cananea, and Agua Prieta, but may not go beyond the city limits.

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Tamaulipas state – Level 2: Exercise Increased Caution

Exercise increased caution due to crime.

There are no travel restrictions on travel for U.S. government employees.

#### **Tamaulipas state – Level 4: Do Not Travel**

Do not travel due to crime.

Violent crime, such as murder, armed robbery, carjacking, kidnapping, extortion, and sexual assault, is common. Gang activity, including gun battles and blockades, is widespread. Armed criminal groups target public and private passenger buses as well as private automobiles traveling through Tamaulipas, often taking passengers hostage and demanding ransom payments. Federal and state security forces have limited capability to respond to violence in many parts of the state.

U.S. government employees may only travel within a limited radius between the U.S. Consulates in Nuevo Laredo and Matamoros and their respective U.S. Ports of Entry. U.S. government employees may not travel between cities in Tamaulipas using interior Mexican highways and they must observe a curfew between midnight and 6:00 a.m. in the cities of Matamoros and Nuevo Laredo.

Visit our website for [Travel to High-Risk Areas](#).

#### **Tlaxcala state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no travel restrictions on travel for U.S. government employees.

#### **Veracruz state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no restrictions on travel for U.S. government employees.

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Increased caution due to crime.

There are no restrictions on travel for U.S. government employees in Yucatan state, which includes tourist areas in: **Chichen Itza, Merida, Uxmal, and Valladolid.**

### **Zacatecas state – Level 3: Reconsider Travel**

Reconsider travel due to crime.

Violent crime and gang activity are common in parts of Zacatecas state.

There are no restrictions on travel for U.S. government employees.

Visit our website for [Travel to High-Risk Areas](#).



# EXHIBIT C



## Mexico Travel Advisory

Travel Advisory  
August 22, 2018

### Mexico - Level 2: Exercise Increased Caution



Exercise increased caution in Mexico due to **crime**. Some areas have increased risk. Read the entire Travel Advisory.

Violent crime, such as homicide, kidnapping, carjacking, and robbery, is widespread.

The U.S. government has limited ability to provide emergency services to U.S. citizens in many areas of Mexico as U.S. government employees are prohibited from travel to these areas.

U.S. government employees are prohibited from intercity travel after dark in many areas of Mexico. U.S. government employees are also not permitted to drive from the U.S.-Mexico border to or from the interior parts of Mexico with the exception of daytime travel on Highway 15 between Nogales and Hermosillo.

Read the Safety and Security section on the [country information](#) page.

#### Do not travel to:

- Colima state due to **crime**.
- Guerrero state due to **crime**.
- Michoacán state due to **crime**.
- Sinaloa state due to **crime**.
- Tamaulipas state due to **crime**.

**For all other states in Mexico, please see detailed information below.**

If you decide to travel to Mexico:

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Exercise increased caution when working local bars, nightclubs, and casinos.

- Do not display signs of wealth, such as wearing expensive watches or jewelry.
- Be extra vigilant when visiting banks or ATMs.
- Enroll in the [Smart Traveler Enrollment Program \(STEP\)](#) to receive Alerts and make it easier to locate you in an emergency.
- Follow the Department of State on [Facebook](#) and [Twitter](#).
- Review the [Crime and Safety Reports](#) for Mexico.
- U.S. citizens who travel abroad should always have a contingency plan for emergency situations. Review the [Traveler's Checklist](#).

### **Aguascalientes state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

U.S. government employees are prohibited from traveling between cities at night. Additionally, U.S. government employees are prohibited from patronizing adult clubs and gambling establishments in Aguascalientes.

### **Baja California state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

Criminal activity and violence, including homicide, remain an issue throughout the state. According to the Baja California State Secretariat for Public Security, the state experienced an increase in homicide rates compared to the same period in 2016. While most of these homicides appeared to be targeted, criminal organization assassinations, turf battles between criminal groups have resulted in violent crime in areas

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Due to poor cellular service and hazardous road conditions, U.S. government employees are only permitted to travel on "La Rumorosa" between Mexicali and Tijuana on the toll road during daylight.

There are no U.S. government restrictions in tourist areas in Baja California, which includes: **Ensenada, Rosarito, and Tijuana.**

### **Baja California Sur state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

Criminal activity and violence, including homicide, remain an issue throughout the state. According to Government of Mexico statistics, the state experienced an increase in homicide rates compared to the same period in 2016. While most of these homicides appeared to be targeted, criminal organization assassinations, turf battles between criminal groups have resulted in violent crime in areas frequented by U.S. citizens. Bystanders have been injured or killed in shooting incidents.

There are no U.S. government restrictions for travel in Baja California Sur, which includes the tourist areas of **Cabo San Lucas, San Jose del Cabo, and La Paz.**

### **Campeche state – Level 2: Exercise Increased Caution**

Exercise increased caution. Police presence and emergency response are extremely limited outside of the state capital.

There are no travel restrictions on U.S. government employees.

### **Chiapas state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

U.S. government employees are encouraged to remain in tourist areas and are not permitted to use public

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There are no restrictions on U.S. government employees in tourist areas in Chiapas state, such as: **Palenque, San Cristobal de las Casas, and Tuxtla Gutierrez.**

### Chihuahua state – Level 3: Reconsider Travel

Reconsider travel due to crime. Violent crime and gang activity are widespread.

Travel for U.S. government employees is limited to the following areas with the noted restrictions:

- **Ciudad Juarez:** Due to an increase in homicides during daylight hours in the downtown area, U.S. government employees are prohibited from traveling to downtown Ciudad Juarez (i.e., the area south of Calle Malecon, west of Calle 5 de Mayo, north of Calle 18 de Marzo, and east of Avenida Francisco Villa) unless approved in advance by the Consulate General's leadership. U.S. government employees are prohibited from travel after dark west of Eje Vial Juan Gabriel and south of Boulevard Zaragoza. U.S. government employees are prohibited from travel to the areas southeast of Boulevard Independencia and the Valle de Juarez region. U.S. personnel must take the most direct route north of Boulevard Zaragoza to access the Ciudad Juarez Airport on Highway 45.
- **Within the city of Chihuahua:** U.S. government employees are prohibited from travel to the Morelos, Villa, and Zapata districts.
- **Ojinaga:** U.S. government employees must travel via U.S. Highway 67 through the Presidio, Texas Port-of-Entry.
- **Palomas and the Nuevo Casas Grandes/Paquime region:** U.S. government employees must use U.S. Highway 11 through the Columbus, New Mexico Port-of-Entry.

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1,451 captures employees are prohibited from travel outside city limits after dark

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Visit our website for [Travel to High-Risk Areas](#).

### **Coahuila state – Level 3: Reconsider Travel**

Reconsider travel due to crime. Violent crime is widespread. Local law enforcement has limited capability to prevent and respond to crime, particularly in the northern part of the state.

U.S. government employees are not permitted to travel in Coahuila state, with the exception of Saltillo, Bosques de Monterreal, and Parras de la Fuente. U.S. government employees can only travel to those cities using the most direct routes and maximizing the use of toll highways. Between 1 a.m. and 6 a.m., U.S. government employees must remain within Saltillo, Bosques de Monterreal, or Parras de la Fuente.

U.S. government employees are permitted to travel to Piedras Negras and Ciudad Acuna but they must travel to these cities from the United States only.

U.S. government employees are prohibited from patronizing adult clubs and gambling establishments in Coahuila.

Visit our website for [Travel to High-Risk Areas](#).

### **Colima state – Level 4: Do Not Travel**

Do not travel due to crime. Violent crime and gang activity are widespread.

U.S. government employees are prohibited from travel to Tecoman or within 12 miles of the Colima-Michoacán border and on Route 110 between La Tecomaca and the Jalisco border.

There are no restrictions on U.S. government employees travel along Route 200 from the Jalisco border to Manzanillo, including the Manzanillo airport. There are no restrictions on U.S. government employees for stays

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U.S. government employees are prohibited from patronizing adult clubs and gambling establishments in Colima.

Visit our website for [Travel to High-Risk Areas](#).

### **Durango state – Level 3: Reconsider Travel**

Reconsider travel due to crime. Violent crime and gang activity along the highways are common.

U.S. government employees may travel outside the city of Durango only during daylight on toll roads. Between 1 a.m. and 6 a.m., U.S. government employees must remain within Durango city.

U.S. government employees are prohibited from patronizing adult clubs and gambling establishments in Durango.

Visit our website for [Travel to High-Risk Areas](#).

### **Estado de Mexico state – Level 3: Reconsider Travel**

Reconsider travel due to crime. Violent crime is common in parts of Estado de Mexico.

U.S. government employees are prohibited from travel to the following municipalities, unless they are traveling directly through the municipalities on major thoroughfares:

- Coacalco
- Ecatepec
- Nezahualcoyotl
- La Paz
- Valle del Chalco
- Solidaridad
- Chalco
- Ixtapaluca
- Tlatlaya

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Zempoala National Park and surrounding areas.

Visit our website for [Travel to High-Risk Areas](#).

### **Guanajuato state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no travel restrictions on U.S. government employees.

### **Guerrero state – Level 4: Do Not Travel**

Do not travel due to crime. Armed groups operate independently of the government in many areas of Guerrero. Members of these groups frequently maintain roadblocks and may use violence towards travelers.

U.S. government employees are prohibited from travel to the entire state of Guerrero, including Acapulco.

Visit our website for [Travel to High-Risk Areas](#).

### **Hidalgo state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no travel restrictions on U.S. government employees.

### **Jalisco state – Level 3: Reconsider Travel**

Reconsider travel due to crime. Violent crime and gang activity are common in parts of Jalisco state.

U.S. government employees are prohibited from travel to areas bordering Michoacán and Zacatecas states.

U.S. government employees are prohibited from traveling between cities after dark and from using Highway 80 between Cocula and La Huerta.

U.S. government employees may use federal toll road 15D for travel to Mexico City. However, they may not stop in the towns of La Barca or Ocotlan for any reason.



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There are no restrictions on U.S. government employees for stays in the following tourist areas in Jalisco state: **Guadalajara, Puerto Vallarta, Chapala, and Ajijic.**

Visit our website for [Travel to High-Risk Areas](#).

### **Mexico City – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no travel restrictions on U.S. government employees.

### **Michoacán state – Level 4: Do Not Travel**

Do not travel due to crime. U.S. government employees are prohibited from travel in Michoacán state, with the exception of Morelia and Lazaro Cardenas cities and the area north of federal toll road 15D.

U.S. government employees are prohibited from travel by land, except on federal toll road 15D.

U.S. government employees may fly into Morelia and Lazaro Cardenas.

Visit our website for [Travel to High-Risk Areas](#).

### **Morelos state – Level 3: Reconsider Travel**

Reconsider travel due to crime. Violent crime and gang activity are common in parts of Morelos state.

U.S. government employees are prohibited from travel on any roads from Huitzilac to Santa Martha, Estado de Mexico, including Lagunas de Zempoala National Park and surrounding areas.

Visit our website for [Travel to High-Risk Areas](#).

### **Nayarit state – Level 3: Reconsider Travel**

Reconsider travel due to crime. Violent crime and gang activity are common in parts of Nayarit state.

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most areas of the state, with the following exceptions:

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- Riviera Nayarit (which includes Nuevo Vallarta and Bahía de Banderas)
- Santa María del Oro
- Xalisco

When traveling to permitted areas above, U.S. government employees must use major highways and cannot travel between cities after dark.

U.S. government employees are prohibited from patronizing adult clubs and gambling establishments in Nayarit.

Visit our website for [Travel to High-Risk Areas](#).

### **Nuevo Leon state – Level 3: Reconsider Travel**

Reconsider travel due to crime. Violent crime and gang activity are common in parts of Nuevo Leon state.

U.S. government employees may travel outside Monterrey only during daylight on toll roads, with the exception of travel to the Monterrey airport, which is permitted at any time.

U.S. government employees must remain within San Pedro Garza García or Santa Catarina (south of the Santa Catarina river) municipalities between 1 a.m. and 6 a.m.

U.S. government employees are prohibited from patronizing adult clubs and gambling establishments in Nuevo Leon.

Visit our website for [Travel to High-Risk Areas](#).

### **Oaxaca state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

In Oaxaca, U.S. government employees are encouraged to remain in tourist areas and are not permitted to use public transportation.

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Escondido and Huatulco.

U.S. government employees are prohibited from travel to the El Istmo region. The El Istmo region is defined by Highway 185D to the west, Highway 190 to the north, and the Oaxaca/Chiapas border to the east and includes the towns of Juchitan de Zaragoza, Salina Cruz, and San Blas.

### **Puebla state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no travel restrictions on U.S. government employees.

### **Queretaro state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no travel restrictions on U.S. government employees.

### **Quintana Roo state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

According to Government of Mexico statistics, the state experienced an increase in homicide rates compared to the same period in 2016. While most of these homicides appeared to be targeted, criminal organization assassinations, turf battles between criminal groups have resulted in violent crime in areas frequented by U.S. citizens. Shooting incidents injuring or killing bystanders have occurred.

There are no restrictions on U.S. government employees for travel in Quintana Roo state, which includes tourist areas such as: Cancun, Cozumel, Playa del Carmen, Tulum, and the Riviera Maya.

### **San Luis Potosi state – Level 3: Reconsider Travel**

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U.S. government employees may travel outside San Luis Potosi city only during daylight hours on toll roads. U.S. government employees must remain within San Luis Potosi city between 1 a.m. and 6 a.m.

U.S. government employees are prohibited from patronizing adult clubs and gambling establishments in San Luis Potosi.

Visit our website for [Travel to High-Risk Areas](#).

### **Sinaloa state – Level 4: Do Not Travel**

Do not travel due to crime. Violent crime is widespread. Criminal organizations are based and operating in Sinaloa state.

U.S. government employees are prohibited from travel in most areas of the state. In areas where travel is permitted, the following restrictions are in place:

- **Mazatlan:** U.S. government travel is permitted only in Zona Dorada, the historic town center, and direct routes to and from these locations and the airport or the cruise ship terminal.
- **Los Mochis and Port Topolobampo:** U.S. government travel is permitted within the city and the port, as well as direct routes to and from these locations and the airport.

Visit our website for [Travel to High-Risk Areas](#).

### **Sonora state – Level 3: Reconsider Travel**

Reconsider travel due to crime. Sonora is a key location used by the international drug trade and human trafficking networks. However, northern Sonora experiences much lower levels of crime than cities closer to Sinaloa and other parts of Mexico. U.S. government employees visiting Puerto Peñasco may use the Lukeville/Sonoyta crossing, and are required to travel during daylight hours on Federal Highway 8. U.S. government employees may also travel to Puerto

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government employees may travel between the cities of Nogales and Hemosillo, however, travel is restricted to daylight hours and only on Federal Highway 15 through Imuris, Magdalena, and Santa Ana.

U.S. government employees are prohibited from travel to:

- The triangular region west of the Mariposa port-of-entry, east of Sonoyta, and north of Altar.
- The district within Nogales that lies to the north of Ayenida Instituto Tecnologico and between Periferico and Corredor Fiscal, and the residential areas to the east of Plutarco Elias Calles. U.S. government employees are not permitted to use taxi services in Nogales, but bus travel is permitted. Movement around the city after dark is by vehicle only. U.S. government employees should avoid El Centro and all night clubs after 10:00 p.m.
- The eastern edge of the state of Sonora, which borders the state of Chihuahua (all points along that border east of Federal Highway 17, the road between Moctezuma and Sahuaripa, and state Highway 20 between Sahuaripa and the intersection with Federal Highway 16).
- San Carlos, Guaymas, Empalme, and all points south of Hermosillo via Federal Highway 15.

Travel of U.S. government employees to the following cities is permitted with the noted restrictions:

- **San Luis Rio Colorado:** U.S. government employees must travel during daylight hours through the San Luis, Arizona port-of-entry and may not travel beyond the city limits.
- **Cananea:** U.S. government employees must travel during daylight hours through the Naco,

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Cananea, including the Cananea mine, and

not travel beyond the city limits.

- **Agua Prieta:** U.S. government employees must travel during daylight hours through the Douglas, Arizona port-of-entry and may not travel beyond the city limits.

Visit our website for [Travel to High-Risk Areas](#).

### **Tabasco state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no travel restrictions on U.S. government employees.

### **Tamaulipas state – Level 4: Do Not Travel**

Do not travel due to crime. Violent crime, such as murder, armed robbery, carjacking, kidnapping, extortion, and sexual assault, is common. Gang activity, including gun battles, is widespread. Armed criminal groups target public and private passenger buses traveling through Tamaulipas, often taking passengers hostage and demanding ransom payments. Local law enforcement has limited capability to respond to violence in many parts of the state.

U.S. government employees are subject to movement restrictions and a curfew between midnight and 6 a.m.

U.S. government employees are prohibited from patronizing adult clubs and gambling establishments in Tamaulipas.

Visit our website for [Travel to High-Risk Areas](#).

### **Tlaxcala state – Level 2: Exercise Increased Caution**

Exercise increased caution due to crime.

There are no travel restrictions on U.S. government employees.

### **Veracruz state – Level 2: Exercise Increased Caution**

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in tourist areas and are not permitted to use public transportation. U.S. government employees are permitted to drive during daylight only.

### Yucatan state – Level 2: Exercise Increased Caution

Exercise increased caution. Police presence and emergency response are extremely limited outside of the state capital.

There are no restrictions on U.S. government employees for travel in Yucatan state, which includes tourist areas such as: **Chichen Itza, Merida, Uxmal, and Valladolid.**

### Zacatecas state – Level 3: Reconsider Travel

Reconsider travel due to crime. Violent crime and gang activity are common in parts of Zacatecas state.

U.S. government employees may travel outside Zacatecas city only during daylight hours on toll roads. U.S. government employees must remain within Zacatecas city between 1 a.m. and 6 a.m.

U.S. government employees are prohibited from patronizing adult clubs and gambling establishments in Zacatecas.

Visit our website for [Travel to High-Risk Areas](#).

# EXHIBIT D



# MEXICO 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Mexico is a multiparty federal republic with an elected president and bicameral legislature. Andres Manuel Lopez Obrador of the National Regeneration Movement won the presidential election on July 1 in generally free and fair multiparty elections and took office on December 1. Citizens also elected members of the Senate and the Chamber of Deputies, governors, state legislators, and mayors.

Civilian authorities generally maintained effective control over the security forces.

Human rights issues included reports of the involvement by police, military, and other state officials, sometimes in coordination with criminal organizations, in unlawful or arbitrary killings, forced disappearance, torture, and arbitrary detention by both government and illegal armed groups; harsh and life-threatening prison conditions in some prisons; impunity for violence against journalists and state and local censorship and criminal libel; and violence targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

Impunity for human rights abuses remained a problem, with extremely low rates of prosecution for all forms of crimes. The government's federal statistics agency (INEGI) estimated 94 percent of crimes were either unreported or not investigated.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were several reports the government or its agents committed arbitrary or unlawful killings, often with impunity. Organized criminal groups were implicated in numerous killings, acting with impunity and at times in league with corrupt federal, state, local, and security officials. The National Human Rights Commission (CNDH) reported 25 complaints of "deprivation of life" between January and November 30.

On January 7, more than 200 members of the military, Guerrero state police, and Federal Police arbitrarily arrested and executed three indigenous security force members in La Concepcion. The killings occurred in tandem with reports of the

arbitrary arrest of 38 persons, 25 illegal house searches, and the torture of at least eight persons. According to the human rights nongovernmental organization (NGO) Centro de Derechos Humanos de la Montaña Tlachinollan, the security forces arrived to investigate a confrontation between armed persons and community police. Witnesses said state police executed two community police officers during the confrontation. Witnesses alleged two state police officers took a community police officer to a nearby building, where he was later found dead. Representatives of the UN Office of the High Commissioner for Human Rights (OHCHR) in Mexico City condemned the operation, stating there was evidence human rights violations occurred at the hands of security forces.

In September the CNDH concluded soldiers executed two men and planted rifles on their bodies during a 2017 shootout between authorities and fuel thieves in Palmarito, Puebla. The CNDH recommended the army pay reparations to the victims' families. Some of the killings were captured on video, including of a soldier appearing to execute a suspect lying on the ground.

There were no developments in the investigation into the 2015 Tanhuato, Michoacan, shooting in which federal police agents were accused of executing 22 persons after a gunfight and of tampering with evidence.

In May a federal judge ordered the Attorney General's Office (PGR) to reopen the investigation into the 2014 killings of 22 suspected criminals in Tlatlaya, Mexico State, by members of the military, specifically calling for an investigation into the role of the chain of command. The judge ruled that the PGR's investigation thus far had not been exhaustive, adequate, or effective. (The Government of Mexico has appealed the ruling.) According to multiple NGOs, the four former state attorney general investigative police officers convicted of torturing suspects in this case were released from custody.

Criminal organizations carried out human rights abuses and widespread killings throughout the country, sometimes in coordination with state agents.

## **b. Disappearance**

There were reports of forced disappearances--the secret abduction or imprisonment of a person by security forces--and of many disappearances related to organized criminal groups, sometimes with allegations of state collusion. In its data collection, the government often merged statistics on forcibly disappeared persons with missing persons not suspected of being victims of forced disappearance,

making it difficult to compile accurate statistics on the extent of the problem. The CNDH registered 38 cases of alleged “forced or involuntary” disappearances through November 30.

Investigations, prosecutions, and convictions for the crime of forced disappearance were rare. According to information provided by the Federal Judicial Council, from December 1, 2006, to December 31, 2017, only 14 sentences for forced disappearance were issued. At the federal level, as of August 2017, the deputy attorney general for human rights was investigating 943 cases of disappeared persons. Some states were making progress investigating this crime. At the state level, a Veracruz special prosecutor for disappearances detained 65 persons during the year for the crime of forced disappearance.

There were credible reports of police involvement in kidnappings for ransom, and federal officials or members of the national defense forces were sometimes accused of perpetrating this crime.

Nationwide, the CNDH reported the exhumation of the remains of at least 530 persons in 163 clandestine graves between January 1, 2017 and August 31, 2018. The scale and extent of the problem is indicated by the discovery, in the past eight years in Veracruz State, of 601 clandestine graves with the remains of 1,178 victims.

The federal government and several states failed to meet deadlines for implementing various provisions of the November 2017 General Law on Forced Disappearances, and efforts by the federal government were insufficient to address the problem. State-level search commissions should have been established by mid-April; as of August only seven of 32 states had done so. Only 20 states had met the requirement to create specialized prosecutors’ offices focused on forced disappearances. The federal government created a National System for the Search of Missing Persons as required by the law but had not established the required National Forensic Data Bank and Amber Alert System as of this reporting period.

As of April 30, according to the National Registry of Missing Persons, a total of 37,435 individuals were recorded as missing or disappeared, up 40 percent, compared with the total number at the end of 2014. The National Search Commission, created in March, shut down this registry in July as part of the process to create a new registry, which it planned to make public in early 2019. The new database would include more than 24,000 genetic profiles of the relatives

of the disappeared as well as information such as fingerprints, parents' names, and dates of birth of the victims, according to government officials.

In February an estimated 31 former high-ranking Veracruz state security officials and members of the state police involved in disappearances and acts of torture in 2013 were ordered apprehended on charges of forced disappearance. Former state police chief Roberto Gonzalez Meza was among the 19 arrested in February. In June former state attorney general Luis Angel Bravo Contreras was arrested and placed in custody while awaiting trial on charges related to the forced disappearance of 13 individuals. An additional seven Veracruz former state police officers were detained in August for the crime of forced disappearance of two persons in 2013.

In May the OHCHR announced it had documented the disappearance of 23 individuals--including five minors--by Mexican security forces between February and May in Nuevo Laredo, Tamaulipas. The federal Specialized Prosecutor's Office on Disappearances opened an investigation into the disappearances in June, and the navy temporarily suspended 30 personnel while they conducted an investigation.

On June 4, a three-judge panel of a federal appeals court in Tamaulipas ruled that authorities had failed to investigate indications of military and federal police involvement in the disappearance of 43 students from a teacher-training college in Ayotzinapa in Iguala, Guerrero, in 2014. The court faulted the PGR for not investigating evidence that suspects were tortured to coerce confessions while in PGR custody. During the year the PGR indicted 31 municipal police officers for kidnapping, involvement with organized crime, and aggravated homicide related to the case. Victims' relatives and civil society continued to be highly critical of PGR's handling of the investigation, noting there had been no convictions relating to the disappearances of the 43 students. The court ruled that PGR's investigation had not been prompt, effective, independent, or impartial and ordered the government to create a special investigative commission composed of representatives of the victims, PGR, and CNDH. The government appealed the ruling, claiming it infringed upon the principle of separation of powers. An intermediate court upheld the appeal, and the case was scheduled to go to the Supreme Court for review. On December 2, one day after his inauguration, President Andres Manuel Lopez Obrador ordered the creation of a truth commission--headed by the deputy minister for human rights of the Ministry of Interior--to re-examine the disappearances.

In other developments related to the Ayotzinapa case, on March 15 the OHCHR released a report of gross violations of human rights and due process in the Ayotzinapa investigation, including arbitrary detention and torture. The OHCHR found “solid grounds” to conclude at least 34 individuals were tortured in the course of the investigation, most of them while in the custody of the PGR’s Sub-Prosecutor for Organized Crime. The report highlighted the possible extrajudicial killing of one suspect, Emmanuel Alejandro Blas Patino, who was allegedly tortured to death by asphyxiation with a plastic bag and multiple blows to his body by officials from the Ministry of the Navy (SEMAR) on October 27, 2014.

On June 5, the Inter-American Commission on Human Rights Special Mechanism issued a follow-up report that found the government’s investigation into the Ayotzinapa case had been fragmented, with many lines of investigation proceeding slowly or prematurely dismissed. The report acknowledged some progress in the investigation, including the creation of a map of graves and crematorium ovens in the region, steps taken to investigate firearms possibly used on the night of the events, topographic survey work conducted using remote sensing technology, and following up with ground searches for possible burial sites.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment, and confessions obtained through illicit means are not admissible as evidence in court. Despite these prohibitions, there were reports that security forces tortured suspects.

As of November 30, the CNDH registered 57 complaints of torture. Between January 1, 2017, and August 2018, the CNDH recorded 496 complaints of cruel, inhuman, or degrading treatment. The majority of these complaints were from Tamaulipas, Mexico City, Mexico State, and Veracruz; federal police and PGR officials were accused of being responsible in most torture cases. NGOs stated that in some cases the CNDH misclassified torture as inhuman or degrading treatment.

Less than 1 percent of federal torture investigations resulted in prosecution and conviction, according to government data. The PGR conducted 13,850 torture investigations between 2006 and 2016, and authorities reported 31 federal convictions for torture during that period. The federal Specialized Torture Investigation Unit, created in 2015 within the PGR, reported in February it had opened 8,335 investigations but had presented charges in only 17 cases.

According to the national human rights network “All Rights for All” (*Red TDT*), as of August only two states, Chihuahua and Colima, had updated their state torture law to comply with the federal law passed in 2017. Only eight states had assigned a specialized torture prosecutor, and many of them lacked the necessary resources to investigate cases. According to the NGO INSYDE, there were not enough doctors and psychologists who could determine if psychological torture had occurred, and authorities were still struggling to investigate torture accusations from incarcerated victims.

In March the OHCHR found “solid grounds” to conclude at least 34 individuals were tortured in the course of the investigation of the disappearance of 43 students in Iguala in 2014 (see section 1.b.).

In June the World Justice Project reported the ongoing transition to an oral-accusatory justice system from the previous written, inquisitorial system had reduced the frequency of torture.

In July 2017, INEGI published the National Survey of Detained Persons, which surveyed individuals held in all municipal, state, or federal prisons. Of detainees who had given a statement to a public prosecutor, 46 percent reported being pressured by the police or other authorities to give a different version of the events. Of detainees who had confessed, 41 percent said they declared their guilt due to pressure, threats, or physical assaults. Detainees reported physical violence (64 percent) and psychological threats (76 percent) during their arrest and reported that, while at the public prosecutor’s office, they were held incommunicado or in isolation (49 percent), threatened with false charges (41 percent), undressed (40 percent), tied up (29 percent), blindfolded (26 percent), and suffocated (25 percent). According to 20 percent, authorities made threats to their families, and 5 percent reported harm to their families.

On September 6, the CNDH called upon federal authorities to investigate the alleged illegal detention and torture of 17 persons between 2013 and 2017 by SEMAR marines. The CNDH stated that 17 federal investigators ignored or delayed acting on reports made by the victims. The CNDH detailed sexual assaults, beatings, electric shocks, and suffocation committed by marines against their captives before turning them over to federal law enforcement. The detentions and torture allegedly occurred in the states of Coahuila, Nuevo Leon, Sinaloa, Veracruz, and Zacatecas.

There was one report that torture was used to repress political speech. The Oaxaca Consortium for Parliamentary Dialogue and Equity reported a series of escalating attacks, including torture against human rights defenders in Oaxaca in retaliation for their activities. For example, after Oaxaca human rights defenders Arturo Villalobos Ordonez and Patricia Mendez publicly denounced police repression and other abuses in Nochixtlan and other abuses, their minor daughter suffered threats and harassment starting in January and culminating in an incident May 7 in which two men entered her home, stomped on her head, submerged her in water, showed her pictures of mutilated corpses, and threatened that her parents would face the same fate if she did not reveal their whereabouts.

On April 30, the CNDH issued a formal report to the director of the National Migration Institute (INM), indicating that INM personnel committed “acts of torture” against a Salvadoran migrant in October 2017. According to the CNDH document, the victim accompanied another migrant to a migratory station in Mexicali, where an INM official and two guards repeatedly physically struck the migrant and threatened him for 15 to 20 minutes. The CNDH concluded the victim suffered a fractured rib and other injuries as well as psychological trauma.

In a November report, the NGO Centro Prodh documented 29 cases of sexual torture between 2006 and 2015 in 12 states (Baja California, Ciudad de Mexico, Coahuila, Estado de Mexico, Guerrero, Michoacan, Nuevo Leon, Quintana Roo, San Luis Potosi, Sonora, Tamaulipas, and Veracruz); 16 of the 29 cases were reported as rape. Twenty-seven women had reported their torture to a judge, but in 18 cases, no investigation was ordered. Members of the Ministry of National Defense (SEDENA), SEMAR, federal police, and state police of Tamaulipas, Veracruz, and Coahuila were allegedly involved.

In December 2017 the OHCHR Subcommittee on Prevention of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment issued a report based on a 2016 visit that noted torture was a widespread practice in the country. The subcommittee noted that disparities in the classification of the crime of torture in the states continued to generate real or potential gaps that lead to impunity.

### **Prison and Detention Center Conditions**

Conditions in prisons and detention centers were harsh and life threatening due to corruption; overcrowding; abuse; inmate violence; alcohol and drug addiction; inadequate health care, sanitation, and food; comingling of pretrial and convicted persons; and lack of security and control.

Physical Conditions: According to a 2017 CNDH report, federal, state, and local detention centers suffered from “uncontrolled self-government in aspects such as security and access to basic services, violence among inmates, lack of medical attention, a lack of opportunities for social reintegration, a lack of differentiated attention for groups of special concern, abuse by prison staff, and a lack of effective grievance mechanisms.” The most overcrowded prisons were plagued by riots, revenge killings, and jailbreaks. Criminal gangs often held de facto control. Inmates staged mass escapes, battled each other, and engaged in shootouts using guns that police and guards smuggled into prisons.

Health and sanitary conditions were often poor, and most prisons did not offer psychiatric care. Some prisons were staffed with poorly trained, underpaid, and corrupt correctional officers, and authorities occasionally placed prisoners in solitary confinement indefinitely. Authorities held pretrial detainees together with convicted criminals. The CNDH noted that the lack of access to adequate health care, including specialized medical care for women, was a significant problem. Food quality and quantity, heating, ventilation, and lighting varied by facility, with internationally accredited prisons generally having the highest standards.

The CNDH found several reports of sexual abuse of inmates in the state of Mexico’s Netzahualcoyotl Bordo de Xochiaca Detention Center. Cases of sexual exploitation of inmates were also reported in Mexico City and the states of Chihuahua, Guerrero, Nayarit, Oaxaca, Puebla, Quintana Roo, Sinaloa, Sonora, Tamaulipas, and Veracruz.

In March the CNDH released its 2017 National Diagnostic of Penitentiary Supervision. The report singled out the states of Nayarit, Guerrero, and Tamaulipas for poor prison conditions. The report highlighted overcrowding, self-governance, and a lack of personnel, protection, hygienic conditions, and actions to prevent violent incidents. The report faulted prisons for failing to separate prisoners who have yet to be sentenced from convicts.

The CNDH found the worst conditions in municipal prisons. The CNDH determined that public security agents used excessive force in an October 2017 Cadereyta prison riot that left 18 persons dead and 93 injured. Self-governance at the prison led to the riot, which was exacerbated by the state public security and civil forces’ inadequate contingency planning. This was the fifth lethal riot at a Nuevo Leon prison since 2016.



In December 2017 the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment published a report based on a 2016 visit, concluding municipal prisons had deplorable conditions. The report found infrastructure, hygiene, and services were inadequate. There was little natural light and ventilation, cells were cold at night, and prisoners did not have access to blankets. The subcommittee encountered numerous prisoners, including minors, who had not received water or food for 24 hours. The subcommittee observed some centers lacked medical equipment and basic medication. Prisoners had to rely on family members to provide medication, thus low-income prisoners were sometimes left without medical care.

A 2016 INEGI survey of 211,000 inmates in the country's 338 state and federal penitentiaries revealed that 87 percent of inmates reported bribing guards for items such as food, telephone calls, and blankets or mattresses. Another survey of 64,000 prisoners revealed that 36 percent reported paying bribes to other inmates, who often controlled parts of penitentiaries. Six of 10 LGBTI prisoners were victims of abuse such as sexual violence and discrimination at the hands of other prisoners or security officials, according to a 2015 Inter-American Commission on Human Rights (IACHR) report.

According to civil society groups, migrants in some migrant detention centers faced abuse when comingled with MS-13 gang members. In addition, they reported some migration officials discouraged persons from applying for asylum, claiming their applications were unlikely to be approved, and that some officials from the National Institute of Migration kidnapped asylum seekers for ransom.

Administration: Prisoners and detainees could file complaints regarding human rights violations. Authorities did not always conduct proper investigations into credible allegations of mistreatment.

Independent Monitoring: The government permitted independent monitoring of prison conditions by the International Committee of the Red Cross, the CNDH, and state human rights commissions.

Improvements: Federal and state facilities continued to seek or maintain international accreditation from the American Correctional Association. As of September the total number of state and federal accredited facilities was 92, an increase of 11 facilities from August 2017. Chihuahua and Guanajuato were the only states to have all their prisons accredited.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but the government sometimes failed to observe these requirements. Between January 1, 2017 and August 2018, the CNDH recorded 618 complaints of arbitrary detention.

#### **Role of the Police and Security Apparatus**

Federal, state, and municipal police have primary responsibility for law enforcement and the maintenance of order. The Federal Police are under the authority of the interior minister and the National Security Commission. State police are under the authority of the state governors. Municipal police are under the authority of local mayors. SEDENA and SEMAR also play an important role in domestic security, particularly in combatting organized criminal groups. The constitution grants the president the authority to use the armed forces for the protection of internal and national security, and the courts have upheld the legality of the armed forces' role in undertaking these activities in support of civilian authorities. The INM, under the authority of the Interior Ministry, is responsible for enforcing migration laws and protecting migrants.

In December 2017 the president signed the Law on Internal Security to provide a more explicit legal framework for the role the military had been playing for many years in public security. The law authorized the president to deploy the military to assist states in policing at the request of civilian authorities. The law subordinated civilian law enforcement operations to military authority in some instances and allowed the president to extend deployments indefinitely in cases of "grave danger." With some exceptions, the law required military institutions to transfer cases involving civilian victims, including in human rights cases, to civilian prosecutors to pursue in civilian courts. SEDENA, SEMAR, the Federal Police, and the PGR have security protocols for the transfer of detainees, chain of custody, and use of force. At least 23 legal challenges were presented to the Supreme Court of Justice seeking a review of the law's constitutionality, including one by the CNDH. On November 15, the Supreme Court ruled the Law on Internal Security was unconstitutional.

As of August 2017 the PGR was investigating 138 cases involving SEDENA or SEMAR officials suspected of abuse of authority, torture, homicide, and arbitrary detention. By existing law, military tribunals have no jurisdiction over cases with civilian victims, which are the exclusive jurisdiction of civilian courts.

Although civilian authorities generally maintained effective control over security forces and police, impunity, especially for human rights abuses, remained a serious problem.

By law, civilian courts have jurisdiction in cases involving allegations of human rights violations against civilians committed by members of the military. Military authorities, however, can and do investigate such cases in parallel with civilian authorities, and can charge military suspects with crimes under military law in military courts.

SEDENA's General Directorate for Human Rights investigates military personnel for violations of human rights identified by the CNDH and is responsible for promoting a culture of respect for human rights within the institution. The directorate, however, has no power to prosecute allegations of rights violations or to take independent judicial action.

### **Arrest Procedures and Treatment of Detainees**

The constitution allows any person to arrest another if the crime is committed in his or her presence. A warrant for arrest is not required if an official has direct evidence regarding a person's involvement in a crime, such as having witnessed the commission of a crime. This arrest authority, however, is applicable only in cases involving serious crimes in which there is risk of flight. Bail is available for most crimes, except for those involving organized crime and a limited number of other offenses. In most cases the law requires that detainees appear before a judge for a custody hearing within 48 hours of arrest during which authorities must produce sufficient evidence to justify continued detention. This requirement was not followed in all cases, particularly in remote areas of the country. In cases involving organized crime, the law allows authorities to hold suspects up to 96 hours before they must seek judicial review.

The procedure known in Spanish as *arraigo* (a constitutionally permitted form of pretrial detention, employed during the investigative phase of a criminal case before probable cause is fully established) allows, with a judge's approval, for certain suspects to be detained prior to filing formal charges.

Some detainees complained of a lack of access to family members and to counsel after police held persons incommunicado for several days and made arrests arbitrarily without a warrant. Police occasionally failed to provide impoverished

detainees access to counsel during arrest and investigation as provided for by law, although the right to public defense during trial was generally respected. Authorities held some detainees under house arrest.

In August the CNDH concluded an investigation that revealed eight persons, including five minors, had suffered violations at the hands of Federal Police in Ciudad Victoria, Tamaulipas, in 2013. The CNDH sent a recommendation to the National Security Commission concerning the investigation. According to the investigation, federal police agents entered a home without a warrant and arrested three persons. One adult was reportedly tortured.

Human rights NGOs and victims alleged numerous incidents between January and July in which Coahuila state police forces abused detainees in custody in the border city of Piedras Negras and surrounding areas. The state prosecutor general's office was investigating the accusations.

On May 14, the CNDH withdrew without action more than 90 percent of the 2,972 complaints filed against SEDENA from 2012 to May.

Arbitrary Arrest: Allegations of arbitrary detentions persisted throughout the year. The IACHR, the UN Working Group on Arbitrary Detention, and NGOs expressed concerns about arbitrary detention and the potential for arbitrary detention to lead to other human rights abuses.

In February, Yucatan state police detained three persons near Dzitas, on the grounds that their car had extremely dark tinted windows and the driver did not have a driver's license. The victims alleged that later they were falsely charged with threatening the police officers and drug possession. The victims reported being blindfolded and tortured by electric shock to their hands and genitalia. One of the three was allegedly forcibly disappeared. Once he reappeared, the others withdrew their complaints.

Pretrial Detention: Lengthy pretrial detention was a problem. The new accusatory justice system allows for a variety of pretrial measures, including electronic monitoring, travel restrictions, and house arrest, that reduced the use of the prison system overall, including the use of pretrial detention. A 2018 World Prison Brief report showed that 39.4 percent of individuals detained were in pretrial detention, compared to 42.7 percent in 2005. The law provides time limits and conditions on pretrial detention, but federal authorities sometimes failed to comply with them,

since caseloads far exceeded the capacity of the federal judicial system. Violations of time limits on pretrial detention were endemic in state judicial systems.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons who are arrested or detained, whether on criminal or other grounds, may challenge their detention through a writ of habeas corpus. The defense may argue, among other things, that the accused did not receive proper due process, suffered a human rights abuse, or had his or her constitutional rights violated. By law individuals should be promptly released and compensated if their detention is found to be unlawful, but authorities did not always promptly release those unlawfully detained. In addition, under the criminal justice system, defendants apprehended during the commission of a crime may challenge the lawfulness of their detention during their court hearing.

#### **e. Denial of Fair Public Trial**

Although the constitution and law provide for an independent judiciary, court decisions were susceptible to improper influence by both private and public entities, particularly at the state and local level, as well as by transnational criminal organizations. Authorities sometimes failed to respect court orders, and arrest warrants were sometimes ignored. Across the criminal justice system, many actors lacked the necessary training and resources to carry out their duties fairly and consistently in line with the principle of equal justice.

#### **Trial Procedures**

In 2016 all civilian and military courts officially transitioned from an inquisitorial legal system based primarily upon judicial review of written documents to an accusatory trial system reliant upon oral testimony presented in open court. In some states alternative justice centers employed mechanisms such as mediation, negotiation, and restorative justice to resolve minor offenses outside the court system.

Under the accusatory system, all hearings and trials are conducted by a judge and follow the principles of public access and cross-examination. Defendants have the right to a presumption of innocence and to a fair and public trial without undue delay. Defendants have the right to attend the hearings and to challenge the evidence or testimony presented. Defendants may not be compelled to testify or confess guilt. The law also provides for the rights of appeal and of bail in many categories of crimes. Defendants have the right to an attorney of their choice at all

stages of criminal proceedings. By law attorneys are required to meet professional qualifications to represent a defendant. Not all public defenders were qualified, however, and often the state public defender system was understaffed.

Administration of public defender services was the responsibility of either the judicial or the executive branch, depending on the jurisdiction. According to the Center for Economic Research and Teaching, most criminal suspects did not receive representation until after their first custody hearing, thus making individuals vulnerable to coercion to sign false statements prior to appearing before a judge.

Defendants have the right to free assistance of an interpreter if needed, although interpretation and translation services into indigenous languages at all stages of the criminal process were not always available. Indigenous defendants who did not speak Spanish sometimes were unaware of the status of their cases and were convicted without fully understanding the documents they were instructed to sign.

The lack of federal rules of evidence caused confusion and led to disparate judicial rulings.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Citizens have access to an independent judiciary in civil matters to seek civil remedies for human rights violations. For a plaintiff to secure damages against a defendant, authorities first must find the defendant guilty in a criminal case, a significant barrier in view of the relatively low number of criminal convictions.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such practices and requires search warrants. There were some complaints of illegal searches or illegal destruction of private property.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, and the government generally respected this right. Most newspapers, television, and radio stations were privately owned. The government had minimal presence in the ownership of news media but remained the main source of advertising revenue for many media organizations, which at times influenced coverage. Media monopolies, especially in small markets, could constrain freedom of expression.

Violence and Harassment: Journalists were murdered or subject to physical attacks, harassment, and intimidation (especially by state agents and transnational criminal organizations) due to their reporting. This limited media's ability to investigate and report, since many of the reporters who were killed covered crime, corruption, and local politics. According to the NGO Article 19, as of December 5, nine journalists had been killed because of their reporting.

Perpetrators of violence against journalists acted with impunity. According to Article 19, as of August the impunity rate for crimes against journalists was 99.7 percent. In 2017 there were 507 attacks against journalists, according to Article 19. Since its creation in 2010, the Office of the Special Prosecutor for Crimes Against Journalists (FEADLE), a PGR unit, won only eight convictions, and none for murder, in the more than 2,000 cases it investigated. On August 25, FEADLE won its first conviction in the new justice system, obtaining a sentence against Tabasco state police officers for illegally detaining a journalist because of his reporting.

Government officials believed organized crime to be behind most of these attacks, but NGOs asserted there were instances when local government authorities participated in or condoned the acts. According to Article 19, in the last five years, 48 percent of physical attacks against journalists originated with public officials. Although 75 percent of those came from state or local officials, federal officials and members of the armed forces were also suspected of being behind attacks against journalists.

In April 2017 the government of Quintana Roo offered a public apology to journalist Pedro Canche, who was falsely accused by state authorities of sabotage and was detained for nine months in prison. In May the PGR detained a police officer, Tila Patricia Leon, and a former judge, Javier Ruiz, for undermining Canche's freedom of expression through arbitrary detention in retaliation for his critical reporting about state government authorities.

There were no developments in the March 2017 killing of Miroslava Breach, a prominent newspaper correspondent.

In March, two police officers, Luigi Heriberto Bonilla Zavaleta and Jose Francisco Garcia, were sentenced to 25 years in prison for the murder of Moises Sanchez, a newspaper owner and journalist in Veracruz. Sanchez was kidnapped in 2015 and found dead three weeks after his disappearance. The local mayor, accused of ordering the murder, remained a fugitive.

In 2005 journalist Lydia Cacho wrote a book exposing a pedophile ring in Cancun. She was arrested in December 2005 and driven 20 hours to Puebla, during which time police threatened her and forced a gun down her throat. On August 8, a federal court in Quintana Roo upheld the October 2017 decision that found Puebla state police officer Jose Montano Quiroz guilty of torture. In the 2017 sentence, the judge recognized Cacho was tortured psychologically and physically and that the torture inflicted was in retaliation for her reporting.

Between 2012 and June 2018, the National Mechanism to Protect Human Rights Defenders and Journalists received 301 requests for protection for journalists. According to Article 19, there had been 62 requests as of October.

On July 24, Playa Del Carmen-based journalist Ruben Pat became the third journalist killed while under protection of the mechanism. Pat had been arrested, threatened, and allegedly tortured by municipal police in Quintana Roo on June 25, according to the OHCHR. Pat was the second journalist killed from the *Seminario Playa* news outlet in one month. His colleague Jose Guadalupe Chan Dzib was killed on June 29.

A June joint report from IACHR Special Rapporteur for Freedom of Expression Edison Lanza and UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression David Kaye stated journalists in Mexico lived in a “catastrophic” situation given the number of journalists killed since 2010. The report claimed vast regions of the country were “zones of silence” where exercising freedom of expression was dangerous. Observers noted that journalists were often required to publish messages at the behest of organized criminal groups.

Censorship or Content Restrictions: Human rights groups reported some state and local governments censored the media.



Journalists reported altering their coverage due to a lack of protection from the government, attacks against members of the media and newsrooms, and threats or retributions against their families, among other reasons. There were reports of journalists practicing self-censorship due to threats from criminal groups and government officials, especially in the states of Tamaulipas and Sinaloa.

According to Freedom House's 2017 *Freedom of the Press* report, the federal government and some state governments used advertising expenditures to influence the editorial policies of media outlets. Article 19 reported in March the government had a strong financial impact and influence on the largest media companies.

Libel/Slander Laws: There are no federal criminal laws against defamation, libel, or slander, but there are state criminal laws in eight states. In Guanajuato, Nuevo Leon, Baja California Sur, Nayarit, Michoacan, and Yucatan, the crime of defamation is prosecuted, with penalties ranging from three days to five years in prison, and fines ranging from five to five hundred days of minimum salary for committing defamation or slander, both considered "crimes against honor." Slander is punishable under the criminal laws of the states of Hidalgo, Guanajuato, Nuevo Leon, Baja California Sur, Sonora, Nayarit, Zacatecas, Colima, Michoacan, Campeche, and Yucatan, with sentences ranging from three months to six years in prison, and monetary fines. Five states have laws that restrict the publishing of political caricatures or "memes." These laws were seldom applied.

In May the Supreme Court struck down a law in the state of Nayarit penalizing slander. The court ruled the law violated freedom of expression.

Nongovernmental Impact: Organized criminal groups exercised a grave and increasing influence over media outlets and reporters, threatening individuals who published critical views of crime groups. Concerns persisted about the use of physical violence by organized criminal groups in retaliation for information posted online, which exposed journalists, bloggers, and social media users to the same level of violence faced by traditional journalists.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or block or filter online content. Freedom House's 2017 *Freedom on the Net* report categorized the country's internet as partly free, noting concerns about illegal surveillance practices in the country and violence against online reporters.

NGOs alleged provisions in secondary laws threatened the privacy of internet users by forcing telecommunication companies to retain data for two years, providing real-time geolocation data to police, and allowing authorities to obtain metadata from private communications companies without a court order. While the Supreme Court upheld those mechanisms, it noted the need for authorities to obtain a judicial warrant to access users' metadata.

There were no developments in the criminal investigation the government stated in 2017 that it had opened to determine whether prominent journalists, human rights defenders, and anticorruption activists were subjected to illegal surveillance via a sophisticated surveillance program, "Pegasus." PGR officials acknowledged purchasing Pegasus but claimed to have used it only to monitor criminals. In May a Mexico City district judge ordered the victims' evidence be accepted in the PGR's ongoing investigation. According to a November report by the Citizen Lab at the University of Toronto, 24 individuals were targeted with Pegasus spyware.

According to the International Telecommunication Union, 64 percent of the population used the internet in 2017.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights. There were some reports of security forces using excessive force against demonstrators. Twelve states have laws that restrict public demonstrations.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

The government and press reports noted a marked increase in refugee and asylum applications during the year. According to UNHCR statistics, there were 9,900 asylum applications during the first half of the year, compared with a total of 14,596 applications in all of 2017.

At the Iztapalapa detention center near Mexico City, the Twenty-First Century detention center in Chiapas, and other detention facilities, men were separated from women and children, and there were special living quarters for LGBTI individuals. Migrants had access to medical, psychological, and dental services, and the Iztapalapa center had agreements with local hospitals to care for any urgent cases free of charge. Individuals from countries with consular representation also had access to consular services. Commission to Assist Refugees (COMAR) and CNDH representatives visited daily, and other established civil society groups were able to visit the detention facilities on specific days and hours. Victims of trafficking and other crimes were housed in specially designated shelters. Human rights pamphlets were available in many different languages. In addition approximately 35 centers cooperated with UNHCR and allowed it to display posters and provide other information on how to access asylum for those in need of international protection.

Abuse of Migrants, Refugees, and Stateless Persons: The press and NGOs reported victimization of migrants by criminal groups and in some cases by police, immigration officers, and customs officials. Government and civil society sources reported the Central American gang presence spread farther into the country and threatened migrants who had fled the same gangs in their home countries. An August 2017 report by the independent INM Citizens' Council found incidents in which immigration agents had been known to threaten and abuse migrants to force them to accept voluntary deportation and discourage them from seeking asylum. The council team visited 17 detention centers across the country and reported threats, violence, and excessive force against undocumented migrants. The INM responded to these allegations by asserting it treated all migrants with "absolute respect."

There were media reports that criminal groups kidnapped undocumented migrants to extort money from migrants' relatives or force them into committing criminal acts on their behalf.

A November 2017 Amnesty International report highlighted the dangers Central American LGBTI migrants faced in Mexico. Citing UNHCR data, the report stated two-thirds of LGBTI migrants from El Salvador, Guatemala, and Honduras who applied for refugee status reported having been victims of sexual violence in Mexico.

According to a July 2017 report from the NGO Washington Office on Latin America, of the 5,824 reported crimes against migrants that occurred in the states of Chiapas, Oaxaca, Tabasco, Sonora, Coahuila, and at the federal level, 99 percent of the crimes were unresolved.

In-country Movement: There were numerous instances of armed groups limiting the movements of migrants, including by kidnappings and homicides.

### **Internally Displaced Persons (IDPs)**

The NGO Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH) attributed the displacement of 10,947 people in 2018 to violence by government forces against civilians in the states of Chiapas, Oaxaca, and Sinaloa. Land conflicts, social and ethnic violence, local political disputes, religiously motivated violence, extractive industry operations, and natural disasters were other causes. The CMDPDH found 74 percent of displaced persons in 2017 came from the states of Chiapas, Guerrero, and Sinaloa. The government, in conjunction with international organizations, made efforts to promote the safe, voluntary return, resettlement, or local integration of IDPs.

During an October 2017 border dispute between two municipalities in the state of Chiapas, 5,323 Tzotziles indigenous individuals were displaced. Violence between the communities resulted in women, children, and the elderly abandoning their homes. By January, 3,858 had returned, and the rest remained in shelters.

### **Protection of Refugees**

Access to Asylum: The law provides for granting asylum or refugee status and complementary protection, and the government has an established procedure for determining refugee status and providing protection to refugees. At the end of

2017, the Commission to Assist Refugees (COMAR) had received 14,596 petitions, of which 2,400 were abandoned, 7,719 were pending, and 4,475 were resolved. The number of applicants withdrawing from the process dropped to 16 percent during the year, down from 36 percent in 2014. The refusal rate decreased from 61 percent to 37 percent over that same period. NGOs reported bribes sometimes influenced the adjudication of asylum petitions and requests for transit visas.

The government worked with UNHCR to improve access to asylum and the asylum procedure, reception conditions for vulnerable migrants and asylum seekers, and integration (access to school and work) for those approved for refugee and complementary protection status. In October, the government announced the “You Are at Home” (“Estas en tu casa”) program to address the flow of migrants in so-called caravans from Central America transiting the country to seek asylum in the United States. The program offered migrants the opportunity to stay legally in the country with access to health care, employment, and education for children. Press reports indicated that 546 migrants had registered for the program as of November 11.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: The July 1 presidential, legislative, gubernatorial, and other local elections were considered by international observers to have been generally free and fair with only minor reports of irregularities. Local commentators pointed to the electoral authorities’ quick and transparent publishing of results as increasing citizen trust in the electoral and democratic system as a whole.

During the electoral season (September 2017 to June 28), 48 candidates were killed. In Guerrero 14 candidates were killed, followed by five in Puebla. Of the victims, 12 were members of the Institutional Revolutionary Party, 10 belonged to the Party of the Democratic Revolution, seven to the National Regeneration Movement, six to the National Action Party, five to the Citizens’ Movement, two to the Ecologist Green Party of Mexico, one each to the Social Encounter Party and the Labor Party, and three of the victims did not have a party affiliation. As of July

the killings resulted in just one arrest, and none resulted in convictions. In comparison with the 2012 elections, there were 10 times more killings of candidates in 2018.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. As of September women held 49 percent of 128 senate seats and 48 percent of 500 deputies' seats. The law provides for the right of indigenous persons to elect representatives to local office according to "uses and customs" law (See "Indigenous Peoples") rather than federal and state electoral law.

On September 8, the Chiapas Electoral and Citizen Participation Institute (IEPC) reported 36 women elected to political office in Chiapas resigned so that men could take their places. IEPC claimed the women were forced to give up their positions as part of a premeditated strategy to install men in office. The president of the National Electoral Institute, Lorenzo Cordova, stated the replacement of successful female candidates with men was "unacceptable in a democratic context" and that "it constitutes regression on the principle of gender parity and inclusion."

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not enforce the law effectively. There were numerous reports of government corruption during the year. Corruption at the most basic level involved paying bribes for routine services or in lieu of fines to administrative officials or security forces. More sophisticated and less apparent forms of corruption included funneling funds to elected officials and political parties by overpaying for goods and services.

Although by law elected officials enjoy immunity from prosecution while holding public office, state and federal legislatures have the authority to waive an official's immunity. As of November, 17 of the 32 states followed this legal procedure to strip immunity.

By law all applicants for federal law enforcement jobs (and other sensitive positions) must pass an initial law enforcement vetting process and be recleared every two years. According to the Interior Ministry and the National Center of Certification and Accreditation, most active police officers at the national, state, and municipal levels underwent at least initial vetting. The press and NGOs reported that some police officers who failed vetting remained on duty.

The CNDH reported that some police officers, particularly at the state and local level, were involved in kidnapping, extortion, and providing protection for, or acting directly on behalf of, organized crime and drug traffickers.

In July 2017 the National Anticorruption System entered into force, but pending state legislation and lagging federal and state appointments prevented the system from being fully operational. The law gives autonomy to federal administrative courts to investigate and sanction administrative acts of corruption, establishes harsher penalties for government officials convicted of corruption, provides the Superior Audit Office with real-time auditing authority, and establishes an oversight commission with civil society participation. A key feature of the system is the creation of an independent anticorruption prosecutor and court. The Senate had yet to appoint the special prosecutor at year's end.

Corruption: Authorities opened federal and state corruption investigations against former Veracruz governor Flavino Rios. In addition, former Quintana Roo governor Roberto Borge was extradited from Panama and detained pending trial on money-laundering charges. In October former Veracruz governor Javier Duarte agreed to a plea deal on charges of money laundering in one of the highest-profile recent corruption cases. As of November nearly 20 former governors had been sentenced, faced corruption charges, or were under formal investigation.

Financial Disclosure: The law requires all federal and state-level appointed or elected officials to provide income and asset disclosure, statements of any potential conflicts of interests, and tax returns. The Ministry of Public Administration monitors disclosures with support from each agency. Regulations require disclosures at the beginning and end of employment, as well as annual updates. The law requires declarations be made publicly available unless an official petitions for a waiver to keep his or her file private. Criminal or administrative sanctions apply for abuses.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were mostly cooperative and responsive to their views, and the president or cabinet officials met with human rights organizations such as the OHCHR, IACHR, and CNDH. Some NGOs alleged that

individuals who organized campaigns to discredit human rights defenders sometimes acted with tacit support from officials in government. Between 2012 and June 2018, the National Mechanism to Protect Human Rights Defenders and Journalists received 396 requests for protection of human rights defenders.

Government Human Rights Bodies: The CNDH is a semiautonomous federal agency created by the government and funded by the legislature to monitor and act on human rights violations and abuses. It may call on government authorities to impose administrative sanctions or pursue criminal charges against officials, but it is not authorized to impose penalties or legal sanctions. If the relevant authority accepts a CNDH recommendation, the CNDH is required to follow up with the authority to verify it is carrying out the recommendation. The CNDH sends a request to the authority asking for evidence of its compliance and includes this follow-up information in its annual report. When authorities fail to accept a recommendation, the CNDH makes that failure known publicly, and it may exercise its power to call government authorities who refuse to accept or enforce its recommendations before the Senate.

All states have their own human rights commission. The state commissions are funded by the state legislatures and are semiautonomous. The state commissions did not have uniform reporting requirements, making it difficult to compare state data and therefore to compile nationwide statistics. The CNDH may take on cases from state-level commissions if it receives a complaint that the state commission has not adequately investigated the case.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: Federal law criminalizes rape of men or women, including spousal rape, and conviction carries penalties of up to 20 years' imprisonment. Spousal rape is criminalized in 24 states.

The federal penal code prohibits domestic violence and stipulates penalties for conviction of between six months' and four years' imprisonment. Of the states, 29 stipulate similar penalties, although in practice sentences were often more lenient. Federal law does not criminalize spousal abuse. State and municipal laws addressing domestic violence largely failed to meet the required federal standards and often were unenforced.



Killing a woman because of the victim's gender (femicide) is a federal offense punishable by 40 to 60 years in prison. It is also a criminal offense in all states. The PGR's Special Prosecutor's Office for Violence against Women and Trafficking in Persons is responsible for leading government programs to combat domestic violence and prosecuting federal human trafficking cases involving three or fewer suspects. The office had 30 prosecutors in total, of whom nine were exclusively dedicated to federal cases of violence against women.

In addition to shelters, there were women's justice centers that provided services including legal services and protection; however, the number of cases far surpassed institutional capacity.

According to Interior Ministry statistics, in the first six months of the year prosecutors and attorneys general opened 387 investigations into 402 cases of femicide throughout the country. Statistics come from state-level reports that often conflate femicides with all killings of women. The states with the highest number of femicides in 2017 were Mexico, Veracruz, Nueva Leon, Chihuahua, Sinaloa, and Guerrero.

Sexual Harassment: Federal labor law prohibits sexual harassment and provides for fines from 250 to 5,000 times the minimum daily wage. Of the states, 16 criminalize sexual harassment, and all states have provisions for punishment when the perpetrator is in a position of power. According to the National Women's Institute, the federal institution charged with directing national policy on equal opportunity for men and women, sexual harassment in the workplace was a significant problem.

On August 1, the Yucatan state congress approved a bill to criminalize the distribution of "revenge pornography" and "sextortion." Individuals may be prosecuted if they publish or distribute intimate images, audio, videos, or texts without the consent of the other party. The sentence ranges from six months to four years in prison.

Coercion in Population Control: There were no confirmed reports of coerced abortion or involuntary sterilization. There were reports that public health doctors occasionally discouraged women from giving birth to HIV-infected babies.

Discrimination: The law provides women the same legal status and rights as men and "equal pay for equal work performed in equal jobs, hours of work, and conditions of efficiency." Women tended to earn substantially less than men did

for the same work. Women were more likely to experience discrimination in wages, working hours, and benefits.

## **Children**

Birth Registration: Children derived citizenship both by birth within the country's territory and from their parents. Citizens generally registered the births of newborns with local authorities. Failure to register births could result in the denial of public services such as education or health care.

Child Abuse: There were numerous reports of child abuse. The National Program for the Integral Protection of Children and Adolescents, mandated by law, is responsible for coordinating the protection of children's rights at all levels of government.

Early and Forced Marriage: The legal minimum marriage age is 18. Enforcement, however, was inconsistent across the states. Some civil codes permit girls to marry at 14 and boys at 16 with parental consent. With a judge's consent, children may marry at younger ages.

According to UNICEF, Chiapas, Guerrero, and Oaxaca were the states with the highest rates of underage marriages.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, and authorities generally enforced the law. Nonetheless, NGOs reported sexual exploitation of minors, as well as child sex tourism in resort towns and northern border areas.

Statutory rape is a federal crime. If an adult is convicted of having sexual relations with a minor, the penalty is between three months and 30 years' imprisonment depending on the age of the victim. Conviction for selling, distributing, or promoting pornography to a minor stipulates a prison term of six months to five years. For involving minors in acts of sexual exhibitionism or the production, facilitation, reproduction, distribution, sale, and purchase of child pornography, the law mandates seven to 12 years' imprisonment and a fine.

Perpetrators convicted of promoting, publicizing, or facilitating sexual tourism involving minors face seven to 12 years' imprisonment and a fine. Conviction for sexual exploitation of a minor carries an eight- to 15-year prison sentence and a fine.

**Institutionalized Children:** Civil society groups expressed concerns about abuse of children with mental and physical disabilities in orphanages, migrant centers, and care facilities.

In April, Disability Rights International documented a case at the institution Hogares de la Caridad in Guadalajara, where a 17-year-old who suffered from autism and cerebral palsy was found taped in a blanket around the torso, allegedly to prevent self-harm.

**International Child Abductions:** The country is party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

### **Anti-Semitism**

The 67,000-person Jewish community experienced low levels of anti-Semitism, but there were reports of some anti-Semitic expressions through social media. While an Anti-Defamation League report described an increase in anti-Semitic attitudes in the country from 24 percent of the population in 2014 to 35 percent of the population in 2017, Jewish community representatives reported low levels of anti-Semitic acts and good cooperation with the government and other religious and civil society organizations in addressing rare instances of such acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government did not effectively enforce the law. The law requires the Ministry of Health to promote the creation of long-term institutions for persons with disabilities in distress, and the Ministry of Social Development must establish specialized institutions to care for, protect, and house poor, neglected, or marginalized persons with disabilities. NGOs reported authorities had not implemented programs for community integration. NGOs

reported no changes in the mental health system to create community services nor any efforts by authorities to have independent experts monitor human rights violations in psychiatric institutions. Public buildings and facilities often did not comply with the law requiring access for persons with disabilities. The education system provided special education for students with disabilities nationwide. Children with disabilities attended school at a lower rate than those without disabilities.

Abuses in mental health institutions and care facilities, including those for children, were a problem. Abuses of persons with disabilities included the use of physical and chemical restraints, physical and sexual abuse, trafficking, forced labor, disappearance, and the illegal adoption of institutionalized children. Institutionalized persons with disabilities often lacked adequate medical care and rehabilitation services, privacy, and clothing; they often ate, slept, and bathed in unhygienic conditions. They were vulnerable to abuse from staff members, other patients, or guests at facilities where there was inadequate supervision. Documentation supporting the person's identity and origin was lacking. Access to justice was limited.

Voting centers for federal elections were generally accessible for persons with disabilities, and ballots were available with a braille overlay for federal elections in Mexico City, but these services were inconsistently available for local elections elsewhere in the country.

### **Indigenous People**

The constitution provides all indigenous peoples the right to self-determination, autonomy, and education. Conflicts arose from interpretation of the self-governing "uses and customs" laws used by indigenous communities. Uses and customs laws apply traditional practices to resolve disputes, choose local officials, and collect taxes, with limited federal or state government involvement. Communities and NGOs representing indigenous groups reported that the government often failed to consult indigenous communities adequately when making decisions regarding development projects intended to exploit energy, minerals, timber, and other natural resources on indigenous lands. The CNDH maintained a formal human rights program to inform and assist members of indigenous communities.

The CNDH reported indigenous women were among the most vulnerable groups in society. They often experienced racism and discrimination and were often victims

of violence. Indigenous persons generally had limited access to health-care and education services.

In August, UN Special Rapporteur on Indigenous Rights Victoria Tauli published her report on Mexico, concluding that “current development policies, which are based on megaprojects (in mining, energy, tourism, real estate, and agriculture, among other areas) pose a major challenge to indigenous peoples’ enjoyment of human rights. Lack of self-determination and prior, free, informed, and culturally appropriate consultation are compounded by land conflicts, forced displacement, and the criminalization of and violence against indigenous peoples who defend their rights.”

On January 7, violent clashes involving gunmen, an indigenous community police force, and state police led to the death of 11 persons in Guerrero who had campaigned against a hydroelectric project in the region for more than a decade (see section 1.a.).

On February 12, three members of the Committee for the Defense of Indigenous Rights in Oaxaca were killed after participating in a meeting with government authorities, according to Oaxacan NGOs and press reports. On July 17, the organization’s regional coordinator, Abraham Hernandez Gonzalez, was kidnapped and killed by an armed group.

There were no developments in the April 2017 killing of Luis “Lucas” Gutierrez in the municipality of Madera, Chihuahua. He was an indigenous rights activist and a member of a civil society group called the Civil Resistance Group.

In 2017, 15 environmental activists were killed, compared with three in 2016, according to a Global Witness Report. A majority of the victims came from indigenous communities. Since 2016, six ecologists in the indigenous territory of Coloradas de la Virgen, Chihuahua were killed in fighting over logging. Mining was also a cause of violence.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination against LGBTI individuals.

A Mexico City municipal law provides increased penalties for hate crimes based on sexual orientation and gender identity. Civil society groups claimed police routinely subjected LGBTI persons to mistreatment while in custody.

Discrimination based on sexual orientation and gender identity was prevalent, despite a gradual increase in public tolerance of LGBTI individuals, according to public opinion surveys. There were reports the government did not always investigate and punish those complicit in abuses, especially outside Mexico City.

On May 17, the CNDH called for a halt of discrimination against LGBTI persons.

In November 2017 the NGO Transgender Europe documented 56 cases of reported killings of transgender individuals in the country. According to the OHCHR, in the first eight months of the year, there were 17 hate crime homicides in Veracruz, committed against nine transgender women and eight gay men.

On August 5, an 18-year-old man was beaten to death allegedly by a group of 10 taxi drivers who worked at a taxi stand outside a gay bar in San Luis Potosi. Local LGBTI human right defenders claimed the killing was a hate crime because the victim was attacked due to his sexual orientation; the president of the San Luis Potosi State Commission for Human Rights agreed. Advocates also argued negligence in investigating the case due to homophobia in police ranks. As of October no one had been arrested in connection with the killing.

### **Other Societal Violence or Discrimination**

The Catholic Multimedia Center reported criminal groups targeted priests and other religious leaders in some parts of the country and subjected them to extortion, death threats, and intimidation. As of October, the center reported seven priests killed. There were two attacks with explosives in the diocese of Matamoros, Tamaulipas--one in the Cathedral of Matamoros and another in the church of Our Lady of Refuge. No victims were reported in either attack.

According to a 2017 INEGI survey, one in five citizens was a victim of discrimination in 2017. The reasons listed for discrimination included appearance, skin tone, indigenous background, gender, age, or disability. The survey found that in the last five years, nearly 20 million persons were denied medical services, government support, and financial services because of discrimination. According to the CNDH, only 10 percent reported this discrimination to an authority.

## Section 7. Worker Rights

### a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join unions, to bargain collectively, and to strike in both the public and private sectors; however, conflicting law, regulations, and practice restricted these rights.

The law requires a minimum of 20 workers to form a union. To receive government recognition, unions must file for registration with the appropriate conciliation and arbitration board (CAB) or the Ministry of Labor and Social Welfare. For the union to be able to function legally, its leadership must also register with the appropriate CAB or the ministry. CABs operated under a tripartite system with government, worker, and employer representatives. Outside observers raised concerns that the boards did not adequately provide for inclusive worker representation and often perpetuated a bias against independent unions, in part due to the prevalence of representatives from “protection” unions on the boards. Protection unions and “protection contracts”--collective bargaining agreements signed by employers and these unions to circumvent meaningful negotiations and preclude labor disputes--were common in all sectors.

By law a union may call for a strike or bargain collectively in accordance with its own bylaws. Before a strike may be considered legal, however, a union must file a “notice to strike” with the appropriate CAB, which may find that the strike is “nonexistent” or, in other words, it may not proceed legally. The law prohibits employers from intervening in union affairs or interfering with union activities, including through implicit or explicit reprisals against workers. The law allows for reinstatement of workers if the CAB finds the employer fired the worker unfairly and the worker requests reinstatement; however, the law also provides for broad exemptions for employers from such reinstatement, including employees of confidence or workers who have been in the job for less than a year.

The government, including the CABs, did not consistently protect worker rights. The government’s common failure to enforce labor and other laws left workers with little recourse for violations of freedom of association, poor working conditions, and other labor problems. The CABs’ frequent failure to impartially and transparently administer and oversee procedures related to union activity, such as union elections and strikes, undermined worker efforts to exercise freely their rights to freedom of association and collective bargaining.

February 2017 labor justice revisions to the constitution replace the CABs with independent judicial bodies, which are intended to streamline the labor justice process, but require implementing legislation to reform federal labor law. Under the terms of the constitutional reform, CABs would continue to administer new and pending labor disputes until the judicial bodies are operational.

Penalties for violations of freedom of association and collective bargaining laws were rarely applied and were insufficient to deter violations. Administrative and judicial procedures were subject to lengthy delays and appeals.

Workers exercised their rights to freedom of association and collective bargaining with difficulty. The process for registration of unions was politicized, and according to union organizers, the government, including the CABs, frequently used the process to reward political allies or punish political opponents. For example, the government rejected registration applications for locals of independent unions, and for unions, based on technicalities.

In September the Senate ratified the International Labor Organization (ILO) Convention 98 on collective bargaining. By ratifying the convention, the government subjects itself to the convention's oversight and reporting procedures. Ratification also contributes, according to the independent unions, to ensuring the institutions established as a result of the labor justice reform are, in law and practice, independent, transparent, objective, and impartial, with workers having recourse to the ILO's oversight bodies to complain of any failure.

According to several NGOs and unions, many workers faced violence and intimidation around bargaining-rights elections perpetrated by protection union leaders and employers supporting them, as well as other workers, union leaders, and vigilantes hired by a company to enforce a preference for a particular union. Some employers attempted to influence bargaining-rights elections through the illegal hiring of pseudo employees immediately prior to the election to vote for the company-controlled union. CABs were widely alleged to administer these elections with a bias against new, independent unions, resulting in delays and other procedural obstacles that impacted the results and undermined workers' right to organize.

Other intimidating and manipulative practices were common, including dismissal of workers for labor activism. For example, a garment factory in Morelos failed to halt workplace sexual harassment and sexual violence and instead fired the whistleblowers who reported the problem to management.



## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, but the government did not effectively enforce the law. While penalties for conviction of forced labor violations range from five to 30 years' imprisonment, very few cases reached the court system or were successfully prosecuted.

Forced labor persisted in the industrial and agricultural sectors, especially in the production of chili peppers and tomatoes, as well as in the informal sector. Women and children were subject to domestic servitude. Women, children, indigenous persons, and migrants (including men, women, and children) were the most vulnerable to forced labor. In July authorities rescued 50 agricultural workers on three commercial tomato farms in Coahuila. Authorities in Coahuila freed an additional 25 agricultural workers--including nine children--from a chili pepper and tomato farm in August. In both cases the forced labor victims reportedly lived in unsanitary conditions, worked excessive hours under the threat of dismissal, and received subminimum wage payments or no payment at all.

Day laborers and their children were the primary victims of forced and child labor in the agricultural sector. In 2016 INEGI reported 44 percent (2,437,150) of persons working in agriculture were day laborers. Of the day laborers, 33 percent received no financial compensation for their work. Only 3 percent of agricultural day laborers had a formal written contract, 4 percent had access to health services through their employment, and 7 percent received vacation days or Christmas bonuses--all benefits mandated by federal labor law.

Indigenous persons in isolated regions reported incidents of forced labor, in which cartel members forced them to perform illicit activities or face death. Minors were recruited or forced by cartels to traffic persons, drugs, or other goods across the border.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The constitution prohibits children younger than age 15 from working and allows those ages 15 to 17 to work no more than six daytime hours in nonhazardous conditions daily, and only with parental permission. The law requires children

younger than 18 to have a medical certificate to work. The minimum age for hazardous work, including all work in the agricultural sector, is 18. The law prohibits minors from working in a broad list of hazardous and unhealthy occupations.

The government was reasonably effective in enforcing child labor laws in large and medium-sized companies, especially in the factory (maquiladora) sector and other industries under federal jurisdiction. Enforcement was inadequate in many small companies and in agriculture and construction, and nearly absent in the informal sector, in which most child laborers worked.

At the federal level, the Ministry of Social Development, PGR, and National System for Integral Family Development share responsibility for inspections to enforce child labor laws and to intervene in cases in which employers violated such laws. The Ministry of Labor is responsible for carrying out child labor inspections. Penalties for violations range from 16,780 pesos (\$840) to 335,850 pesos (\$16,800) but were not sufficiently enforced to deter violations.

According to a 2017 INEGI survey, the number of employed children ages five to 17 was 3.2 million, or approximately 11 percent of children in the country. This represented a decrease from 12.4 percent of children in the 2015 INEGI survey. Of these children, 2.1 million, or 7.1 percent of the population ages five to 17, were under the minimum age of work or worked under conditions that violated federal labor laws, such as performing hazardous work. Child labor was most common in the agricultural sector; children worked in the harvest of beans, chili peppers, coffee, cucumbers, eggplants, melons, onions, tobacco, and tomatoes, as well as in the production of illicit crops such as opium poppies. Other sectors with significant child labor included services, retail sales, manufacturing, and construction.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment or occupation on the basis of “race, nationality, age, religion, sex, political opinion, social status, handicap (or challenged capacity), economic status, health, pregnancy, language, sexual preference, or marital status.” The government did not effectively enforce the law or regulations. According to a 2017 INEGI survey, 12 percent of Mexican women had been illegally asked to take a pregnancy test as a prerequisite to being hired. Job announcements specifying desired gender, marital status, and parental status were common.

INEGI reported in 2017 that 23 percent of working women experienced violence in the workplace within the past 12 months, and 6 percent experienced sexual violence.

Penalties for violations of the law included administrative remedies, such as reinstatement, payment of back wages, and fines (often calculated based on the employee's wages), and were not generally considered sufficient to deter violations. Discrimination in employment or occupation occurred against women, indigenous groups, persons with disabilities, LGBTI individuals, and migrant workers.

### **e. Acceptable Conditions of Work**

The general minimum wage was below the official poverty line. Most formal-sector workers received between one and three times the minimum wage. The tripartite National Minimum Wage Commission, whose labor representatives largely represented protection unions and their interests, is responsible for establishing minimum salaries but continued to block increases that kept pace with inflation.

The law sets six eight-hour days and 48 hours per week as the legal workweek. Any work over eight hours in a day is considered overtime, for which a worker is to receive double pay. After accumulating nine hours of overtime in a week, a worker earns triple the hourly wage. The law prohibits compulsory overtime. The law provides for eight paid public holidays and one week of paid annual leave after completing one year of work. The law requires employers to observe occupational safety and health regulations, issued jointly by the Ministry of Labor and Social Welfare and the Institute for Social Security. Legally mandated joint management and labor committees set standards and are responsible for overseeing workplace standards in plants and offices. Individual employees or unions may complain directly to inspectors or safety and health officials. By law workers may remove themselves from situations that endanger health or safety without jeopardy to their employment.

The Ministry of Labor is responsible for enforcing labor laws and inspecting workplaces. Neither the number of labor inspections nor the penalties for violations of labor law were sufficient to secure compliance with labor law. For example, in June, seven workers disappeared at a mine in Chihuahua when a dam holding liquid waste collapsed. Through its DECLARALAB self-evaluation tool,

the ministry provided technical assistance to almost 4,000 registered workplaces to help them meet occupational safety and health regulations.

According to labor rights NGOs, employers in all sectors sometimes used the illegal “hours bank” approach--requiring long hours when the workload is heavy and cutting hours when it is light--to avoid compensating workers for overtime. This was a common practice in the maquiladora sector, in which employers forced workers to take leave at low moments in the production cycle and obliged them to work in peak seasons, including the Christmas holiday period, without the corresponding triple pay mandated by law for voluntary overtime on national holidays. Additionally, many companies evaded taxes and social security payments by employing workers informally or by submitting falsified payroll records to the Mexican Social Security Institute. INEGI estimated 57 percent of the workforce was engaged in the informal economy during the year.

Observers from grassroots labor rights groups, international NGOs, and multi-national apparel brands reported that employers in export-oriented supply chains were increasingly using hiring methods that lessened job security. For example, manufacturers commonly hired workers on one- to three-month contracts, and then waited a period of days before rehiring them on another short-term contract, to avoid paying severance and to prevent workers from accruing seniority. This practice violates federal labor law and restricts worker’s rights to freedom of association and collective bargaining. Observers noted it also increased the likelihood of work-related illness and injury. Outsourcing practices made it difficult for workers to identify their legally registered employer, limiting their ability to seek redress of labor grievances.

Private recruitment agencies and individual recruiters violated the rights of temporary migrant workers recruited in the country to work abroad, primarily in the United States. Although the law requires these agencies to be registered, they often were unregistered. There were also reports that registered agencies defrauded workers with impunity. Some temporary migrant workers were regularly charged illegal recruitment fees. The Labor Ministry’s registry was outdated, inaccurate, and limited in scope. Although the government did not actively monitor or control the recruitment process, it reportedly was responsive in addressing complaints.

The situation of agricultural workers remained particularly precarious, with similar patterns of exploitation throughout the sector. Labor recruiters enticed families to work during harvests with verbal promises of decent wages and a good standard of

living. Rather than pay them daily wages once a week, as mandated by law, day laborers had to meet certain harvest quotas to receive the promised wage. Wages may be illegally withheld until the end of the harvest to ensure the workers do not leave, and civil society organizations alleged workers were prohibited from leaving by threats of violence or by nonpayment of wages. Workers had to buy food and other items at the company store at high markups, at times leaving them with no money at the end of the harvest after settling debts. Civil society groups reported families living in inhuman conditions, with inadequate and cramped housing, no access to clean water or bathrooms, insufficient food, and without medical care. With no access to schools or childcare, many workers brought their children to work in the fields.

News reports indicated there were poor working conditions in some maquiladoras. These included low wages, contentious labor management, long work hours, unjustified dismissals, a lack of social security benefits, unsafe workplaces, and no freedom of association. Many women working in the industry reported suffering some form of abuse. Most maquiladoras hired employees through outsourcing with few social benefits.

INDEX, the association of more than 250 factories in Ciudad Juarez, signed an agreement in March to prevent and eradicate violence against women with the Chihuahua Institute of Women and the National Commission.

# EXHIBIT E

# MEXICO 2017 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Mexico, which has 32 states, is a multiparty federal republic with an elected president and bicameral legislature. In 2012 President Enrique Peña Nieto of the Institutional Revolutionary Party won election to a single six-year term in elections observers considered free and fair. Citizens elected members of the Senate in 2012 and members of the Chamber of Deputies in 2015. Observers considered the June 2016 gubernatorial elections free and fair.

Civilian authorities generally maintained effective control over the security forces.

The most significant human rights issues included involvement by police, military, and other state officials, sometimes in coordination with criminal organizations, in unlawful killings, disappearances, and torture; harsh and life-threatening prison conditions in some prisons; arbitrary arrests and detentions; intimidation and corruption of judges; violence against journalists by government and organized criminal groups; violence against migrants by government officers and organized criminal groups; corruption; lethal violence and sexual assault against institutionalized persons with disabilities; lethal violence against members of the indigenous population and against lesbian, gay, bisexual, transgender, and intersex persons; and lethal violence against priests by criminal organizations.

Impunity for human rights abuses remained a problem, with extremely low rates of prosecution for all forms of crimes.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were reports the government or its agents committed arbitrary or unlawful killings, often with impunity. Organized criminal groups also were implicated in numerous killings, acting with impunity and at times in league with corrupt federal, state, local, and security officials. The National Human Rights Commission (CNDH) reported 24 complaints of “deprivation of life” between January and December 15.

In May the Ministry of National Defense (SEDENA) arrested and immediately transferred to civilian authorities a military police officer accused of the May 3 unlawful killing of a man during a confrontation in Puebla between soldiers and a gang of fuel thieves. No trial date had been set at year's end.

The civilian trial that started in 2016 continued for the commander of the 97th Army Infantry Battalion and three other military officers who were charged in 2016 for the illegal detention and extrajudicial killing in 2015 of seven suspected members of an organized criminal group in Calera, Zacatecas.

A federal investigation continued at year's end in the 2015 Tanhuato, Michoacan, shooting in which federal police were accused of executing 22 persons after a gunfight and of tampering with evidence. An August 2016 CNDH recommendation stated excessive use of force resulted in the execution of at least 22 individuals. The CNDH also reported that two persons had been tortured, police gave false reports regarding the event, and the crime scene had been altered. Security Commissioner Renato Sales claimed the use of force by police at Tanhuato was justified and proportional to the threat they faced and denied the killings were arbitrary executions. The CNDH called for an investigation by the Attorney General's Office, expanded human rights training for police, and monetary compensation for the families of the 22 victims. No federal police agents were charged.

Authorities made no additional arrests in connection with the 2015 killing of 10 individuals and illegal detentions and injury to a number of citizens in Apatzingan, Michoacan.

On August 1, a judge ordered federal authorities to investigate whether army commanders played a role in the 2014 killings of 22 suspected criminals in Tlatlaya, Mexico State. In his ruling the judge noted that the federal Attorney General's Office had failed to investigate a purported military order issued before the incident in which soldiers were urged to "take down criminals under cover of darkness." In January a civilian court convicted four Mexico State attorney general's office investigators on charges of torture, also pertaining to the Tlatlaya case. In 2016 a civilian federal court acquitted seven military members of murder charges, citing insufficient evidence. In 2015 the Sixth Military Court convicted one soldier and acquitted six others on charges of military disobedience pertaining to the same incident. Nongovernmental organizations (NGOs) expressed concerns regarding the lack of convictions in the case and the perceived failure to investigate the chain of command.



On October 17, the Federal Police developed a use of force protocol. The protocol instructs federal police to use force in a “rational, proportional manner, with full respect for human rights.”

Criminal organizations carried out human rights abuses and widespread killings throughout the country, sometimes in coordination with state agents.

As of November 20, according to media reports, families of disappeared persons and authorities had discovered more than 1,588 clandestine mass graves in 23 states. For example, in March, 252 human skulls were found in a mass grave in Colinas de Santa Fe, Veracruz. From January 2006 through September 2016, the CNDH reported that more than 850 mass graves were identified throughout the country. Civil society groups noted that there were few forensic anthropology efforts underway to identify remains.

## **b. Disappearance**

There were reports of forced disappearances--the secret abduction or imprisonment of a person--by security forces and of many forced disappearances related to organized criminal groups, sometimes with allegations of state collusion. In its data collection, the government often merged statistics on forcibly disappeared persons with missing persons not suspected of being victims of forced disappearance, making it difficult to compile accurate statistics on the extent of the problem.

Federal law prohibits forced disappearances, but laws relating to forced disappearances vary widely across the 32 states, and not all classify “forced disappearance” as distinct from kidnapping.

Investigation, prosecution, and sentencing for the crime of forced disappearance were rare. The CNDH registered 19 cases of alleged forced disappearances through December 15.

There were credible reports of police involvement in kidnappings for ransom, and federal officials or members of the national defense forces were sometimes accused of perpetrating this crime. The government’s statistics agency (INEGI) estimated that 94 percent of crimes were either unreported or not investigated and that underreporting of kidnapping may have been even higher.

In January, five sailors were charged by civilian prosecutors for illegal detention of a man in Mexico State. No trial date had been set at year's end. In July the Ministry of the Navy (SEMAR) arrested and transferred to civilian authorities seven sailors for their alleged involvement in a series of kidnappings.

On November 16, the president signed into law the General Law on Forced Disappearances after three years of congressional debate. The law establishes criminal penalties for persons convicted, stipulating 40 to 90 years' imprisonment for those found guilty of the crime of forced disappearance, and provides for the creation of a National System for the Search of Missing Persons, a National Forensic Data Bank, an Amber Alert System, and a National Search Commission.

The CNDH registered 19 cases of alleged forced disappearances through December 15. In an April report on disappearances, the CNDH reported 32,236 registered cases of disappeared persons through September 2016. According to the CNDH, 83 percent of cases were concentrated in the following states: Tamaulipas, Mexico State, Sinaloa, Nuevo Leon, Chihuahua, Coahuila, Sonora, Guerrero, Puebla, and Michoacan.

As of April 30, according to the National Registry of Missing Persons, 31,053 individuals were recorded as missing or disappeared. Tamaulipas was the state with the most missing or disappeared persons at 5,657, followed by Mexico State at 3,754 and Jalisco with 2,754. Men represented 74 percent of those disappeared, according to the database.

As of August the deputy attorney general for human rights was investigating 943 cases of disappeared persons. The federal Specialized Prosecutor's Office for the Search of Missing Persons had opened cases for 747 victims; the Unit for the Investigation of Crimes against Migrants had opened cases for 143 victims; the Iguala Case Investigation Office had opened cases for 43 victims; and the special prosecutor for violence against women and trafficking in persons had opened cases for 10 victims.

At the state level, in March, Jalisco state authorities announced the creation of the specialized attorney general's office for disappeared persons. As of May 31, the Jalisco Amber Alert system for missing minors had been used 964 times (since its inception in 2013). As of May 31, a separate Jalisco Alba Alert system to report the disappearance of a woman or girl had been employed more than 1,200 times since its inception in April 2016.

In June the state government of Chihuahua announced the creation of a specialized attorney general's office for grave human rights violations, including enforced disappearances. According to a local NGO, the Center for Women's Human Rights (CEDEHM), Chihuahua was one of the states with the highest numbers of enforced disappearances, with more than 1,870 victims as of May 2016. During the year the state also signed a memorandum of understanding with a group of independent forensics experts from Argentina to analyze human remains found in the municipalities of Cuauhtemoc, Carichi, and Cusihiuriachi and to gather DNA.

The Coahuila governor's office and state attorney general's office formed a joint working group early in the year to improve the state's unit for disappearances, collaborating with the local NGO Fray Juan de Larios to build the first registry of disappeared persons in Coahuila. The governor met monthly with families of the disappeared. Coahuila state prosecutors continued to investigate forced disappearances between 2009 and 2012 by the Zetas transnational criminal organization. These disappearances, carried out in collusion with some state officials and municipal police, occurred in the border towns of Piedras Negras, Allende, and Nava. State prosecutors executed 18 arrest warrants in the Allende massacre, including 10 for former police officials. Separately, they issued 19 arrest warrants for officials from the Piedras Negras state prison accused of allowing a transnational criminal organization to use the prison as a base to kill and incinerate victims.

Local human rights NGOs criticized the state's response, saying most of those arrested were set free by courts after the state erred by filing kidnapping charges against the accused rather than charges of forced disappearance. A coalition of Coahuila-based human rights NGOs, many of them backed by the Roman Catholic diocese of Saltillo, filed a communique with the International Criminal Court in the Hague stating that state-level government collusion with transnational criminal organizations had resulted in massive loss of civilian life between 2009 and 2012, during the administration of then governor Humberto Moreira. They further stated that between 2012 and 2016, during the administration of then governor Ruben Moreira (brother of Humberto), state security authorities committed crimes against humanity in their fight against the Zetas, including unjust detention and torture. In July the state government disputed these findings and produced evidence of its investigations into these matters.

In a study of forced disappearances in Nuevo Leon released in June, researchers from the Latin American Faculty of Social Science's Observatory on Disappearance and Impunity, the University of Minnesota, and Oxford University

found that the 548 documented forced disappearances in the state between 2005 and 2015 were almost equally divided between those ordered by state agents (47 percent) and those ordered by criminal organizations (46 percent). Of the state agents alleged to be behind these disappearances, 35 were federal or military officials, 30 were state-level officials, and 65 were municipal officials. The study relied primarily on interviews with incarcerated gang members and family members of disappeared persons.

In May the Veracruz state government established an online database of disappearances, documenting 2,500 victims, and began a campaign to gather samples for a DNA database to assist in identification.

In 2016 the Inter-American Commission on Human Rights (IACHR) launched the follow-up mechanism agreed to by the government, the IACHR, and the families of the 43 students who disappeared in Iguala, Guerrero, in 2014. The government provided funding for the mechanism to continue the work of the group of independent experts (GIEI) that supported the investigation of the disappearances and assisted the families of the victims during their 2015-16 term. At the end of the GIEI mandate in April 2016, the experts released a final report critical of the government's handling of the case. The federal government reported it had complied with 923 of the experts' 973 recommendations. In December the government extended the GIEI mandate for an additional year.

According to information provided by the Attorney General's Office in August, authorities had indicted 168 individuals and arrested 128, including 73 police officers from the towns of Cocula and Iguala, and 55 alleged members of the Guerrero-based drug trafficking organization Guerreros Unidos connected to the Iguala case. Authorities held many of those arrested on charges related to organized crime rather than on charges related to the disappearance of the students, according to the GIEI. In 2016 authorities arrested the former police chief of Iguala, Felipe Flores, who had been in hiding since the 2014 disappearances. A 2016 CNDH report implicated federal and local police officers from nearby Huitzuco in the killings. Representatives from the Attorney General's Office, Foreign Ministry, and Interior Ministry met regularly with the families of the victims to update them on progress being made in the case. Both federal and state authorities reported they continued to investigate the case, including the whereabouts of the missing students or their remains.

In April the Follow-Up Mechanism expressed its "concern about the slow pace in the search activities and in the effective clarification of the various lines of

investigation indicated by the GIEI.” The commission also noted, “Not a single person has been prosecuted in this case for the crime of forced disappearance, and no new charges have been filed since December 2015.” The commission noted progress in “the administrative steps taken to contract the Light Detection and Ranging (LIDAR) surveying technology to be used in the search for the students, the progress made in the investigation of telephone communications, and the establishment of a timeline for taking statements from those arrested and other individuals. It also values the progress made in the investigations into possible involvement of police officers from Huitzuco.” In July the IACHR Office of the Special Rapporteur for Freedom of Expression expressed concern regarding alleged spying that targeted “at least one member of the GIEI” along with human rights defenders and journalists.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment, and confessions obtained through illicit means are not admissible as evidence in court. Despite these prohibitions, there were reports of torture and other illegal punishments.

As of November 30, the CNDH registered 85 complaints of torture. NGOs stated that in some cases the CNDH misclassified torture as inhuman or degrading treatment.

Fewer than 1 percent of federal torture investigations resulted in prosecution and conviction, according to government data. The Attorney General’s Office conducted 13,850 torture investigations between 2006 and 2016, and authorities reported 31 federal convictions for torture during that period. Congress approved and the president signed the General Law to Prevent, Investigate, and Punish Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment that entered into force on June 26. Human rights groups and the OHCHR commended the law, which establishes an “absolute prohibition” on the use of torture “in any circumstance,” assigns command responsibility, sets a sentence of up to 20 years’ imprisonment for convicted government officials and of up to 12 years’ imprisonment for convicted nonofficials, stipulates measures to prevent obstruction of internal investigations, and envisions a national mechanism to prevent torture and a national registry maintained by the Office of the Attorney General.

The law also eliminates the requirement that formal criminal charges be filed before a complaint of torture may be entered in the national registry, adds higher penalties for conviction of torturing “vulnerable” classes of victims (women and persons with disabilities), permits federal investigation of state cases of torture when an international body has ruled on the case or if the victim so requests, and eliminates requirements that previously prevented judges from ordering investigations into torture.

In 2015 the Attorney General’s Office created the *Detainee Consultation System* website to allow the public to track the status of detainees in the federal penitentiary system, including their physical location, in real time. The office collaborated with all 32 states on implementation of the system at the state and federal level, and the site was visited on average 476 times a day. The states that were farthest along in implementing the system were Campeche, Mexico City, Coahuila, Mexico State, Jalisco, Nuevo Leon, Michoacan, Puebla, Queretaro, and Tlaxcala.

On March 30, the Quintana Roo attorney general’s office apologized to Hector Casique, who was tortured and wrongly convicted of multiple counts of homicide in 2013 during a previous state administration. In September 2016 Casique was released from prison. On June 9, he was killed by unknown assailants.

On August 22, a state judge acquitted and ordered the release of Maria del Sol Vazquez Reyes after nearly five years of imprisonment for conviction of crimes that the court found she was forced to confess under torture by the former investigation agency of the Veracruz state police. The officers who tortured her had not been charged by year’s end.

In May in Chihuahua, prosecutor Miguel Angel Luna Lopez was suspended after a video from 2012 became public that showed him interrogating two suspects with bandaged faces. Luna was reinstated as a police agent while the investigation continued. Also in Chihuahua, in January a former municipal police officer, Erick Hernandez Mendoza, was formally charged with torturing a housekeeper who was suspected of stealing from her employer. Two other police officers who allegedly took part in her torture were not charged.

### **Prison and Detention Center Conditions**

Conditions in prisons and detention centers could be harsh and life threatening due to corruption; overcrowding; abuse; inmate violence; alcohol and drug addiction;

inadequate health care, sanitation, and food; comingling of pretrial and convicted persons; and lack of security and control.

Physical Conditions: According to a CNDH report, state detention centers suffered from “uncontrolled self-government in aspects such as security and access to basic services, violence among inmates, lack of medical attention, a lack of opportunities for social reintegration, a lack of differentiated attention for groups of special concern, abuse by prison staff, and a lack of effective grievance mechanisms.” Some of the most overcrowded prisons were plagued by riots, revenge killings, and jailbreaks. Criminal gangs often held de facto control inside prisons.

Health and sanitary conditions were often poor, and most prisons did not offer psychiatric care. Some prisons were staffed with poorly trained, underpaid, and corrupt correctional officers, and authorities occasionally placed prisoners in solitary confinement indefinitely. Authorities held pretrial detainees together with convicted criminals. The CNDH noted the lack of access to adequate health care was a significant problem. Food quality and quantity, heating, ventilation, and lighting varied by facility, with internationally accredited prisons generally having the highest standards.

A CNDH report in June noted many of the prisons, particularly state-run correctional facilities, were unsafe, overcrowded, and understaffed. It surveyed conditions at more than 190 state, local, and federal facilities and found inmates often controlled some areas of prisons or had contraband inside. The report cited insufficient staff, unsafe procedures, and poor medical care at many facilities. Inmates staged mass escapes, battled each other, and engaged in shootouts using guns that police and guards smuggled into prison. A report released in March by the National Security Commission stated that 150 federal and state prisons were overcrowded and exceeded capacity by 17,575 prisoners.

On July 31, INEGI released its first National Survey on Population Deprived of Freedom 2016, based on a survey of 211,000 inmates in the country’s 338 state and federal penitentiaries. The survey revealed that 87 percent of prison inmates reported bribing guards for items such as food, making telephone calls, or obtaining a blanket or mattress. Another survey of 64,000 prisoners revealed that 36 percent reported paying bribes to other inmates, who often controlled parts of penitentiaries. Fifty percent of prisoners said they paid bribes to be allowed to have appliances in their cells, and 26 percent said they paid bribes to be allowed to have electronic communications devices, including cell phones, which were banned in many prisons.

The CNDH reported conditions for female prisoners were inferior to those for men, due to a lack of appropriate living facilities and specialized medical care. The CNDH found several reports of sexual abuse of inmates in the State of Mexico's Nezahualcoyotl Bordo de Xochiaca Detention Center. Cases of sexual exploitation of inmates were also reported in Mexico City and the states of Chihuahua, Coahuila, Guerrero, Nayarit, Nuevo Leon, Oaxaca, Puebla, Quintana Roo, Sinaloa, Sonora, Tamaulipas, and Veracruz.

The CNDH reported 86 homicides and 26 suicides in state and district prisons in 2016. Fourteen states did not report information regarding homicides and suicides to the CNDH. The CNDH noted in its 2016 report on prisons that in general prisons were not prepared to prevent or address violent situations such as suicides, homicides, fights, injuries, riots, and jailbreaks.

The state government in Tamaulipas struggled to regain control of its prisons after decades of ceding authority to prison gangs, according to media and NGO reports. Criminal organizations constantly battled for control of prisons, and numerous riots claimed more than a dozen prisoners' lives, including three foreign prisoners in the past year (two in Nuevo Laredo, one in Ciudad Victoria). On April 18, an inspection at the prison in Ciudad Victoria uncovered four handguns, two AK-47s, one hand grenade, and 108 knives. On June 6, a riot at the same facility claimed the lives of three state police officers and four inmates. On July 31, the official in charge of the prisons in Tamaulipas, Felipe Javier Tellez Ramirez, was killed in Ciudad Victoria reportedly in retaliation for challenging the criminal gangs in the state's prison system.

Prisoner outbreaks or escape attempts also plagued Tamaulipas' prisons. On March 22, 29 prisoners escaped through a tunnel from a prison in Ciudad Victoria, Tamaulipas. On June 19, eight inmates escaped from the youth detention center in Gomez. On August 10, nine inmates were killed and 11 injured in an inmate fight at a prison in Reynosa where a tunnel had previously been discovered. Guards fired live ammunition to control the situation, which occurred during family visiting hours.

In June, 28 inmates were killed by their rivals at a prison in Acapulco. Three prison guards were arrested for having allowed the attackers to exit their cells to kill their rivals.



On October 9, a riot at Nuevo Leon's Cadereyta state prison was initially contained but flared up again the next day as inmates set fires. Press reports indicated one prisoner died in the fires. After three prison guards were taken hostage, state police were sent into the prison to control the situation. Official sources reported that at least 16 inmates died during the riot, some because of police action to reclaim control of the prison. This was the fifth lethal riot at a Nuevo Leon prison since 2016.

Civil society groups reported abuses of migrants in some migrant detention centers. Human rights groups reported many times asylum seekers from the Northern Triangle of Central America held in detention and migrant transitory centers were subject to abuse when comingled with other migrants such as MS-13 gang members from the region. In addition migration officials reportedly discouraged persons potentially needing international assistance from applying for asylum, claiming their applications were unlikely to be approved. These conditions resulted in many potential asylum seekers and persons in need of international protection abandoning their claims (see also section 2.d.).

Administration: While prisoners and detainees could file complaints regarding human rights violations, access to justice was inconsistent, and authorities generally did not release the results of investigations to the public.

Independent Monitoring: The government permitted independent monitoring of prison conditions by the International Committee of the Red Cross, the CNDH, and state human rights commissions. Independent monitors were generally limited to making recommendations to authorities to improve conditions of confinement.

Improvements: State facilities continued to seek international accreditation from the American Correctional Association, which requires demonstrated compliance with a variety of international standards. As of August 20, an additional 12 correctional facilities achieved accreditation, raising the total number of state and federal accredited facilities to 70.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court, but the government sometimes failed to observe these requirements.

#### **Role of the Police and Security Apparatus**

The federal police, as well as state and municipal police, have primary responsibility for law enforcement and the maintenance of order. The federal police are under the authority of the interior secretary and the National Security Commission, state police are under the authority of the state governors, and municipal police are under the authority of local mayors. SEDENA and SEMAR also play a role in domestic security, particularly in combatting organized criminal groups. Article 89 of the constitution grants the president the authority to use the armed forces for the protection of internal and national security, and the courts have upheld the legality of the armed forces' role in undertaking these activities in support of civilian authorities. The National Migration Institute (INM), under the authority of the Interior Ministry, is responsible for enforcing migration laws and protecting migrants.

On December 21, the president signed the Law on Internal Security, which provides a more explicit legal framework for the role the military had been playing for many years in public security. The law authorizes the president to deploy the military to the states at the request of civilian authorities to assist in policing. The law subordinates civilian law enforcement operations to military authority in some instances and allows the president to extend deployments indefinitely in cases of "grave danger." Upon signing the law, President Peña Nieto publicly affirmed he would not seek to implement it until the Supreme Court had the opportunity to review any constitutional challenges to the new law. At year's end, no challenges had been submitted to the Supreme Court. The law passed despite the objections of the CNDH, the Catholic archdiocese, some civil society organizations, the IACHR, and various UN bodies and officials, including the UN High Commissioner for Human Rights, who argued that it could further militarize citizen security and exacerbate human rights abuses. The government argued the law would in fact serve to limit the military's role in law enforcement by establishing command structures and criteria for deployments. Military officials had long sought to strengthen the legal framework for the domestic operations they have been ordered by civilian authorities to undertake. Proponents of the law also argued that since many civilian police organizations were unable to cope with public security challenges unaided, the law merely clarified and strengthened the legal framework for what was a practical necessity. Many commentators on both sides of the argument regarding the law contended that the country still had not built civilian law enforcement institutions capable of ensuring citizen security.

The law requires military institutions to transfer all cases involving civilian victims, including human rights cases, to civilian prosecutors to pursue in civilian

courts. There are exceptions, as when both the victim and perpetrator are members of the military, in which case the matter is dealt with by the military justice system. SEDENA, SEMAR, the federal police, and the Attorney General's Office have security protocols for the transfer of detainees, chain of custody, and use of force. The protocols, designed to reduce the time arrestees remain in military custody, outline specific procedures for handling detainees.

As of August the Attorney General's Office was investigating 138 cases involving SEDENA or SEMAR officials suspected of abuse of authority, torture, homicide, and arbitrary detention. Military tribunals have no jurisdiction over cases with civilian victims, which are the exclusive jurisdiction of civilian courts.

Although civilian authorities maintained effective control over security forces and police, impunity, especially for human rights abuses, remained a serious problem. The frequency of prosecution for human rights abuse was extremely low.

Military officials withheld evidence from civilian authorities in some cases. Parallel investigations by military and civilian officials of human rights violations complicated prosecutions due to loopholes in a 2014 law that granted civilian authorities jurisdiction to investigate violations committed by security forces. Of 505 criminal proceedings conducted between 2012 and 2016, the Attorney General's Office won only 16 convictions, according to a November report by the Washington Office on Latin America citing official figures, which also indicated that human rights violations had increased in tandem with the militarization of internal security. The Ministry of Foreign Relations acknowledged the report, stated that the problems stemmed from the conflict with drug-trafficking organizations, as well as the proliferation of illegal weapons, and emphasized that the military's role in internal security was only a temporary measure.

On November 16, women of the Atenco case testified before the Inter-American Court of Human Rights and called for the court to conduct an investigation into the case. The 2006 San Salvador Atenco confrontation between local vendors and state and federal police agents in Mexico State resulted in two individuals being killed and more than 47 women taken into custody, with many allegedly sexually tortured by police officials. In 2009 an appeals court reversed the sole conviction of a defendant in the case.

SEDENA's General Directorate for Human Rights investigates military personnel for violations of human rights identified by the CNDH and is responsible for promoting a culture of respect for human rights within the institution. The

directorate, however, has no power to prosecute allegations of rights violations or to take independent judicial action.

### **Arrest Procedures and Treatment of Detainees**

The constitution allows any person to arrest another if the crime is committed in his or her presence. A warrant for arrest is not required if an official has direct evidence regarding a person's involvement in a crime, such as having witnessed the commission of a crime. This arrest authority, however, is only applicable in cases involving serious crimes in which there is risk of flight. Bail is available for most crimes, except for those involving organized crime and a limited number of other offenses. In most cases the law provides for detainees to appear before a judge for a custody hearing within 48 hours of arrest during which authorities must produce sufficient evidence to justify continued detention, but this requirement was not followed in all cases, particularly in remote areas of the country. In cases involving organized crime, the law allows authorities to hold suspects for up to 96 hours before they must seek judicial review.

The procedure known in Spanish as "arraigo" (a constitutionally permitted form of detention, employed during the investigative phase of a criminal case before probable cause is fully established) allows, with a judge's approval, for certain suspects to be detained for up to 80 days prior to the filing of formal charges. Under the new accusatory system, arraigo has largely been abandoned.

Some detainees complained of a lack of access to family members and to counsel after police held persons incommunicado for several days and made arrests arbitrarily without a warrant. Police occasionally failed to provide impoverished detainees access to counsel during arrest and investigation as provided for by law, although the right to public defense during trial was generally respected. Authorities held some detainees under house arrest.

Arbitrary Arrest: Allegations of arbitrary detentions persisted throughout the year. The IACHR, the UN Working Group on Arbitrary Detention, and NGOs expressed concerns regarding arbitrary detention and the potential for arbitrary detention to lead to other human rights abuses.

A July report by Amnesty International reported widespread use of arbitrary detention by security forces.

Pretrial Detention: Lengthy pretrial detention was a problem, although NGOs such as the Institute for Economics and Peace credited the transition to the accusatory justice system (completed in 2016) with reducing its prevalence. A 2015 IACHR report showed that 42 percent of individuals detained were in pretrial detention. The law provides time limits on pretrial detention, but authorities sometimes failed to comply with them, since caseloads far exceeded the capacity of the federal judicial system. Violations of time limits on pretrial detention were also endemic in state judicial systems.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons who are arrested or detained, whether on criminal or other grounds, may challenge their detention through a writ of habeas corpus. The defense may argue, among other things, that the accused did not receive proper due process, suffered a human rights abuse, or had his or her basic constitutional rights violated. By law individuals should be promptly released and compensated if their detention is found to be unlawful, but authorities did not always promptly release those unlawfully detained. In addition, under the criminal justice system, defendants apprehended during the commission of the crime may challenge the lawfulness of their detention during their court hearing.

#### **e. Denial of Fair Public Trial**

Although the constitution and law provide for an independent judiciary, court decisions were susceptible to improper influence by both private and public entities, particularly at the state and local level, as well as by transnational criminal organizations. Authorities sometimes failed to respect court orders, and arrest warrants were sometimes ignored. Across the criminal justice system, many actors lacked the necessary training and resources to carry out their duties fairly and consistently in line with the principle of equal justice.

#### **Trial Procedures**

In 2016 all civilian and military courts officially transitioned from an inquisitorial legal system based primarily upon judicial review of written documents to an accusatory trial system reliant upon oral testimony presented in open court. In some states alternative justice centers employed mechanisms such as mediation, negotiation, and restorative justice to resolve minor offenses outside the court system.

Under the accusatory system, all hearings and trials are conducted by a judge and follow the principles of public access and cross-examination. Defendants have the right to a presumption of innocence and to a fair and public trial without undue delay. Defendants have the right to attend the hearings and to challenge the evidence or testimony presented. Defendants may not be compelled to testify or confess guilt. The law also provides for the rights of appeal and of bail in many categories of crimes. The law provides defendants with the right to an attorney of their choice at all stages of criminal proceedings. By law attorneys are required to meet professional qualifications to represent a defendant. Not all public defenders were qualified, however, and often the state public defender system was understaffed and underfunded. Administration of public defender services was the responsibility of either the judicial or executive branch, depending on the jurisdiction. According to the Center for Economic Research and Economic Teaching, most criminal suspects did not receive representation until after their first custody hearing, thus making individuals vulnerable to coercion to sign false statements prior to appearing before a judge.

Defendants have the right to free assistance of an interpreter if needed, although interpretation and translation services into indigenous languages at all stages of the criminal process were not always available. Indigenous defendants who did not speak Spanish sometimes were unaware of the status of their cases and were convicted without fully understanding the documents they were instructed to sign.

The lack of federal rules of evidence caused confusion and led to disparate judicial rulings.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Citizens have access to an independent judiciary in civil matters to seek civil remedies for human rights violations. For a plaintiff to secure damages against a defendant, authorities first must find the defendant guilty in a criminal case, a significant barrier in view of the relatively low number of convictions for civil rights offenses.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such practices and requires search warrants. There were some complaints of illegal searches or illegal destruction of private property.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, and the government generally respected this right. Most newspapers, television, and radio stations had private ownership. The government had minimal presence in the ownership of news media but remained the main source of advertising revenue, which at times influenced coverage. Media monopolies, especially in small markets, could constrain freedom of expression.

Violence and Harassment: Journalists were subject to physical attacks, harassment, and intimidation (especially by state agents and transnational criminal organizations) due to their reporting. This created a chilling effect that limited media's ability to investigate and report, since many of the reporters who were killed covered crime, corruption, and local politics. During the year more journalists were killed because of their reporting than in any previous year. The OHCHR recorded 15 killings of reporters, and Reporters Without Borders identified evidence that the killing of at least 11 reporters was directly tied to their work.

Perpetrators of violence against journalists acted with impunity, which fueled further attacks. According to Article 19, a press freedom NGO, the impunity rate for crimes against journalists was 99.7 percent. The 276 attacks against journalists in the first six months of the year represented a 23 percent increase from the same period in 2016. Since its creation in 2010, the Office of the Special Prosecutor for Crimes Against Journalists (FEADLE), a unit of the Attorney General's Office, won only two convictions in more than 800 cases it pursued. During the year there was only one conviction for the murder of a journalist at the local level. In February a court in Oaxaca convicted and sentenced a former police officer to 30 years' imprisonment for the 2016 murder of journalist Marcos Hernandez Bautista. The OHCHR office in Mexico publicly condemned the failure to prosecute crimes against journalists.

Government officials believed organized crime to be behind most of these attacks, but NGOs asserted there were instances when local government authorities

participated in or condoned the acts. An April report by Article 19 noted 53 percent of cases of aggression against journalists in 2016 originated with public officials. Although 75 percent of those came from state or local officials, federal officials and members of the armed forces were also suspected of being behind attacks.

In April the government of Quintana Roo offered a public apology to journalist Pedro Canche, who was falsely accused by state authorities of sabotage and detained for nine months in prison.

According to Article 19, 11 journalists were killed between January 1 and October 15. For example, on March 23, Miroslava Breach, correspondent for the daily newspapers *La Jornada* and *El Norte de Chihuahua*, was shot eight times and killed as she was preparing to take her son to school in Chihuahua City. Many of her publications focused on political corruption, human rights abuses, attacks against indigenous communities, and organized crime. According to the Committee to Protect Journalists (CPJ), she was the only national correspondent to cover the troubled Sierra Tarahumara indigenous region. On December 25, federal police made an arrest in the case of an individual linked to a branch of the Sinaloa cartel who they stated was the mastermind of the crime. Breach's family told *La Jornada* newspaper they did not believe the suspect in custody was behind the killing, which they attributed to local politicians who had previously threatened the reporter.

On May 15, Javier Valdez, founder of *Riodoce* newspaper in Sinaloa, winner of a 2011 CPJ prize for heroic journalism and outspoken defender of press freedom, was shot and killed near his office in Culiacan, Sinaloa.

During the first six months of the year, the National Mechanism to Protect Human Rights Defenders and Journalists received 214 requests for protection, an increase of 143 percent from 2016. Since its creation in 2012 through July, the mechanism accepted 589 requests for protection. On August 22, a journalist under the protection of the mechanism, Candido Rios, was shot and killed in the state of Veracruz. Following the wave of killings in early May, the president replaced the special prosecutor for crimes against freedom of expression at the Attorney General's Office and held a televised meeting with state governors and attorneys general to call for action in cases of violence against journalists. NGOs welcomed the move but expressed concern regarding shortcomings, including the lack of an official protocol to handle journalist killings despite the appointment of the special prosecutor. NGOs maintained that the special prosecutor had not used his office's



authorities to take charge of cases in which state prosecutors had not produced results.

Censorship or Content Restrictions: Human rights groups reported state and local governments in some parts of the country worked to censor the media and threaten journalists. In June the *New York Times* newspaper reported 10 Mexican journalists and human rights defenders were targets of an attempt to infiltrate their smartphones through an Israeli spyware program called Pegasus that was sold only to governments, citing a forensic investigation by Citizen Lab at the University of Toronto. Officials at the Attorney General's Office acknowledged purchasing Pegasus but claimed to have used it only to monitor criminals.

Journalists reported altering their coverage in response to a lack of protection from the government, attacks against members of the media and newsrooms, false charges of “publishing undesirable news,” and threats or retributions against their families, among other reasons. There were reports of journalists practicing self-censorship because of threats from criminal groups and of government officials seeking to influence or pressure the press, especially in the states of Tamaulipas and Sinaloa.

Libel/Slander Laws: There are no federal laws against defamation, libel, or slander, but local laws remain in eight states. Five states have laws that restrict the use of political caricatures or “memes.” These laws were seldom applied.

Nongovernmental Impact: Organized criminal groups exercised a grave and increasing influence over media outlets and reporters, threatening individuals who published critical views of crime groups. Concerns persisted regarding the use of physical violence by organized criminal groups in retaliation for information posted online, which exposed journalists, bloggers, and social media users to the same level of violence faced by traditional journalists.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or block or filter online content. Freedom House's 2016 *Freedom on the Net* report categorized the country's internet as partly free, noting an increase in government requests to social media companies to remove content.

Some civil society organizations alleged that various state and federal agencies sought to monitor private online communications. NGOs alleged that provisions in

secondary laws threatened the privacy of internet users by forcing telecommunication companies to retain data for two years, providing real-time geolocation data to police, and allowing authorities to obtain metadata from private communications companies without a court order. Furthermore, the law does not fully define the “appropriate authority” to carry out such actions. Despite civil society pressure to nullify the government’s data retention requirements and real-time geolocation provisions passed in 2014, the Supreme Court upheld those mechanisms. The court, however, noted the need for authorities to obtain a judicial warrant to access users’ metadata.

In June the government stated it was opening a criminal investigation to determine whether prominent journalists, human rights defenders, and anticorruption activists were subjected to illegal surveillance via sophisticated surveillance malware.

INEGI estimated 59 percent of citizens over age five had access to the internet.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights. There were some reports of security forces using excessive force against demonstrators. Twelve states have laws that restrict public demonstrations.

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection

and assistance to refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

The government and press reports noted a marked increase in refugee and asylum applications during the previous year. UNHCR projected the National Refugee Commission (COMAR) would receive 20,000 asylum claims by the end of the year, compared with 8,788 in 2016. COMAR projected lower numbers, noting that as of June 30, it had received 6,816 petitions.

At the Iztapalapa detention center near Mexico City, the Twenty-First Century detention center in Chiapas, and other detention facilities, men were kept separate from women and children, and there were special living quarters for lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals. Migrants had access to medical, psychological, and dental services, and the Iztapalapa center had agreements with local hospitals to care for any urgent cases free of charge. Individuals from countries with consular representation also had access to consular services. COMAR and CNDH representatives visited daily, and other established civil society groups were able to visit the detention facilities on specific days and hours. Victims of trafficking and other crimes were housed in specially designated shelters. Human rights pamphlets were available in many different languages. In addition approximately 35 centers cooperated with UNHCR and allowed it to put up posters and provide other information on how to access asylum for those in need of international protection.

Abuse of Migrants, Refugees, and Stateless Persons: The press and NGOs reported victimization of migrants by criminal groups and in some cases by police and immigration officers and customs officials. Government and civil society sources reported Central American gang presence spread farther into the country and threatened migrants who had fled the same gangs in their home countries. An August report by the independent INM Citizens' Council found incidents in which immigration agents had been known to threaten and abuse migrants to force them to accept voluntary deportation and discourage them from seeking asylum. The council team visited 17 detention centers across the country and reported threats, violence, and excessive force against undocumented migrants. The INM responded to these allegations by asserting it treated all migrants with "absolute respect."

There were media reports that criminal groups kidnapped undocumented migrants to extort money from migrants' relatives or force them into committing criminal acts on their behalf.

In March the federal government began operating the Crimes Investigation Unit for Migrants and the Foreign Support Mechanism of Search and Investigation. The International Organization for Migration collaborated with municipal governments to establish offices along the border with Guatemala to track and assist migrants.

In-country Movement: There were numerous instances of armed groups limiting the movements of migrants, including by kidnappings and homicides.

### **Internally Displaced Persons (IDPs)**

The Internal Displacement Monitoring Center estimated that as of 2016, there were at least 311,000 IDPs who had fled their homes and communities in response to criminal, political, and religiously motivated violence as well as natural disasters. In 2016 the CNDH released a report stating 35,433 IDPs were displaced due to drug trafficking violence, interreligious conflicts, and land disputes. At approximately 20,000, Tamaulipas reportedly had the highest number of IDPs followed by 2,165 in Guerrero and 2,008 in Chihuahua. NGOs estimated hundreds of thousands of citizens, many fleeing areas of armed conflict among organized criminal groups, or between the government and organized criminal groups, became internally displaced. The government, in conjunction with international organizations, made efforts to promote the safe, voluntary return, resettlement, or local integration of IDPs.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status and complementary protection, and the government has an established procedure for determining refugee status and providing protection to refugees. As of August COMAR had received 8,703 petitions, of which 1,007 had been accepted for review, 1,433 were marked as abandoned, 1,084 were not accepted as meeting the criteria, and 385 were accepted for protection. According to NGOs, only one-third of applicants was approved and the remaining two-thirds classified as economic migrants not meeting the legal requirements for asylum; applicants abandoned some petitions. NGOs reported bribes sometimes influenced the adjudication of asylum petitions and requests for transit visas.

The government worked with UNHCR to improve access to asylum and the asylum procedure, reception conditions for vulnerable migrants and asylum seekers, and integration (access to school and work) for those approved for refugee

and complementary protection status. UNHCR also doubled the capacity of COMAR by funding an additional 36 staff positions.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: Observers considered the June gubernatorial races in three states; local races in six states; and the 2016 gubernatorial, 2015 legislative, and 2012 presidential elections to be free and fair.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. The law provides for the right of indigenous persons to elect representatives to local office according to “uses and customs” law rather than federal and state electoral law.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for conviction of official corruption, but the government did not enforce the law effectively. There were numerous reports of government corruption during the year. Corruption at the most basic level involved paying bribes for routine services or in lieu of fines to administrative officials or security forces. More sophisticated and less apparent forms of corruption included funneling funds to elected officials and political parties by overpaying for goods and services.

Although by law elected officials enjoy immunity from prosecution while holding public office, state and federal legislatures have the authority to waive an official’s immunity. As of August more than one-half of the 32 states followed this legal procedure to strip immunity, and almost all other states were taking similar steps.

By law all applicants for federal law enforcement jobs (and other sensitive positions) must pass an initial vetting process and be recleared every two years. According to the Interior Ministry and the National Center of Certification and Accreditation, most active police officers at the national, state, and municipal levels underwent at least initial vetting. The press and NGOs reported that some

police officers who failed vetting remained on duty. The CNDH reported that some police officers, particularly at the state and local level, were involved in kidnapping, extortion, and providing protection for, or acting directly on behalf of, organized crime and drug traffickers.

On July 19, the National Anticorruption System, signed into law by the president in 2016, entered into force. The law gives autonomy to federal administrative courts to investigate and sanction administrative acts of corruption, establishes harsher penalties for government officials convicted of corruption, provides the Superior Audit Office (ASF) with real-time auditing authority, and establishes an oversight commission with civil society participation. Observers hailed the legislation as a major achievement in the fight against corruption but criticized a provision that allows public servants an option not to declare their assets. A key feature of the system is the creation of an independent anticorruption prosecutor and court. The Senate had yet to appoint the special prosecutor at year's end.

Corruption: In July the Attorney General's Office took custody of former governor of Veracruz Javier Duarte, who had gone into hiding in Guatemala and was facing corruption charges. The government was also seeking the extradition from Panama of former governor of Quintana Roo Roberto Borge and issued an arrest warrant for former governor of Chihuahua Cesar Duarte. The ASF filed criminal charges with the Attorney General's Office against 14 state governments for misappropriating billions of dollars in federal funds. The ASF was also investigating several state governors, including former governors of Sonora (Guillermo Padres) and Nuevo Leon (Rodrigo Medina), both of whom faced criminal charges for corruption. The Attorney General's Office also opened an investigation against Nayarit Governor Sandoval for illicit enrichment as a result of charges brought against him by a citizens group, which also included some opposing political parties.

The NGO Mexicans Against Corruption and Impunity and media outlet Animal Politico published a report accusing Attorney General Raul Cervantes of involvement in fraud, revealing that he had registered a Ferrari vehicle valued at more than \$200,000 to an unoccupied house in an apparent effort to avoid taxes. Cervantes' attorney attributed improper registration to administrative error. On October 16, Cervantes resigned, stating the reason for his resignation was to preserve the political independence of the new prosecutor's office that was to replace the current Attorney General's Office as part of a constitutional reform.

Financial Disclosure: In 2016 the Congress passed a law requiring all federal and state-level appointed or elected officials to provide income and asset disclosure, statements of any potential conflicts of interests, and tax returns, but the law includes a provision that allows officials an option to withhold the information from the public. The Ministry of Public Administration monitors disclosures with support from each agency. Regulations require disclosures at the beginning and end of employment, as well as annual updates. The law requires declarations be made publicly available unless an official petitions for a waiver to keep his or her file private. Criminal or administrative sanctions apply for abuses. In June the Supreme Court declined a petition by opposition political parties to overturn the provision for a privacy waiver.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were mostly cooperative and responsive to their views, and the president or cabinet officials met with human rights organizations such as the OHCHR, the IACHR, and the CNDH. Some NGOs alleged that individuals who organized campaigns to discredit human rights defenders sometimes acted with tacit support from officials in government.

Government Human Rights Bodies: The CNDH is a semiautonomous federal agency created by the government and funded by the legislature to monitor and act on human rights violations and abuses. It may call on government authorities to impose administrative sanctions or pursue criminal charges against officials, but it is not authorized to impose penalties or legal sanctions. If the relevant authority accepts a CNDH recommendation, the CNDH is required to follow up with the authority to verify that it is carrying out the recommendation. The CNDH sends a request to the authority asking for evidence of its compliance and includes this follow-up information in its annual report. When authorities fail to accept a recommendation, the CNDH makes that failure known publicly and may exercise its power to call before the Senate government authorities who refuse to accept or enforce its recommendations.

All states have their own human rights commission. The state commissions are funded by the state legislatures and are semiautonomous. The state commissions did not have uniform reporting requirements, making it difficult to compare state data and therefore to compile nationwide statistics. The CNDH may take cases

from state-level commissions if it receives a complaint that the commission has not adequately investigated.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: Federal law criminalizes rape of men or women, including spousal rape, and conviction carries penalties of up to 20 years' imprisonment. Twenty-four states have laws criminalizing spousal rape.

The federal penal code prohibits domestic violence and stipulates penalties for conviction of between six months' and four years' imprisonment. Twenty-nine states stipulate similar penalties, although in practice sentences were often more lenient. Federal law does not criminalize spousal abuse. State and municipal laws addressing domestic violence largely failed to meet the required federal standards and often were unenforced.

According to the law, the crime of femicide is the murder of a woman committed because of the victim's gender and is a federal offense punishable if convicted by 40 to 60 years in prison. It is also a criminal offense in all states. The Special Prosecutor's Office for Violence against Women and Trafficking in Persons of the Attorney General's Office is responsible for leading government programs to combat domestic violence and prosecuting federal human trafficking cases involving three or fewer suspects. The office had 12 federal prosecutors dedicated to federal cases of violence against women.

In addition to shelters, there were women's justice centers that provided more services than traditional shelters, including legal services and protection; however, the number of cases far surpassed institutional capacity.

Sexual Harassment: Federal labor law prohibits sexual harassment and provides for fines from 250 to 5,000 times the minimum daily wage. Sixteen states criminalize sexual harassment, and all states have provisions for punishment when the perpetrator is in a position of power. According to the National Women's Institute (INMUJERES), the federal institution charged with directing national policy on equal opportunity for men and women, sexual harassment in the workplace was a significant problem.



Coercion in Population Control: There were few reports of coerced abortion, involuntary sterilization, or other coercive population control methods; however, forced, coerced, and involuntary sterilizations were reported, targeting mothers with HIV. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: The law provides women the same legal status and rights as men and “equal pay for equal work performed in equal jobs, hours of work, and conditions of efficiency.” Women tended to earn substantially less than men did. Women were more likely to experience discrimination in wages, working hours, and benefits.

## **Children**

Birth Registration: Children derived citizenship both by birth within the country’s territory and from one’s parents. Citizens generally registered the births of newborns with local authorities. Failure to register births could result in the denial of public services such as education or health care.

Child Abuse: There were numerous reports of child abuse. The National Program for the Integral Protection of Children and Adolescents, mandated by law, is responsible for coordinating the protection of children’s rights at all levels of government.

Early and Forced Marriage: The legal minimum marriage age is 18. Enforcement, however, was inconsistent across the states, where some civil codes permit girls to marry at 14 and boys at 16 with parental consent. With a judge’s consent, children may marry at younger ages.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, and authorities generally enforced the law. Nonetheless, NGOs reported sexual exploitation of minors, as well as child sex tourism in resort towns and northern border areas.

Statutory rape constitutes a crime in the federal criminal code. If an adult is convicted of having sexual relations with a minor ages 15 to 18, the penalty is between three months and four years in prison. Conviction of the crime of sexual relations with a minor under age 15 carries a sentence of eight to 30 years’ imprisonment. Laws against corruption of a minor and child pornography apply to

victims under age 18. For conviction of the crimes of selling, distributing, or promoting pornography to a minor, the law stipulates a prison term of six months to five years and a fine of 300 to 500 times the daily minimum wage. For conviction of crimes involving minors in acts of sexual exhibitionism or the production, facilitation, reproduction, distribution, sale, and purchase of child pornography, the law mandates seven to 12 years' imprisonment and a fine of 800 to 2,500 times the daily minimum wage.

Perpetrators convicted of promoting, publicizing, or facilitating sexual tourism involving minors face seven to 12 years' imprisonment and a fine of 800 to 2,000 times the daily minimum wage. For those convicted of involvement in sexual tourism who commit sexual acts with minors, the law requires a 12- to 16-year prison sentence and a fine of 2,000 to 3,000 times the daily minimum wage. Conviction of sexual exploitation of a minor carries an eight- to 15-year prison sentence and a fine of 1,000 to 2,500 times the daily minimum wage.

Institutionalized Children: Civil society groups expressed concerns regarding abuses of children with mental and physical disabilities in orphanages, migrant centers, and care facilities.

International Child Abductions: The country is party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html)*.

## **Anti-Semitism**

The 67,000-person Jewish community experienced low levels of anti-Semitism. While an Anti-Defamation League report described an increase in anti-Semitic attitudes in the country from 24 percent of the population in 2014 to 35 percent of the population in 2017, Jewish community representatives reported low levels of anti-Semitic acts and good interreligious cooperation both from the government and civil society organizations in addressing rare instances of anti-Semitic acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/)*.

## **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government did not effectively enforce the law. The law requires the Ministry of Health to promote the creation of long-term institutions for persons with disabilities in distress, and the Ministry of Social Development must establish specialized institutions to care for, protect, and house persons with disabilities in poverty, neglect, or marginalization. NGOs reported authorities had not implemented programs for community integration. NGOs reported no changes in the mental health system to create community services nor any efforts by authorities to have independent experts monitor human rights violations in psychiatric institutions.

Public buildings and facilities did not comply with the law requiring access for persons with disabilities. The education system provided special education for students with disabilities nationwide. Children with disabilities attended school at a lower rate than those without disabilities. NGOs reported employment discrimination.

Abuses in mental health institutions and care facilities, including those for children, were a problem. Abuses of persons with disabilities included lack of access to justice, the use of physical and chemical restraints, physical and sexual abuse, trafficking, forced labor, disappearances, and illegal adoption of institutionalized children. Institutionalized persons with disabilities often lacked adequate medical care and rehabilitation, privacy, and clothing and often ate, slept, and bathed in unhygienic conditions. They were vulnerable to abuse from staff members, other patients, or guests at facilities where there was inadequate supervision. Documentation supporting the person's identity and origin was lacking, and there were instances of disappearances.

As of August 25, the NGO Disability Rights International (DRI) reported that most residents had been moved to other institutions from the privately run institution Casa Esperanza, where they were allegedly victims of pervasive sexual abuse by staff and, in some cases, human trafficking. Two of the victims died within the first six months after transfer to other facilities, and the third was sexually abused. DRI stated the victim was raped repeatedly during a period of seven months at the Fundacion PARLAS I.A.P. and that another woman was physically abused at an institution in another state to which she was transferred.

Voting centers for federal elections were generally accessible for persons with disabilities, and ballots were available with a braille overlay for federal elections.

In Mexico City, voting centers for local elections were also reportedly accessible, including braille overlays, but these services were inconsistently available for local elections elsewhere in the country.

## **Indigenous People**

The constitution provides all indigenous peoples the right to self-determination, autonomy, and education. Conflicts arose from interpretation of the self-governing “uses and customs” laws used by indigenous communities. Uses and customs laws apply traditional practices to resolve disputes, choose local officials, and collect taxes, with limited federal or state government involvement. Communities and NGOs representing indigenous groups reported the government often failed to consult indigenous communities adequately when making decisions regarding the development of projects intended to exploit the energy, minerals, timber, and other natural resources on indigenous lands. The CNDH maintained a formal human rights program to inform and assist members of indigenous communities.

The CNDH reported indigenous women were among the most vulnerable groups in society. They often experienced racism and discrimination and were often victims of violence. Indigenous persons generally had limited access to health-care and education services.

Thousands of persons from the four indigenous groups in the Sierra Tarahumara (the Raramuri, Pima, Guarojio, and Tepehuan) were displaced, and several indigenous leaders were killed or threatened, according to local journalists, NGOs, and state officials.

For example, on January 15, Isidro Baldenegro Lopez was killed in Chihuahua. Lopez was a community leader of the Raramuri indigenous people and an environmental activist who had won the Goldman Environmental Prize in 2005.

On June 26, Mario Luna, an indigenous leader of the Yaqui tribe in the state of Sonora, was attacked with his family by unknown assailants in an incident believed to be harassment in retaliation for his activism in opposition to an aqueduct threatening the tribe’s access to water. Luna began receiving formal protection from federal and state authorities after he was attacked.

## **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination based on sexual orientation and against LGBTI individuals.

In Mexico City the law criminalizes hate crimes based on sexual orientation and gender identity. Civil society groups claimed police routinely subjected LGBTI persons to mistreatment while in custody.

Discrimination based on sexual orientation and gender identity was prevalent, despite a gradual increase in public tolerance of LGBTI individuals, according to public opinion surveys. There were reports that the government did not always investigate and punish those complicit in abuses, especially outside Mexico City.

On April 18, media reported LGBTI activist Juan Jose Roldan Avila was beaten to death on April 16 in Calpulalpan, Tlaxcala. His body showed signs of torture.

### **Other Societal Violence or Discrimination**

The Catholic Multimedia Center reported criminal groups targeted priests and other religious leaders in some parts of the country and subjected them to extortion, death threats, and intimidation. As of August the center reported four priests killed, two foiled kidnappings, and two attacks against the Metropolitan Cathedral and the Mexican Bishops Office in Mexico City.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join unions, to bargain collectively, and to strike in both the public and private sectors; however, conflicting law, regulations, and practice restricted these rights.

The law requires a minimum of 20 workers to form a union. To receive official recognition from the government, unions must file for registration with the appropriate conciliation and arbitration board (CAB) or the Ministry of Labor and Social Welfare. For the union to be able to perform its legally determined functions, its leadership must also register with the appropriate CAB or the ministry. CABs operated under a tripartite system with government, worker, and employer representatives. Outside observers raised concerns that the boards did not adequately provide for inclusive worker representation and often perpetuated a bias against independent unions, in part due to intrinsic conflicts of interest within

the structure of the boards exacerbated by the prevalence of representatives from “protection” (unrepresentative, corporatist) unions.

By law a union may call for a strike or bargain collectively in accordance with its own bylaws. Before a strike may be considered legal, however, a union must file a “notice to strike” with the appropriate CAB, which may find that the strike is “nonexistent” or, in other words, it may not proceed legally. The law prohibits employers from intervening in union affairs or interfering with union activities, including through implicit or explicit reprisals against workers. The law allows for reinstatement of workers if the CAB finds the employer fired the worker unfairly and the worker requests reinstatement; however, the law also provides for broad exemptions for employers from such reinstatement, including employees of confidence or workers who have been in the job for less than a year.

Although the law authorizes the coexistence of several unions in one worksite, it limits collective bargaining to the union that has “ownership” of a collective bargaining agreement. When there is only one union present, it automatically has the exclusive right to bargain with the employer. Once a collective bargaining agreement is in place at a company, another union seeking to bargain with the employer must compete for bargaining rights through a *recuento* (bargaining-rights election) administered by the CAB. The union with the largest number of votes goes on to “win” the collective bargaining rights. It is not mandatory for a union to consult with workers or have worker support to sign a collective bargaining agreement with an employer. The law establishes that internal union leadership votes may be held via secret ballot, either directly or indirectly.

The government, including the CABs, did not consistently protect worker rights. The government’s common failure to enforce labor and other laws left workers with little recourse regarding violations of freedom of association, poor working conditions, and other labor problems. The CABs’ frequent failure to impartially and transparently administer and oversee procedures related to union activity, such as union elections and strikes, undermined worker efforts to exercise freely their rights to freedom of association and collective bargaining.

On February 24, labor justice revisions to the constitution were enacted into law. The constitutional reforms replace the CABs with independent judicial bodies, which are intended to streamline the labor justice process. Observers contended that additional changes to the labor law were necessary to provide for the following: workers are able to freely and independently elect union representatives, there is an expedited recount process, unions demonstrate union

representativeness prior to filing a collective bargaining agreement, and workers to be covered by the agreement receive a copy prior to registration--thus eliminating unrepresentative unions and “protection” contracts.

By law penalties for violations of freedom of association and collective bargaining laws range from 16,160 pesos (\$960) to 161,600 pesos (\$9,640). Such penalties were rarely applied and were insufficient to deter violations. Administrative and/or judicial procedures were subject to lengthy delays and appeals.

Workers exercised their rights to freedom of association and collective bargaining with difficulty. The process for registration of unions was politicized, and according to union organizers, the government, including the CABs, frequently used the process to reward political allies or punish political opponents. For example, it rejected registration applications for locals of independent unions, and for unions, based on technicalities.

The country’s independent unions and their legal counsel, as well as global and North American trade unions, continued to encourage the government to ratify the International Labor Organization (ILO) Convention 98 on collective bargaining, which it delayed doing despite removal of the main obstacle to compliance in the 2012 labor law reform, the exclusion clause for dismissal. By ratifying the convention, the government would subject itself to the convention’s oversight and reporting procedures. Ratification would also contribute, according to the independent unions, to ensuring that the institutions that are established as a result of the labor justice reform are, in law and practice, independent, transparent, objective, and impartial, with workers having recourse to the ILO’s oversight bodies to complain of any failure.

Companies and protection unions (unrepresentative, corporatist bodies) took advantage of complex divisions and a lack of coordination between federal and state jurisdictions to manipulate the labor conciliation and arbitration processes. For example, a company might register a collective bargaining agreement at both the federal and the local level and later alternate the jurisdictions when individuals filed and appealed complaints to gain favorable outcomes. Additionally, union organizers from several sectors raised concerns regarding the overt and usually hostile involvement of the CABs when organizers attempted to create independent unions.

Protection unions and “protection contracts”--collective bargaining agreements signed by employers and these unions to circumvent meaningful negotiations and

preclude labor disputes--was a problem in all sectors. The prevalence of protection contracts was due, in part, to the lack of a requirement for workers to demonstrate support for collective bargaining agreements before they took effect. Protection contracts often were developed before the company hired any workers and without direct input from or knowledge of the covered workers.

Independent unions, a few multinational corporations, and some labor lawyers and academics pressed for complementary legislation, including revisions to the labor code that would prohibit registration of collective bargaining agreements where the union could not demonstrate support by a majority of workers or where workers had not ratified the content of the agreements. Many observers noted working conditions of a majority of workers were under the control of these contracts and the unrepresentative unions that negotiated them, and that the protection unions and contracts often prevented workers from fully exercising their labor rights as defined by law. These same groups advocated for workers to receive hard copies of existing collective bargaining agreements when they are hired.

According to several NGOs and unions, many workers faced procedural obstacles, violence, and intimidation around bargaining-rights elections perpetrated by protection union leaders and employers supporting them, as well as other workers, union leaders, and vigilantes hired by a company to enforce a preference for a particular union. Some employers attempted to influence bargaining-rights elections through the illegal hiring of pseudo employees immediately prior to the election to vote for the company-controlled union.

Other intimidating and manipulative practices were common, including dismissal of workers for labor activism. For example, there were reports that a garment factory in Morelos failed to halt workplace sexual harassment and sexual violence and instead fired the whistleblowers that reported the problem to management.

Independent labor activists reported the requirement that the CABs approve strikes in advance gave boards power to show favoritism by determining which companies to protect from strikes. Few formal strikes occurred, but protests and informal work stoppages were common.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, but the government did not effectively enforce the law. Penalties for conviction of forced labor violations



range from five to 30 years' imprisonment and observers generally considered them sufficient to deter violations.

Forced labor persisted in the agricultural and industrial sectors, as well as in the informal sector. Women and children were subject to domestic servitude. Women, children, indigenous persons, and migrants (including men, women, and children) were the most vulnerable to forced labor. In November authorities freed 81 workers from a situation of forced labor on a commercial farm in Coahuila. In June federal authorities filed charges against the owner of an onion and chili pepper farm in Chihuahua for forced labor and labor exploitation of 80 indigenous workers. The victims, who disappeared following the initial complaint to state authorities, lived in unhealthy conditions and allegedly earned one-quarter of the minimum wage.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The constitution prohibits children under age 15 from working and allows those ages 15 to 17 to work no more than six daytime hours in nonhazardous conditions daily, and only with parental permission. The law requires that children under age 18 must have a medical certificate in order to work. The minimum age for hazardous work is 18. The law prohibits minors from working in a broad list of hazardous and unhealthy occupations.

The government was reasonably effective in enforcing child labor laws in large and medium-sized companies, especially in the maquila sector and other industries under federal jurisdiction. Enforcement was inadequate in many small companies and in agriculture and construction and nearly absent in the informal sector, in which most child laborers worked.

At the federal level, the Ministry of Social Development, Attorney General's Office, and National System for Integral Family Development share responsibility for inspections to enforce child labor laws and to intervene in cases in which employers violated such laws. The Ministry of Labor is responsible for carrying out child-labor inspections. Penalties for violations range from 16,780 pesos (\$1,000) to 335,850 pesos (\$20,000) but were not sufficiently enforced to deter violations.

In December 2016 the CNDH alerted national authorities to 240 agricultural workers, including dozens of child laborers, working in inhuman conditions on a cucumber and chili pepper farm in San Luis Potosi after state authorities failed to respond to their complaints.

According to the 2015 INEGI survey, the most recent data available on child labor, the number of employed children ages five to 17 remained at 2.5 million, or approximately 8.4 percent of the 29 million children in the country. Of these children, 90 percent were engaged in work at ages or under conditions that violated federal labor laws. Of employed children 30 percent worked in the agricultural sector in the harvest of melons, onions, cucumbers, eggplants, chili peppers, green beans, sugarcane, tobacco, coffee, and tomatoes. Other sectors with significant child labor included services (25 percent), retail sales (23 percent), manufacturing (14 percent), and construction (7 percent).

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment or occupation regarding “race, nationality age, religion, sex, political opinion, social status, handicap (or challenged capacity), economic status, health, pregnancy, language, sexual preference, or marital status.”

The government did not effectively enforce these laws and regulations. Penalties for violations of the law included administrative remedies, such as reinstatement, payment of back wages, and fines (often calculated based on the employee’s wages), and were not generally considered sufficient to deter violations. Discrimination in employment or occupation occurred against women, indigenous groups, persons with disabilities, LGBTI individuals, and migrant workers.

#### **e. Acceptable Conditions of Work**

On November 21, the single general minimum wage rose from 80.04 pesos per day (\$4.76) to 88.36 pesos per day (\$5.26), short of the official poverty line of 95.24 pesos per day (\$5.67). Most formal-sector workers received between one and three times the minimum wage. The tripartite National Minimum Wage Commission, whose labor representatives largely represented protection unions and their interests, is responsible for establishing minimum salaries but continued to block increases that kept pace with inflation.

The law sets six eight-hour days and 48 hours per week as the legal workweek. Any work over eight hours in a day is considered overtime, for which a worker is to receive double pay. After accumulating nine hours of overtime in a week, a worker earns triple the hourly wage. The law prohibits compulsory overtime. The law provides for eight paid public holidays and one week of paid annual leave after completing one year of work. The law requires employers to observe occupational safety and health regulations, issued jointly by the Ministry of Labor and Social Welfare and the Institute for Social Security. Legally mandated joint management and labor committees set standards and are responsible for overseeing workplace standards in plants and offices. Individual employees or unions may complain directly to inspectors or safety and health officials. By law workers may remove themselves from situations that endanger health or safety without jeopardy to their employment.

The Ministry of Labor is responsible for enforcing labor laws and conducting inspections at workplaces. In 2015, the most recent year for which data were available, there were 946 inspectors nationwide. This was sufficient to enforce compliance, and the ministry carried out inspections of workplaces throughout the year, using a questionnaire and other means to identify victims of labor exploitation. Penalties for violations of wage, hours of work, or occupational safety and health laws range from 17,330 pesos (\$1,030) to 335,940 pesos (\$20,020) but generally were not sufficient to deter violations. Through its DECLARALAB self-evaluation tool, the ministry provided technical assistance to almost 4,000 registered workplaces to help them meet occupational safety and health regulations.

According to labor rights NGOs, employers in all sectors sometimes used the illegal “hours bank” approach--requiring long hours when the workload is heavy and cutting hours when it is light--to avoid compensating workers for overtime. This was a common practice in the maquila sector, in which employers forced workers to take leave at low moments in the production cycle and obliged them to work in peak seasons, including the Christmas holiday period, without the corresponding triple pay mandated by law for voluntary overtime on national holidays. Additionally, many companies evaded taxes and social security payments by employing workers informally or by submitting falsified payroll records to the Mexican Social Security Institute. In 2013, the latest year for which such data are available, INEGI estimated 59 percent of the workforce was engaged in the informal economy.

Observers from grassroots labor rights groups, international NGOs, and multinational apparel brands reported that employers throughout export-oriented supply chains were increasingly using methods of hiring that deepened the precariousness of work for employees. The most common practice reported was that of manufacturers hiring workers on one- to three-month contracts, and then waiting for a period of days before rehiring them on another short-term contract, to avoid paying severance and prevent workers from accruing seniority, while maintaining the exact number of workers needed for fluctuating levels of production. This practice violates Federal Labor Law and significantly impacted workers' social and economic rights, including elimination of social benefits and protections, restrictions on worker's rights to freedom of association and collective bargaining, and minimal ability for workers, especially women, to manage their family responsibilities. Observers noted it also increased the likelihood of work-related illness and injury. Combined with outsourcing practices that made it difficult for workers to identify their legally registered employer, workers were also more likely to be denied access to justice.

Private recruitment agencies and individual recruiters violated the rights of temporary migrant workers recruited in the country to work abroad, primarily in the United States. Although the law requires these agencies to be registered, they often were unregistered. The Labor Ministry's registry was outdated and limited in scope. Although a few large recruitment firms were registered, the registry included many defunct and nonexistent midsized firms, and few if any of the many small, independent recruiters. Although the government did not actively monitor or control the recruitment process, it reportedly was responsive in addressing complaints. There were also reports that registered agencies defrauded workers with impunity. Some temporary migrant workers were regularly charged illegal recruitment fees. According to a 2013 study conducted by the Migrant Worker Rights Center, 58 percent of 220 applicants interviewed had paid recruitment fees; one-half did not receive a job contract and took out loans to cover recruitment costs; and 10 percent paid fees for nonexistent jobs. The recruitment agents placed those who demanded their rights on blacklists and barred them from future employment opportunities.

News reports indicated there were poor working conditions in some maquiladoras. These included low wages, contentious labor management, long work hours, unjustified dismissals, the lack of social security benefits, unsafe workplaces, and the lack of freedom of association. Many women working in the industry reported suffering some form of abuse. Most maquilas hired employees through outsourcing with few social benefits.

# EXHIBIT F

## **MEXICO 2016 HUMAN RIGHTS REPORT**

*Note: This report was updated 4/07/17; see Appendix F: Errata for more information.*

### **EXECUTIVE SUMMARY**

Mexico, which has 32 states, is a multiparty federal republic with an elected president and bicameral legislature. In 2012 President Enrique Peña Nieto of the Institutional Revolutionary Party (PRI) won election to a single six-year term in elections observers considered free and fair. Citizens elected members of the Senate in 2012 and members of the Chamber of Deputies in 2015. Observers considered the June gubernatorial elections free and fair.

Civilian authorities generally maintained effective control over the security forces.

The most significant human rights-related problems included involvement by police and military in serious abuses, such as unlawful killings, torture, and disappearances. Impunity and corruption in the law enforcement and justice system remained serious problems. Organized criminal groups killed, kidnapped, extorted, and intimidated citizens, migrants, journalists, and human rights defenders.

The following additional problems persisted: poor prison conditions; arbitrary arrests and detentions; intimidation and violence against human rights defenders and journalists; violence against migrants; violence against women; domestic violence; abuse of persons with disabilities; threats and violence against some members of the indigenous population; threats against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; trafficking in persons; and child labor, including forced labor by children.

Impunity for human rights abuses remained a problem throughout the country with extremely low rates of prosecution for all forms of crimes.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings**

There were many reports the government or its agents committed arbitrary or unlawful killings, often with impunity. Organized criminal groups also were implicated in numerous killings, often acting with impunity and at times in league with corrupt state, local, and security officials. The National Human Rights Commission (CNDH) reported 27 complaints for “deprivation of life” between January and November.

On August 2, authorities arrested Juan Carlos Arreygue, the mayor of the municipality of Alvaro Obregon, and four police officers, including a commander, in connection with the killing of 10 persons detained by police on July 29. According to news reports, Alvaro Obregon police under instructions from the mayor, detained the civilians and executed them, later burning their bodies. The criminal investigation into the case continued at year’s end.

In April a federal court charged the commander of the 97th Infantry Battalion and three other military officers for the July 2015 illegal detention and extrajudicial killing of seven suspected members of an organized criminal group in Calera, Zacatecas. No trial date had been set at year’s end.

On August 18, the CNDH released a report that accused federal police of executing 22 persons after a gunfight in May 2015 near Tanhuato, Michoacan, and of tampering with evidence. The CNDH report concluded that two of the men killed were tortured and 13 were killed after they had been detained. One police officer was killed in the incident. National Security Commissioner Renato Sales Heredia claimed the officers acted in self-defense. In response to the CNDH report, President Enrique Pena Nieto removed Federal Police Chief Enrique Galindo from his position to allow for “an agile and transparent investigation.” No federal police agents were charged, and the federal investigation continued at year’s end.

Authorities made no additional arrests in connection with the January 2015 killing of 10 individuals and illegal detentions and injury to a number of citizens in Apatzingan, Michoacan.

In May a civilian federal judge acquitted and dismissed all charges against the remaining members of the military with pending charges in relation to the 2014 killings of 22 suspected criminals in Tlatlaya, State of Mexico. The court ruled that the evidence was insufficient to convict. In April the press reported that in October 2015 the Sixth Military Court dropped the charges against six soldiers and convicted one soldier, sentencing him to time served. In a report released in October 2015 before the verdicts, the CNDH determined that authorities arbitrarily

deprived at least 12 to 15 of the civilians of life and tortured some of the witnesses. In July authorities of the State of Mexico declared they intended to fire nine state-level investigators from the General Prosecutor's Office and suspend 21 others for misconduct related to the case. Nongovernmental organizations (NGOs) expressed concerns regarding the lack of convictions in the case and the perceived failure to investigate the chain of command.

Former military corporal, Juan Ortiz Bermudez, appealed his 2015 conviction to 18 years' imprisonment for intentional homicide in the 2010 killing of two unarmed civilians in Nuevo Leon. Authorities had not scheduled a hearing at year's end.

Criminal organizations carried out human rights abuses and widespread killings throughout the country. For example, from July 9 to 15, criminal gangs executed several families in the northeastern state of Tamaulipas in what media reported as a war among drug-trafficking organizations. Criminals also targeted mayors (at least six killed this year) and other public officials. From 2006 to the middle of the year, 82 mayors were killed in the country.

News reports and NGO sources noted that from January 2015 to August, authorities discovered more than 724 bodies in several hundred clandestine graves throughout the country, the majority of killings were suspected to have been carried out by criminal organizations.

## **b. Disappearance**

Federal law prohibits forced disappearances, but laws relating to forced disappearances vary widely across the 32 states and not all classify "forced disappearance" as distinct from murder or kidnapping. Investigation, prosecution, and sentencing for the crime of disappearance remained rare. The CNDH reported to the Inter-American Commission on Human Rights (IACHR) that as of October 2015, authorities opened 95 investigations at the state level for forced disappearances in nine states, resulting in four indictments but no convictions.

There were many reports of forced disappearances by security forces. There were numerous cases of disappearances related to organized criminal groups. In its data collection, the government often merged disappeared persons with missing persons, making it difficult to compile accurate statistics on the extent of the problem.



The CNDH registered 16 cases of alleged forced disappearances through the end of October.

The Office of the Attorney General of the Republic (PGR) revamped its Special Unit for Disappeared Persons in 2015, establishing expanded authorities and transferring 846 open cases from the predecessor PGR unit. The unit employed approximately 30 prosecutors and, as of May, was investigating the cases of 1,050 missing or disappeared persons. In June the attorney general appointed a prosecutor to lead the unit.

Authorities arrested 13 persons, including eight state police officers; they faced charges for the January 11 disappearance of five youths from Tierra Blanca, Veracruz. On February 8, federal authorities located the remains of two of the youths on a property reportedly used by drug traffickers after one officer admitted to the abduction and transfer of the youths to a local criminal gang. Several containers found there contained human remains estimated to belong to hundreds of victims killed over a period of several years.

On April 28, a 17-year-old boy disappeared in the state of Veracruz, with the alleged participation of the Veracruz state police called “Fuerza Civil.” International NGOs reported that the boy’s mother had difficulty filing the disappearance report with the state attorney general’s office.

On November 10, the IACHR launched the follow-up mechanism agreed to by the government, the IACHR, and the families of the 43 students who disappeared in Iguala, Guerrero, in 2014. The government provided funding for the mechanism that follows up the work of the group of independent experts who supported the investigation of the disappearances and assisted the families of the victims from March 2015 to April 30. At the end of their mandate in April, the experts released a final report strongly critical of the government’s handling of the case.

According to information provided by the PGR in November, authorities had indicted 168 individuals and arrested 128, including 73 police officers from Cocula and Iguala and 55 alleged members of the Guerrero-based drug trafficking organization, Guerreros Unidos. Representatives of civil society organizations and the IACHR-affiliated experts noted that authorities held many of those arrested on charges such as participation in a criminal organization but not on involvement in the students’ disappearances. A CNDH report implicated federal police and local police officers from nearby Huitzuco. In October authorities arrested the former police chief of Iguala, who had been in hiding since the 2014 disappearances.

Both federal and state authorities continued at year's end to investigate the case, including the whereabouts of the missing students or their remains.

Kidnappings remained a serious problem for persons at all socioeconomic levels, and there were credible reports of instances of police involvement in kidnappings for ransom, often at the state and local level. The government's statistics agency (INEGI) estimated that 94 percent of crimes were either unreported or not investigated and that underreporting for kidnapping may be even higher.

Coahuila state authorities issued arrest warrants in June for 15 individuals--10 of whom were former police--for forced disappearances in the border state of Coahuila. According to state authorities, from 2009 to 2012, the Zetas transnational criminal organization, allegedly in collusion with local police, carried out mass disappearances in the border towns of Piedras Negras, Allende, and Nava. Elements of the organization allegedly killed some of the victims and disposed of their remains in Piedras Negras' state prison.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices and stipulates confessions obtained through illicit means are not admissible as evidence in court, but there were reports that government officials employed them.

There is no national registry of torture cases, and a lack of data on torture cases at the state level.

As of October 31, the CNDH registered 206 complaints of alleged torture and 451 cases of cruel, inhuman, or degrading treatment. NGOs stated that in some cases the CNDH misclassified torture as inhuman or degrading treatment.

News reports indicated that the PGR was examining 4,000 cases of torture in the first nine months of the year. The reports indicated that judges issued 14 arrest warrants for torture, including five arrest warrants for army and federal police members.

In June a report by Amnesty International accused security officials of using sexual and other types of torture to secure confessions from women.

On April 14, a video was posted on social media showing a woman being tortured by two soldiers and members of the Federal Police in an incident that took place in February 2015 in Ajuchitlan del Progreso, state of Guerrero. The secretary of defense, General Salvador Cienfuegos, made an unprecedented public apology. National Security Commissioner Renato Sales also offered a public apology. In January authorities detained two of the soldiers allegedly implicated, and they faced civilian charges of torture as well as military charges of disobeying orders. Authorities suspended members of the Federal Police for their involvement.

On January 20, a federal court in Ciudad Juarez, Chihuahua sentenced army Colonel Elfego Jose Lujan Ruiz (the former commander of the 35th Infantry Battalion in Nuevo Casas Grandes) to 33 years in prison for the 2009 torture, homicide, and clandestine burial of two men. Authorities also sentenced five other convicted former soldiers of the 35th Infantry Battalion; three to 33 years in prison for the same crimes and two to 39 months in prison for torture.

In April authorities sentenced army General Manuel Moreno Avina to 52 years' imprisonment for the torture, homicide, and destruction of human remains of a man in Chihuahua in 2008. The federal judge also ordered the Ministry of Defense (SEDENA) to offer a public apology and accept responsibility for killing the man. Media reported that, as of October 31, authorities sentenced 21 soldiers who were under Moreno's command on charges related to torture, homicide, drug trafficking, and other crimes.

### **Prison and Detention Center Conditions**

Conditions in prisons and detention centers were often harsh and life threatening due to corruption, overcrowding, prisoner abuse, alcohol and drug addiction, and lack of security and control.

Civil society groups reported abuses of migrants in some detention centers.

Physical Conditions: In a report published during the year, the IACHR noted that federal and state detention centers suffered from “uncontrolled self-government in aspects such as security and access to basic services, violence among inmates, lack of medical attention, a lack of real opportunities for social reintegration, a lack of differentiated attention for groups of special concern, abuse by prison staff, and lack of effective grievance mechanisms.”

There were numerous cases of corruption in the penitentiary system, including allegations of high-level corruption related to the July 2015 escape of Sinaloa cartel leader Joaquin “El Chapo” Guzman. The IACHR reported that 200 of the 388 penitentiary centers in the country were overcrowded. News reports indicated that Hidalgo State had the most overcrowded prisons and identified the district jail in Tepeaca, Puebla, as the most overcrowded (329 inmates in a jail designed for 49); 239 of the prisoners were awaiting their sentences. In April the CNDH reported that overcrowding in prisons was the main factor in lack of social rehabilitation. Health and sanitary conditions were poor, and most prisons did not offer psychiatric care. Some prisons often were staffed with poorly trained, underpaid, and corrupt correctional officers, and authorities occasionally placed prisoners in solitary confinement indefinitely. Prisoners often had to bribe guards to acquire food, medicine, and other necessities. In some cases prisoners reportedly had to pay a fee to be permitted to visit with family members. Authorities held pretrial detainees together with convicted criminals. The CNDH noted a lack of access to adequate health care was a significant problem. Food quality and quantity, heating, ventilation, and lighting varied by facility, with internationally accredited prisons generally having the highest standards.

The CNDH reported conditions for female prisoners, particularly for women who lived with their children in prison, were inferior to those for men, due to a lack of appropriate living facilities and specialized medical care. There were reports women who lived with their children in prison did not receive extra food or assistance.

The CNDH reported 52 homicides and 23 suicides in state and district prisons in 2015. The CNDH noted in its 2015 report on prisons that 86 prisons did not have a suicide prevention system. On February 11, 49 inmates were killed in the deadliest prison riot in history at the Nuevo Leon state prison of Topo Chico. In June, three prisoners were killed and 14 injured in another riot at the same prison. A senior Nuevo Leon state official cited poor prison conditions and a lack of funding as primary contributing factors for continued violence at the prison.

Administration: At some state prisons, recordkeeping remained inadequate. While prisoners and detainees could file complaints regarding human rights violations, access to justice was inconsistent, and authorities generally did not publicly release the results of investigations.

Independent Monitoring: The government permitted independent monitoring of prison conditions by the International Committee of the Red Cross, the CNDH, and

state human rights commissions. Independent monitors were generally limited to making recommendations to authorities to improve prison conditions.

Improvements: In June a new law allowed women to have full custody of their children while in prison until the children reached three years of age.

On June 16, the National Criminal Enforcement Act went into effect, which defines the guiding principles of the prison system to be dignity, equality, legality, due process, transparency, confidentiality, and social reinsertion. The law points out that women require different accommodations than men and identifies the important role community contact plays in successful social reintegration.

Both federal and state facilities sought international accreditation from the American Correctional Association, which requires demonstrated compliance with a variety of international standards. As of September 1, 12 additional correctional facilities achieved association accreditation, bringing the total number of accredited facilities to 42.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, but the government often failed to observe these prohibitions.

#### **Role of the Police and Security Apparatus**

The federal police, as well as state and municipal police, have primary responsibility for law enforcement and the maintenance of order. The federal police are under the authority of the interior minister and the National Security Committee, state police are under the authority of each of the 32 governors, and municipal police are under the authority of local mayors. SEDENA, which oversees the army and air force, and the Ministry of the Navy (SEMAR), which oversees the navy and marines, also play a role in domestic security, particularly in combatting organized criminal groups. The National Migration Institute (INM), under the authority of the Interior Ministry (SEGOB), is the administrative body responsible for enforcing migration laws and protecting migrants. The INM's 5,400 agents worked at ports of entry, checkpoints, and detention centers, conducting migrant apprehension operations in coordination with the federal police.

The law requires military institutions to transfer all cases involving civilian victims, including human rights cases, to the civilian justice system under the jurisdiction of the PGR. If the victim is a member of the military, alleged perpetrators remain subject to the military justice system. SEDENA, SEMAR, the federal police, and the PGR have security protocols for the transfer of detainees, chain of custody, and use of force. The protocols, designed to reduce the time arrestees remain in military custody, outline specific procedures for handling detainees.

According to the Office of the Attorney General of Military Justice, as of April 18, the military had transferred to the civilian Attorney General's Office prosecutorial jurisdiction for more than 1,273 military personnel accused of human rights violations in 558 criminal cases, 257 homicide cases, 229 torture cases, and 72 forced disappearance cases. As of June SEDENA reported there were no cases before military courts that involved a civilian victim.

Although civilian authorities maintained effective control over security forces and police, impunity, especially for human rights abuses, remained a serious problem. The country had extremely low rates of prosecution, and prosecutions could take years to complete.

There were new developments in the 2006 San Salvador Atenco confrontation between local vendors and state and federal police agents in Mexico State during which two individuals were killed and more than 47 women were taken into custody with many allegedly sexually tortured by police officials. In 2009 an appeals court acquitted the only individual previously convicted in the case, and in September the Inter-American Court of Human Rights agreed to hear the case, but no date has been set.

By law elected officials enjoy immunity from prosecution, including for corruption, while they hold a public office, although state and federal legislatures have the authority to waive an elected official's immunity.

SEDENA's General Directorate for Human Rights investigates military personnel for violations of human rights identified by the CNDH and is responsible for promoting a culture of respect for human rights within the institution. The directorate, however, has no power to prosecute allegations or to take independent judicial action.

In May the code of military justice was reformed to establish procedures for the conduct of military oral trials, in accordance with the transition to an adversarial justice system. On June 15, the CNDH published and submitted to the Supreme Court a “Report of Unconstitutionality” in which it claimed aspects of the recently revised code of military justice and military code of criminal procedures (military code or CMPP) violated constitutional guarantees, including against unreasonable searches and seizures. The CNDH based its claims on provisions of the military code that allow military prosecutors to request permission from civilian prosecutors from the Attorney General’s Office to intercept communications and search premises during the investigation of military personnel for ties to organized crime, murder, and weapons violations. The CNDH criticized the ability of a military judge to call a civilian to testify in military court, the requirement that authorities must conduct all procedural acts in Spanish, and the expanded roles given to the Military Ministerial Police (the top-level investigative entity of the military).

In February, SEMAR expanded its human rights program to include a weeklong course (from the previous one-day course), an intensive program for commanding officers, and a human rights diploma program, among others.

### **Arrest Procedures and Treatment of Detainees**

The constitution allows any person to arrest another if the crime is committed in his or her presence. A warrant for arrest is not required if an official has direct evidence regarding a person’s involvement in a crime, such as having witnessed the commission of a crime. Bail exists, except for persons held in connection with drug trafficking or other forms of organized crime. In most cases the law provides for detainees to appear before a judge, and for authorities to provide sufficient evidence to justify continued detention, within 48 hours of arrest, but there were violations of the 48-hour provision. In cases involving three or more parties to a conspiracy to commit certain crimes, authorities may hold suspects for up to 96 hours before being presented to a judge.

Only the federal judicial system may prosecute cases involving organized crime. Under a procedure known in Spanish as “arraigo” (a constitutionally permitted form of detention, employed during the investigative phase of a criminal case before probable cause is fully established), certain suspects may, with a judge’s approval, be detained for up to 80 days prior to the filing of formal charges. Human rights NGOs claimed arraigo allowed some corrupt officials to extort detainees, detain someone, and then seek reasons to justify the detention, or obtain

confessions using torture. In the absence of formal charges, persons detained under arraigo are often denied legal representation and are not eligible to receive credit for time served if convicted.

Some detainees complained about lack of access to family members and to counsel after police held persons incommunicado for several days and made arrests arbitrarily without a warrant. Police occasionally provided impoverished detainees counsel only during trials and not during arrests or investigations as provided for by law. Authorities held some detainees under house arrest.

Arbitrary Arrest: Allegations of arbitrary detentions persisted throughout the year. The IACHR, the UN Working Group on Arbitrary Detention, and NGOs expressed concerns regarding arbitrary detention and the potential for arbitrary detention leading to other human rights abuses.

Pretrial Detention: Lengthy pretrial detention was a problem. According to an IACHR report, SEGOB figures as of August 2015 noted that 107,441 of 254,469 individuals detained were in pretrial detention. According to an international NGO, more than 40 percent of prisoners were awaiting their trial at the end of 2015. The law provides time limits within which authorities must try an accused person. Authorities generally disregarded time limits on pretrial detention since caseloads far exceeded the capacity of the federal judicial system.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons who are arrested or detained, whether on criminal or other grounds, may challenge their detention through the Juicio de Amparo. The defense may argue, among other things, that the accused did not receive proper due process; suffered a human rights abuse; or that authorities infringed upon basic constitutional rights. By law individuals should obtain prompt release and compensation if found to be unlawfully detained, but the authorities did not always promptly release those unlawfully detained.

#### **e. Denial of Fair Public Trial**

Although the constitution and law provide for an independent judiciary, court decisions were susceptible to improper influence by both private and public entities, particularly at the state and local level. Authorities sometimes failed to respect court orders, and at the state and local levels, arrest warrants were sometimes ignored.



## **Trial Procedures**

As of June the civilian and military courts officially transitioned from an inquisitorial legal system based primarily upon judicial review of written documents to an accusatory trial system reliant upon oral testimony presented in open court. While observers expected the new system would take several years to implement fully, the federal government and all of the states began to adopt it. In some states implementing the accusatory system, alternative justice centers employed mechanisms such as mediation, negotiation, and restorative justice to resolve minor offenses outside the court system.

Under the new system, all hearings and trials are conducted by a judge and follow the principles of public access and cross-examination. Defendants have the right to a presumption of innocence and to a fair and public trial without undue delay. Defendants have the right to attend the hearings and to challenge the evidence or testimony presented. Defendants have access to government-held evidence, although the law allows the government to keep elements of an investigation confidential until the presentation of evidence in court. Defendants may not be compelled to testify or confess guilt. The law also provides for the rights of appeal and of bail in many categories of crimes.

The law provides defendants with the right to an attorney of their choice at all stages of criminal proceedings. Attorneys are required to meet legal qualifications to represent a defendant. Not all public defenders had preparation and training to serve adequately on the defendants' behalf, and often the state public defender system was not adequate to meet demand. Public defender services functioned either in the judicial or executive branch. According to the Center for Economic Research and Economic Teaching (CIDE), most criminal suspects did not receive representation until after they came under judicial authority, thus making individuals vulnerable to coercion to sign false statements prior to appearing before a judge.

Although required by law, interpretation and translation services from Spanish to indigenous languages at all stages of the criminal process were not always available. Indigenous defendants who did not speak Spanish sometimes were unaware of the status of their cases and were convicted without fully understanding the documents they were allegedly required to sign.

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees. On August 13, authorities released antilogging activist Ildefonso Zamora from prison after a court dropped burglary charges against him. Human rights NGOs had criticized his 2015 arrest as politically motivated due to his antilogging activism.

### **Civil Judicial Procedures and Remedies**

Citizens have access to an independent judiciary in civil matters to seek civil remedies for human rights violations. For a plaintiff to secure damages against a defendant, authorities first must find the defendant guilty in a criminal case, a significant barrier in view of the relatively low number of convictions for civil rights offenses.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such practices and requires search warrants. There were some complaints of illegal searches or illegal destruction of private property.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

The law provides for freedom of speech and press, and the government generally respected these rights. Most newspapers, television, and radio stations had private ownership. The government had minimal presence in the ownership of news media but remained the main source of advertising revenue. Media monopolies, especially on a local level, constrained freedom of expression.

Violence and Harassment: Journalists were sometimes subject to physical attacks, harassment, and intimidation due to their reporting. Perpetrators of violence against journalists continued to act with impunity with few reports of successful investigation, arrest, or prosecution of suspects. Observers believed organized crime to be behind some of these cases, but NGOs asserted there were significant instances when local government authorities participated in or condoned these acts. The international NGO Article 19 analyzed complaints of violence or harassment registered with their organization and reported that 47 percent of cases of aggression against journalists in the prior seven years originated from public officials.

According to the Office of the UN High Commissioner for Human Rights in Mexico, 14 journalists were killed between January and mid-December. During the first half of the year, Article 19 registered 218 cases of aggression against journalists, including assaults, intimidation, arbitrary detention, and threats; in 2015 there were 397 such cases.

On February 8, armed assailants kidnapped journalist Anabel Flores in her home in Veracruz. Authorities found her body the following day in neighboring Puebla State. NGOs asserted that moving her across state lines was meant to obstruct investigation of her death.

On June 20, unknown assailants shot and killed Elidio Ramos Zarate, a reporter for local Oaxaca newspaper *El Sur*, as he covered a demonstration allegedly led by teachers that included blockades. The victim and other reporters had received threats from masked individuals at the blockades. Article 19 had previously noted the vulnerability of reporters covering demonstrations, who were subject to attacks from both police and protesters. Two other journalists were killed in the state of Oaxaca.

On July 20, journalist Pedro Tamayo was killed outside his home in Veracruz--the third journalist killed in Veracruz between January and July. Tamayo had received threats previously; he had fled the state and was placed under police protection upon his return.

Censorship or Content Restrictions: Human rights groups reported state and local governments in some parts of the country worked to censor the media and threaten journalists. Journalists reported altering their coverage in response to a lack of protection from the government, attacks against members of the media and media facilities, false charges for publishing undesirable news, and threats or retributions against family, among other reasons. There were reports of journalists practicing self-censorship because of threats from criminal groups and of government officials seeking to influence or pressure the press, especially in the states of Tamaulipas and Sinaloa.

Libel/Slander Laws: Federal laws against defamation and slander were removed but remain on the books at the local level in some states. In April a Mexico City judge ruled against Sanjuana Martinez, a reporter who wrote an expose of politicians who allegedly patronized prostitutes. A politician named in the article sued Martinez for libel. Martinez was not notified of the lawsuit as required by law until a court ruled against her in April and ordered her to pay restitution.

Nongovernmental Impact: Organized criminal groups exercised a grave and increasing influence over media outlets and reporters, threatening individuals who published critical views of crime groups. Concerns persisted regarding the use of physical and digital violence by organized criminal groups in retaliation for information posted online, which exposed journalists, bloggers, and social media users to the same level of violence as that faced by traditional journalists.

Actions to Expand Press Freedom: Since its creation in late 2012 through September, the National Mechanism to Protect Human Rights Defenders and Journalists (“the mechanism”) had accepted 367 cases--208 of them from journalists--out of 443 requests. NGOs noted that in the same period there were more than 1,800 attacks against journalists. SEGOB stated that since the establishment of the mechanism, there had not been a murder or forced disappearance of anyone protected under the mechanism. Separately, the Office of the Special Prosecutor for Crimes Against Freedom of Expression, part of the PGR, reported it continued training public servants and journalists on the importance of freedom of expression. During the year it did not prosecute any crimes committed against journalists.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or block or filter online content. According to Freedom House, however, the government increased requests to social media companies to remove content. Freedom House’s 2015 Freedom of the Net Report categorized the country’s internet as partly free.

Some civil society organizations alleged that various state and federal agencies sought to monitor private online communications. NGOs alleged that provisions in secondary laws threatened the privacy of internet users by forcing telecommunication companies to retain data for two years, providing real-time geolocation data to police, and allowing security agents to obtain metadata from private communications companies without a court order. Furthermore, the law does not fully define the “appropriate authority” to carry out such actions.

An estimated 45 percent of citizens--approximately 58 million persons--used the internet as of July.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

The law provides for the freedoms of assembly and association, and the government generally respected these rights. There were some reports of security forces using excessive force against demonstrators.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

The government and press reports noted a marked increase in refugee and asylum applications over the previous year. A reported 2,100 migrants requested refugee status in the first four months of the year, compared with a total of 3,424 in 2015.

At the Iztapalapa detention center near Mexico City and other detention centers, including in Chiapas, men were kept separate from women and children, and there were special living quarters for LGBTI individuals. Migrants had access to medical, psychological, and dental services, and the Iztapalapa center had agreements with local hospitals for any urgent cases free of charge. Those from countries with consular representation also had access to consular services. The National Refugee Commission (COMAR) and CNDH representatives visited daily, and other established civil society groups were able to visit the detention facilities on specific days and hours. The INM and Children and Family Services' officials took trafficking and other victims to designated shelters. Human rights pamphlets were available in many different languages.

Abuse of Migrants, Refugees, and Stateless Persons: The press and NGOs reported victimization of migrants by criminal groups and, to a lesser extent, by police and immigration officers and customs officials. Government and civil society sources reported Central American gang presence spread farther into the country and threatened migrants who had fled the same gangs in their home countries. On March 3, the Supreme Court ordered the Attorney General's Office to allow the families access to the files of the 2010 killings of 72 migrants in San Fernando, Tamaulipas. Since August 2014 the INM had turned over to state and federal prosecution authorities approximately 1,110 individuals suspected of having committed a crime against migrants.

In March the government began operating the Crimes Investigation Unit for Migrants and the Mexican Foreign Support Mechanism of Search and Investigation. The International Organization for Migration collaborated with municipal governments to establish offices along the border with Guatemala to track and assist migrants.

In-country Movement: There were numerous instances of armed groups limiting the movements of migrants, including by kidnappings and homicides.

### **Internally Displaced Persons**

The Internal Displacement Monitoring Center estimated that as of December 2015, there were at least 287,000 internally displaced persons (IDPs), which resulted primarily from several displacement events that forced persons to flee their homes and communities in response to criminal, political, and religious violence as well as natural disasters. In May the CNDH released a report stating that 35,433 IDPs were displaced due to drug trafficking violence, religious conflicts, and land disputes. Tamaulipas reportedly had the highest number of IDPs at approximately 20,000, followed by Guerrero with 2,165, and Chihuahua with 2,008. NGO estimates of IDP numbers were higher: hundreds of thousands of citizens, many fleeing areas of armed conflict among organized criminal groups, or between the government and organized criminal groups, became internally displaced.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status and complementary protection, and the government has an established procedure for determining refugee status and providing protection to refugees. During the year COMAR increased refugee status recognition by 60 percent. In the summer

the INM entered into an agreement with UNHCR to relinquish custody to UNHCR those migrants who, while in INM custody, claimed a need for asylum. As of August 31 the INM had turned over approximately 200 persons to UNHCR.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government through free and fair periodic elections based on universal and equal suffrage and conducted by secret ballot to assure the free expression of the will of the people.

#### **Elections and Political Participation**

Recent Elections: Observers considered the June gubernatorial races in 12 states and local races in 13 states and the 2011 and 2015 legislative and 2012 presidential elections to be free and fair.

Participation of Women and Minorities: A 2014 constitutional reform requires parties to select equal numbers of women and men to run for seats in the Senate, the Chamber of Deputies, and state congresses. The law also requires that each candidate's substitute be of the same gender as the candidate to prevent instances of women gaining office and then stepping down so a male substitute can take the position, previously a common practice. Women held approximately 36 percent of Senate seats and 32 percent of federal deputy seats.

No laws limit the participation of women and members of minorities in the process and women and minorities did so. There were no established quotas for increased participation of indigenous groups in the legislative body, and no reliable statistics were available regarding minority participation in government. The law provides for the right of indigenous people to elect representatives to local office according to "uses and customs" law rather than federal and state electoral law.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for conviction of official corruption, but the government did not enforce the law effectively. There were numerous reports of government corruption during the year. Corruption at the most basic level involved paying bribes for routine services or in lieu of fines to administrative officials and security forces. More sophisticated and less apparent forms of corruption included overpaying for goods and services to provide payment to elected officials and political parties.

By law all applicants for federal law enforcement jobs (and other sensitive positions) must pass a vetting process upon entry into service and every two years thereafter throughout their careers. According to SEGOB and the National Center of Certification and Accreditation, most active police officers at the national, state, and municipal level underwent at least initial vetting. The press and NGOs reported that police who failed vetting remained on duty. The CNDH reported that police, particularly at the state and local level, were involved in kidnapping, extortion, and providing protection for, or acting directly on behalf of, organized crime and drug traffickers.

During the year the government adopted a new National Anticorruption System that gives autonomy to federal administrative courts to investigate and sanction administrative acts of corruption, establishes harsher penalties for corrupt government officials, provides the Superior Audit Office (ASF) with real-time auditing authority, and establishes an oversight commission with civil society participation. Observers hailed the legislation as a major achievement in the fight against corruption, although some NGOs criticized the provision that allows public servants to opt out of declaring assets.

Corruption: In October the PGR indicted and issued an arrest warrant for the governor of Veracruz who went into hiding. In midyear the ASF filed criminal charges with the Attorney General's Office against 14 state governments for misappropriation of billions of dollars in federal funds. The ASF also investigated several state governors, including the former governors of Chihuahua, Quintana Roo, Sonora, and Nuevo Leon. The investigations continued at year's end.

Financial Disclosure: In July the Congress passed a law requiring all federal and state-level appointed or elected officials to provide income and asset disclosure, statements of any potential conflicts of interests, and tax returns, though it is possible to opt-out of making the information available to the public. The Ministry of Public Administration monitors disclosures with support from each agency. Regulations require disclosures at the beginning and end of employment, and also require yearly updates. The law requires declarations be made publicly available unless the official petitions for a waiver to keep them private. Criminal or administrative sanctions apply for abuses. Opposition political parties petitioned the Supreme Court in midyear to overturn the section of the law that would allow officials a waiver to keep the disclosures private.



Public Access to Information: A 2015 law grants free public access to government information at the state and federal levels. Authorities implemented the law effectively at the federal level and continued to work on harmonizing state-level laws for implementation in the states. The law includes exceptions to disclosure of government information, including for information that may compromise national security, affect the conduct of foreign relations, harm the country's financial stability, endanger another person's life, or for information relating to pending law enforcement investigations. The law also limits disclosure of personal information to third parties.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were mostly cooperative and responsive to their views, and the president or cabinet officials met with human rights organizations such as the Office of the UN High Commissioner for Human Rights, the IACHR, and the CNDH. Some NGOs alleged that individuals who organized campaigns to discredit human rights defenders sometimes acted with tacit support from officials in government.

Government Human Rights Bodies: The CNDH is a semiautonomous federal agency created by the government and funded by the legislature to monitor and act on human rights violations and abuses. It may call on government authorities to impose administrative sanctions or pursue criminal charges against officials, but it is not authorized to impose penalties or legal sanctions. Whenever the relevant authority accepts a CNDH recommendation, the CNDH is required to follow up with the authority to verify that it is carrying out the recommendation. The CNDH sends a request to the authority asking for evidence of its compliance and includes this follow-up information in its annual report. When authorities fail to accept a recommendation, the CNDH makes that failure known publicly and may exercise its power to call before the Senate government authorities who refuse to accept or enforce its recommendations.

All of the country's 32 states have their own human rights commission. The legislatures fund state-level commissions and instruct them to be autonomous. The state commissions did not have the same reporting requirements, making nationwide statistics difficult to compile and compare. The CNDH can take cases

from state-level commissions if it receives a complaint the commission has not adequately investigated.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: Federal law criminalizes rape, including spousal rape, and conviction carries penalties of up to 20 years' imprisonment. Twenty-four states have laws criminalizing spousal rape. Human rights organizations asserted authorities at times did not take seriously reports of rape, and victims were socially stigmatized and ostracized.

The federal penal code prohibits domestic violence and stipulates penalties for conviction of between six months' and four years' imprisonment. Twenty-nine states stipulate similar penalties, although sentences in practice were often more lenient. Federal law does not criminalize spousal abuse. State and municipal laws addressing domestic violence largely failed to meet the required federal standards and often were unenforced, although states and municipalities, especially in the north, were beginning to prioritize training on domestic violence.

Victims of domestic violence in rural and indigenous communities often did not report abuses due to fear of spousal reprisal, stigma, and societal beliefs that abuse did not merit a complaint.

According to the law, femicide--the killing of a woman based on her gender--is a federal offense punishable by 40 to 60 years in prison. It is also an offense listed in the criminal codes of all states. The Special Prosecutor's Office for Violence against Women and Trafficking in Persons of the PGR is responsible for leading government programs to combat domestic violence and prosecuting federal human trafficking cases involving three or fewer suspects. The office had 40 federal prosecutors dedicated to federal cases of violence against women, approximately 15 of whom specialized in trafficking countrywide.

In 2015 and 2016, the federal government began using a "gender alert" mechanism that has existed at the federal level since 2007. The declaration of a gender alert directs relevant local, state, and federal authorities to take immediate action to combat violence against women by granting victims legal, health, and psychological services, and speeding investigations of unsolved cases. Since July 2015 the federal government has activated gender alerts in three states: Mexico,

Morelos, and Michoacan. The state government of Jalisco activated its own gender alert. Civil society groups complained that so far the alerts had not led to noticeable changes.

In collaboration with civil society, the state of Mexico established the country's first "gender alert" system to collect information to support investigations of gender-based violence in 11 of the 125 municipalities. At the national level, there were 72 shelters, of which civil society organizations operated 34, private welfare institutions operated four, and 34 were public institutions.

Sexual Harassment: Federal labor law prohibits sexual harassment and provides for fines from 250 to 5,000 times the minimum daily wage. Sixteen states criminalize sexual harassment, and all states have provisions for punishment when the perpetrator is in a position of power. According to the National Women's Institute (INMUJERES), the federal institution charged with directing national policy on equal opportunity for men and women, sexual harassment in the workplace was a significant problem, but victims were reluctant to come forward, and cases were difficult to prove.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have the information and means to do so, free from discrimination, coercion, or violence.

There were some reports of women pressured to undergo involuntary sterilization, including among indigenous populations, patients afflicted with HIV, and inmates. Antiretroviral therapy to prevent mother-to-child HIV transmission was available.

Discrimination: The law provides women the same legal status and rights as men and "equal pay for equal work performed in equal jobs, hours of work, and conditions of efficiency." According to INMUJERES women earned between 5 and 30 percent less than men for comparable work, whereas the World Economic Forum reported women earned 43 percent less than men for comparable work. Women were more likely to experience discrimination in wages, working hours, and benefits.

## **Children**

Birth Registration: Children derived citizenship both by birth within the country's territory and from one's parents. Citizens generally registered the births of

newborns with local authorities. In some instances government officials visited private health institutions to facilitate the process. Failure to register births could result in the denial of public services, such as education or health care.

Child Abuse: There were numerous reports of child abuse. In December 2015 the government created a National Program for the Integral Protection of Children and Adolescents, mandated by law, which is responsible for coordinating the protection of children's rights at all levels of government. The program includes the creation of a National System of Information on Children and Adolescents, designed to improve data on treatment of children.

Early and Forced Marriage: The legal minimum marriage age is 18. Enforcement, however, was inconsistent across the states, where some civil codes permit a minimum marital age of 14 for girls and 16 for boys with parental consent, and 18 without parental consent. With a judge's consent, children may marry at younger ages.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, and authorities generally enforced the law. Nonetheless, NGOs reported sexual exploitation of minors, as well as child-sex tourism in resort towns and northern border areas.

Statutory rape constitutes a crime in the federal criminal code. If an adult has sexual relations with a minor between ages 15 and 18, the penalty is between three months and four years in prison. Conviction of sexual relations with a minor under age 15 is liable to a penalty ranging from eight to 30 years' imprisonment. Laws against corruption of a minor and child pornography apply to victims under age 18. For conviction of the crimes of selling, distributing, or promoting pornography to a minor, the law stipulates a prison term of six months to five years and a fine of 300 to 500 times the daily minimum wage. For conviction of crimes involving minors in acts of sexual exhibitionism or the production, facilitation, reproduction, distribution, sale, and purchase of child pornography, the law mandates seven to 12 years' imprisonment and a fine of 800 to 2,500 times the daily minimum wage.

Perpetrators convicted of promoting, publicizing, or facilitating sexual tourism involving minors face seven to 12 years' imprisonment and a fine of 800 to 2,000 times the daily minimum wage. For those convicted of involvement in sexual tourism who commit sexual acts with minors, the law requires a 12- to 16-year prison sentence and a fine of 2,000 to 3,000 times the daily minimum wage. The crime of sexual exploitation of a minor carries an eight- to 15-year prison sentence

and a fine of 1,000 to 2,500 times the daily minimum wage. The crimes of child sex tourism and exploiting of children in prostitution do not require a complaint to prosecute and can be based on anonymous information.

Institutionalized Children: Civil society groups expressed concerns regarding abuses of children with mental and physical disabilities in orphanages, migrant centers, and care facilities.

International Child Abductions: The country is party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

According to the 2010 census, the Jewish community numbered approximately 67,000 persons, 90 percent of whom lived in Mexico City. Jewish community leaders estimated there were closer to 45,000 Jews in the country. The Jewish community experienced low levels of anti-Semitism, which primarily involved anti-Semitic rhetoric in the media. In May the Jewish community reported that a congressman used anti-Semitic language during a live radio interview to denounce the candidacy of a Jewish leader as an advisor to the Human Rights Commission in Mexico City.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, the judicial system, and the provision of other services. The government did not effectively enforce the law. The law requires the Ministry of Health to promote the creation of long-term institutions for persons with disabilities in distress, and the Ministry of Social Development (SEDESOL) must establish specialized institutions to care for, protect, and house persons with disabilities in poverty, neglect, or marginalization. NGOs reported authorities had

not implemented programs for community integration. NGOs reported no changes in the mental health system to create community services nor any efforts by authorities to have independent experts monitor human rights violations in psychiatric institutions.

Public buildings and facilities continued to be in noncompliance with the law requiring access for persons with disabilities. The education system provided special education for students with disabilities nationwide. Children with disabilities attended school at a lower rate than those without disabilities. NGOs reported employment discrimination.

Human rights abuses in mental health institutions and care facilities, including those for children, continued to be a problem. Abuses of persons with disabilities included lack of access to justice, the use of physical and chemical restraints, physical and sexual abuse, disappearances, and illegal adoption of institutionalized children. Institutionalized persons with disabilities often lacked adequate privacy and clothing and often ate, slept, and bathed in unhygienic conditions. They were vulnerable to abuse from staff members, other patients, or guests at facilities where there was inadequate supervision. Documentation supporting the person's identity and origin was lacking, and there were instances of disappearances.

As of October 31, the NGO Disability Rights International (DRI) reported that most residents had been moved to other institutions from the privately run institution Casa Esperanza, where they were allegedly victims of pervasive sexual abuse by staff and, in some cases, human trafficking. DRI reported that they were still suffering abuse and not receiving adequate treatment at these new institutions. Two of the victims died within the first six months after transfer to other facilities, one of whom was a victim of sexual abuse. DRI stated the victim was raped during a period of seven months in the new institution called Fundacion PARLAS I.A.P., and another woman was physically abused at the same institution. DRI claimed the government has not acted to improve conditions at these homes.

Persons with disabilities have the right to vote and participate in civic affairs. Voting centers for federal elections were generally accessible for persons with disabilities, and ballots were available with a braille overlay for federal elections. In Mexico City voting centers were also reportedly accessible for local elections, including braille overlays, but these services were inconsistently available for local elections elsewhere in the country.

## **Indigenous People**

The constitution provides all indigenous people the right to self-determination, autonomy, and education. Although the law recognizes indigenous rights, indigenous groups reported the country's legal framework did not respect the property rights of indigenous communities or prevent violations of human rights. Most conflicts arose from interpretation of the "uses and customs" laws used by indigenous communities. Uses and customs laws apply traditional practices to resolve disputes, choose local officials, and collect taxes with limited federal or state government involvement. Communities and NGOs representing indigenous groups reported the government often failed to consult indigenous communities adequately when making decisions regarding the development of projects intended to exploit the energy, minerals, timber, and other natural resources on indigenous lands. The CNDH maintained a formal human rights program to inform and assist members of indigenous communities.

The CNDH reported indigenous women were among the most vulnerable groups in society. They experienced racism, discrimination, and violence. Indigenous persons generally had limited access to health and education services. The CNDH stressed past government actions to improve the living conditions of indigenous people, namely social programs geared specifically to women, were insufficient to overcome the historical marginalization of indigenous populations.

The law provides for educational instruction in the national language, Spanish, without prejudice to the protection and promotion of indigenous languages, but many indigenous children spoke only their native languages. The lack of textbooks and teaching materials, as well as the lack of qualified teachers fluent in these languages, limited education in indigenous languages.

In April indigenous communities in Chiapas along the border with Guatemala protested a hydroelectric project they claimed threatened to displace them.

In June the CNDH criticized immigration authorities for the 2015 detention of four citizens of indigenous descent for nine days by immigration officers in Queretaro who claimed they thought the four were Guatemalan.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination against LGBTI individuals, but there were reports that the government did not always investigate and punish those complicit in

abuses, especially outside Mexico City. Transgender persons may change their gender marker on identity documents only in Mexico City. The law prohibits discrimination based on sexual orientation, but only in Mexico City does it prohibit discrimination based on gender identity. Discrimination based on sexual orientation and gender identity was prevalent, despite a gradual increase in public tolerance of LGBTI individuals according to public opinion surveys. In March, Rubi Suarez Araujo became the first transgender municipal councilor, in Guanajuato.

In Mexico City the law criminalizes hate crimes based on sexual orientation and gender identity. Civil society groups claimed police routinely subjected LGBTI persons to mistreatment while in custody. Civil society groups reported that the full extent of hate crimes, including killings of LGBTI persons, was difficult to ascertain because authorities often mischaracterized these crimes as “crimes of passion,” which resulted in the authorities’ failure to adequately investigate, prosecute, or punish these incidents. The Executive Committee for Victims Assistance, an independent federal agency, completed a survey of 425 lesbian, gay, bisexual or transgender persons. Seven of 10 respondents reported discrimination in schools; half reported employment discrimination or harassment; and six of 10 reported having known an LGBT person murdered in the past three years.

In October the press reported three killings of transgender individuals in the space of 13 days. NGOs stated transgender individuals faced discrimination and were marginalized even within the lesbian and gay community.

The National Council to Prevent Discrimination has both national and local level branches. The local council in Mexico City is the city government agency with the authority to resolve complaints of discrimination that occur within Mexico City. The national level council received complaints of discriminatory acts in areas of employment, access to commercial establishments, and access to education and health care. Civil society groups reported difficulty in determining whether individual complaints were ever resolved.

In January the Supreme Court ruled unanimously that denying same-sex partners the right to marry in the state of Jalisco was unconstitutional. A federal tribunal in Nuevo Leon ruled in favor of two women who fought for more than two years in court for the right to marry each other legally in the state. On February 14, the same-sex couple was the first to marry in Nuevo Leon through a civil ceremony in Monterrey. The court ruled in favor of the couple after the Supreme Court



declared unconstitutional the state's civil code restricting marriage to a man and a woman.

### **Other Societal Violence or Discrimination**

There were reports criminal groups kidnapped undocumented migrants to extort money from migrants' relatives or force them into committing criminal acts on their behalf.

The Catholic Multimedia Center reported criminal groups targeted priests and other religious leaders in some parts of the country and subjected them to extortion, death threats, and intimidation. There were multiple reports of priests kidnapped and killed. In early October the center stated there was an increase in the number of priests killed, from two in 2015 to seven during the year.

Self-defense groups--organized groups of armed civilians that claimed to fight crime in the face of inaction by governmental authorities--were concentrated in the southwestern states of Michoacan and Guerrero.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join unions, to bargain collectively, and to strike in both the public and private sectors; however, conflicting law, regulations, and practice restricted these rights.

The law requires a minimum of 20 workers to form a union. To receive official recognition from the government, unions must file for registration with the appropriate conciliation and arbitration board (CAB) or the Ministry of Labor and Social Welfare (STPS). For the union to be able to perform its legally determined functions, its leadership must also register with the appropriate CAB or STPS. CABs operated under a tripartite system with government, worker, and employer representatives. Outside observers raised concerns that the boards did not adequately provide for inclusive worker representation and often perpetuated a bias against independent unions, in part due to intrinsic conflicts of interest within the structure of the boards exacerbated by the prevalence of representatives from "protection" (unrepresentative, corporatist) unions.

By law a union may call for a strike or bargain collectively in accordance with its own bylaws. Before a strike may be considered legal, however, a union must file a “notice to strike” with the appropriate CAB, which may find that the strike is “nonexistent,” or in other words, cannot proceed legally. The law prohibits employers from intervening in union affairs or interfering with union activities, including through implicit or explicit reprisals against workers. The law allows for reinstatement of workers if the CAB finds the employer fired the worker unfairly and the worker requests reinstatement; however, the law also provides for broad exemptions for employers from such reinstatement, including employees of confidence or workers who have been in the job for less than a year.

Although the law authorizes the coexistence of several unions in one worksite, it limits collective bargaining to the union that has “ownership” of a collective bargaining agreement. When there is only one union present, it automatically has the exclusive right to bargain with the employer. Once a collective bargaining agreement is in place at a company, another union seeking to bargain with the employer must compete for bargaining rights through a “recuento” (bargaining-rights election) administered by the CAB. The union with the largest number of votes goes on to “win” the collective bargaining rights. It is not mandatory for a union to consult with workers or have worker support to sign a collective bargaining agreement with an employer. The law establishes that internal union leadership votes may be held via secret ballot, either directly or indirectly.

The government, including the CABs, did not consistently protect worker rights. The government’s common failure to enforce labor and other laws left workers with little recourse regarding violations of freedom of association, poor working conditions, and other labor problems. The CABs’ frequent failure to impartially and transparently administer and oversee procedures related to union activity, such as union elections and strikes, undermined worker efforts to exercise freely their rights to freedom of association and collective bargaining. A report released in April 2015--commissioned by the President’s Office and produced by the CIDE economic research center--found no guarantees of impartial and efficient labor justice from the boards and recommended the eventual incorporation of the CABs into the judicial branch.

In November the Congress passed constitutional reforms introduced in by President Pena Nieto that would dissolve the CABs and transfer their various functions to different entities. Judicial functions would transfer to the federal and state judiciaries, administrative functions would transfer to a new federal administrative entity, and conciliation functions would transfer to new conciliation

entities. In addition to structural changes, the proposed labor reforms would require verification of worker support for a collective bargaining agreement prior to its registration, and they would establish concrete timeframes for all steps in the process for challenging a union's exclusive bargaining rights. Thirteen state legislatures approved the legislation prior to the end of the year.

By law penalties for violations of freedom of association and collective bargaining laws range from 16,160 pesos (\$960) to 161,600 pesos (\$9,640). Such penalties were rarely enforced and were insufficient to deter violations. Administrative and/or judicial procedures were subject to lengthy delays and appeals.

To reduce backlogs and average time to issue labor rulings from 200 to 150 days, some states began implementing oral trials at their local CABs. There are 19 CABs located in the states of Mexico, Hidalgo, and Baja California. In the state of Mexico, from 2011 to 2015, the new process reduced the number of pending actions from 35,000 to 27,000.

Workers exercised their rights to freedom of association and collective bargaining with difficulty. The process for registration of unions has been politicized, and according to union organizers, the government, including the CABs, frequently used the process to reward political allies or punish political opponents. For example, it rejects registration applications for new locals of independent unions and for new unions on technicalities.

Companies and protection unions used complex divisions and a lack of coordination between federal and state jurisdictions to manipulate the labor conciliation and arbitration processes. For example, a company might register a collective bargaining agreement at both the federal and the local level, and later alternate the jurisdictions when individuals filed and appealed complaints to gain favorable outcomes. Additionally, union organizers from several sectors raised concerns regarding the overt and usually hostile involvement of the CABs when organizers attempted to create independent unions.

Protection (unrepresentative, corporatist) unions and "protection contracts," collective bargaining agreements signed by employers and these unions to prevent meaningful negotiations and ensure labor peace, continued to be a problem in all sectors. These contracts were facilitated by exclusivity in bargaining and lack of a requirement for workers to demonstrate support for a collective bargaining agreement or the union that negotiated it before the agreement could take effect. Protection contracts often were developed before the company hired any workers

and without direct input from or knowledge of the covered workers. For example, in August 2015 a leader of the Workers Confederation of Mexico (CTM)--a known protection union--claimed that he was negotiating a collective bargaining agreement to cover workers at a tire factory in San Luis Potosi that was not set to begin production until 2017. As of July, of 31 automotive industry plants, 27 had protection contracts with the CTM.

Independent unions, a few multinational corporations, and some labor lawyers and academics called on the government to institute legal reforms that would prohibit registration of collective bargaining agreements where the union cannot demonstrate support by a majority of workers or where workers had not ratified the content of the agreements. Many observers noted working conditions of a majority of workers were under the control of these contracts and the unrepresentative unions that negotiated them, and that the protection unions and contracts often prevented workers from fully exercising their labor rights as defined by law. These same groups advocated for workers to receive hard copies of existing collective bargaining agreements when they are hired.

According to several NGOs and unions, many workers faced procedural obstacles and various forms of intimidation (including physical violence) from protection union leaders, or employers supporting a protection union, in the lead-up to, during, and after bargaining-rights elections from other workers, union leaders, violent individuals hired by a company, or employers favoring a particular union. Some employers attempted to influence bargaining-rights elections through the illegal hiring of pseudo employees immediately prior to the election to vote for the company-controlled union.

Other intimidating and manipulative practices continued to be common, including dismissal of workers for labor activism. In November 2015 hundreds of employees at a transnational factory in Ciudad Juarez, Chihuahua, began protesting low wages, the arbitrary firings of 120 workers, and unacceptable working conditions. Civil society groups reported that management failed to provide either the promised day wage increase or the legally required Christmas bonus at the end of 2015. When workers attempted to organize to rectify these conditions, employers met them with mass firings, threats, and intimidation. Other complaints included sexual harassment and unsafe working conditions that exposed factory workers to hazardous chemicals without appropriate protective gear.

On August 22, one of the largest teacher unions (CNTE) began the school year by launching teacher strikes and setting up roadblocks to protest proposed education

reforms. The government and CNTE engaged in numerous rounds of negotiations regarding the dispute following deadly clashes in June between teacher union-led protesters and federal police forces in Oaxaca that left eight civilians dead. CNTE members staged strikes in Oaxaca and Chiapas states, where 53 percent and 58 percent, respectively, of campuses did not open for the first day of school. CNTE was less successful in Guerrero and Michoacan states, where nearly all schools held classes. The CNTE blocked major roads and railways in Oaxaca and Chiapas to protest federal education reforms. On August 25, the Ministry of Education announced it would fire 1,255 teachers and school employees in Oaxaca and Guerrero who participated in the strikes and missed days of classes. As of September 6, authorities were processing 1,905 teachers for dismissal, including 1,600 from Oaxaca and the remainder from Chiapas and Michoacan.

Independent labor activists reported the requirement that the CABs approve strikes in advance gave the boards the power to show favoritism by determining which companies to protect from strikes. Few formal strikes occurred, but protests and informal work freezes were common. For instance, workers in “maquilas” (factories run by foreign-owned companies that manufacture goods for export) in Ciudad Juarez protested in January to gain support for the creation of an independent union.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, but the government did not effectively enforce the law. Penalties for conviction of forced labor violations range from five to 30 years’ imprisonment and observers generally considered them sufficient to deter violations.

Forced labor persisted in the agricultural and industrial sectors, as well as in the informal sector. Women and children were subject to domestic servitude. Women, children, indigenous persons, and migrants (including men, women, and children) were the most vulnerable to forced labor. In November, 81 workers were freed by authorities from a situation of forced labor on a commercial farm in Coahuila.

In October 2015 municipal police rescued 49 persons held captive and forced to work 16 hours a day at a drug rehabilitation facility in Iztapalapa, Mexico City. The victims, mostly from indigenous groups, lived in overcrowded, unhealthy conditions and faced mistreatment and sexual exploitation. Some of the rescued

laborers sent to hospitals suffered from malnutrition, dehydration, skin cuts, infections, and fractures.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The constitution prohibits children under age 15 from working and allows those between ages 15 and 17 to work no more than six daytime hours in nonhazardous conditions daily, and only with parental permission. The law requires that children under age 18 must have a medical certificate in order to work. The minimum age for hazardous work is 18. The law prohibits minors from working in a broad list of hazardous and unhealthy occupations.

The government was reasonably effective in enforcing child labor laws in large and medium-sized companies, especially the maquila sector, and other industries under federal jurisdiction. Enforcement was inadequate in many small companies and in the agriculture and construction sectors and nearly absent in the informal sector, in which most child laborers worked.

With regard to inspections at the federal level, the SEDESOL, the PGR, and the National System for Integral Family Development have responsibility for enforcement of some aspects of child labor laws or intervention in cases where employers violated such laws. The STPS is responsible for carrying out child-labor inspections. Penalties for violations range from 16,780 pesos (\$1,000) to 335,850 pesos (\$20,000) but were not sufficiently enforced to deter violations.

In August authorities rescued six child laborers in Coahuila in the rural community of San Eugenio. Many of the victims in these cases came from the states of Veracruz and San Luis Potosi and reportedly worked at least nine hours daily, received insufficient food, and were forced to live in unhygienic conditions. In December 2015 authorities granted Oscar Lozano Chavez, the owner of the company involved in the case, house arrest due to health problems; he was monitored by an electronic bracelet. The court denied similar requests by three other defendants.

According to the 2013 INEGI survey, the most recent data available on child labor, the number of employed children between ages five and 17 remained at 2.5 million, or approximately 8.6 percent of the 29.3 million children in the country.

Of these children, 746,000 were between ages five and 13, and 1.8 million were between ages 14 and 17. Of employed children 30 percent worked in the agricultural sector in the harvest of melons, onions, cucumbers, eggplants, chili peppers, green beans, sugarcane, tobacco, coffee, and tomatoes. Other sectors with significant child labor included services (25 percent), retail sales (26 percent), manufacturing (13 percent), and construction (4 percent). On August 25, the government announced the percentage of children engaged in labor decreased from 11.5 percent of total children in 2007 to 7.5 percent in 2015.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment or occupation regarding “race, nationality age, religion, sex, political opinion, social status, handicap (or challenged capacity), economic status, health, pregnancy, language, sexual preference, or marital status.” The law provides for labor protection for pregnant women.

The government did not effectively enforce these laws and regulations. Penalties for violations of the law included administrative remedies, such as reinstatement, payment of back wages, and fines (often calculated based on the employee’s wages), and were not generally considered sufficient to deter violations. Discrimination in employment or occupation occurred against women, indigenous groups, persons with disabilities, LGBTI individuals, and migrant workers.

#### **e. Acceptable Conditions of Work**

The single general minimum wage was 73 pesos (\$4.35) a day. Most formal sector workers received between one and three times the minimum wage. The National Council for the Evaluation of Social Development Policy estimated the poverty line at 90 pesos (\$5.40) per day. The tripartite National Minimum Wage Commission, whose labor representatives largely represented protection unions and their interests, is responsible for establishing minimum salaries and continued to block increases that kept pace with inflation.

The law sets six eight-hour days and 48 hours per week as the legal workweek. Any work more than eight hours in a day is considered overtime, for which a worker receives double the hourly wage. After accumulating nine hours of overtime in a week, a worker earns triple the hourly wage. The law prohibits compulsory overtime. The law provides for eight paid public holidays and one week of paid annual leave after completing one year of work. The law requires

employers to observe occupational safety and health regulations, issued jointly by the STPS and the Institute for Social Security. Legally mandated joint management and labor committees set standards and are responsible for overseeing workplace standards in plants and offices. Individual employees or unions may complain directly to inspectors or safety and health officials. By law workers may remove themselves from situations that endanger health or safety without jeopardy to their employment.

The STPS is responsible for enforcing labor laws and conducting inspections at workplaces. As of November 2015, there were 946 inspectors nationwide. This was sufficient to enforce compliance, and the STPS carried out inspections of workplaces throughout the year, using a questionnaire and other actions to identify victims of labor exploitation. Penalties for violations of wage, hours of work, or occupational safety and health laws range from 17,330 pesos (\$1,030) to 335,940 pesos (\$20,020) but were generally not sufficient to deter violations. Through its DECLARALAB self-evaluation tool, STPS had provided technical assistance to almost 4,000 registered workplaces to help them meet occupational safety and health regulations.

According to labor rights NGOs, employers in all sectors sometimes used the illegal “hours bank” approach--requiring long hours when the workload is heavy and cutting hours when it is light--to avoid compensating workers for overtime. This continued to be a common practice in the maquila sector, in which employers forced workers to take leave at low moments in the production cycle and oblige them to work, for example, during the Christmas holiday period, with no corresponding triple pay as mandated by law when workers opted for voluntary overtime on national holidays. Additionally, many companies evaded taxes and social security payments by employing workers informally, or by submitting falsified payroll records to the Mexican Social Security Institute. In 2013, the latest year for which such data are available, INEGI estimated 59 percent of the workforce was engaged in the informal economy.

Private recruitment agencies and individual recruiters violated the rights of temporary migrant workers recruited in the country to work abroad, primarily in the United States. Although the law requires these agencies to be registered, they often were unregistered. The STPS registry was out of date and limited in scope. Although a few large recruitments firms were registered, the registry included many defunct and nonexistent mid-sized firms, and few if any of the many small, independent recruiters. Although the government did not actively monitor or control the recruitment process, it reportedly was responsive in addressing



complaints. There were also reports that registered agencies defrauded workers with impunity. Some temporary migrant workers were regularly charged illegal recruitment fees. According to a 2013 study conducted by the Migrant Worker Rights Center, 58 percent of 220 applicants interviewed had paid recruitment fees; half did not receive a copy of their job contract and took out loans to cover recruitment costs; and 10 percent paid recruitment fees for nonexistent jobs. The recruitment agents placed those who demanded their rights on blacklists and barred them from future employment opportunities. In 2015 the NGO Proyecto de Derechos Economicos, Sociales, y Culturales, or ProDESC, filed a collective criminal complaint with the government for recruitment fraud to demand an inspection of a recruitment agency. The government inspection resulted in a fine of 57,750 pesos (\$3,500) levied against the recruiter.

News reports indicated that there were poor working conditions in some maquiladoras. These included low wages, contentious labor management, long work hours, unjustified dismissals, the lack of social security benefits, unsafe workplaces, and the lack of freedom of association. Many women working in the industry reported suffering some form of abuse. Most maquilas hired employees through outsourcing with few social benefits.

# EXHIBIT G

# MEXICO 2015 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Mexico, which has 31 states and a federal district, is a multiparty federal republic with an elected president and bicameral legislature. In July 2012 President Enrique Peña Nieto of the Institutional Revolutionary Party (PRI) won election to a single six-year term in elections observers considered free and fair. Citizens elected members of the Senate in July 2012 and members of the Chamber of Deputies in June. Observers considered the June 2015 legislative and gubernatorial elections free and fair. Civilian authorities generally maintained effective control over the security forces.

The most significant human rights-related problems included law enforcement and military involvement in serious abuses, such as unlawful killings, torture, and disappearances. Impunity and corruption in the law enforcement and justice system remained serious problems. Organized criminal groups killed, kidnapped, and intimidated citizens, migrants, journalists, and human rights defenders.

The following additional problems persisted: poor prison conditions; arbitrary arrest and detention; threats and violence against human rights defenders and journalists; threats and violence against migrants; violence against women; domestic violence; abuse of persons with disabilities; threats and violence against some members of the indigenous population; threats against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; trafficking in persons; and child labor, including forced labor by children.

Impunity for human rights abuses remained a problem throughout the country with extremely low rates of prosecution for all forms of crime. Neither general information about government investigations of human rights allegations nor information about specific cases was easily available to the public.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were numerous reports the government or its agents committed arbitrary or unlawful killings, often with impunity. Organized criminal groups also were implicated in numerous killings, often acting with impunity and at times in league with corrupt state, local, and security officials. The National Human Rights

Commission (CNDH) reported 32 complaints for “deprivation of life” between January and October 31.

In November the CNDH released a report regarding the January 6 killing of 10 individuals in Apatzingan, Michoacan. The CNDH report found the federal police responsible for grave human rights violations in six of the deaths, at least one of which it classified as an extrajudicial execution. Members of the army also were implicated in illegal detentions and injury to a number of citizens. A separate criminal investigation continued at year’s end.

On May 22, federal police killed 42 alleged armed criminals in a gunfight near Tanhuato, Michoacan; one police officer also was killed. Federal authorities claimed that police were in pursuit when the criminals attacked, and that police returned fire to subdue the group. Families of the victims and civil society sources, however, asserted the bodies showed signs of torture. The Michoacan Attorney General’s Office began an investigation, which was joined in August by the federal Office of the Attorney General. On May 26, the CNDH also initiated an investigation. During its visit in October, a mission of the Inter-American Commission on Human Rights (IACHR) pressed the government to continue its investigation of the case. The investigations remained ongoing at year’s end.

On July 7, the commander of the 97th Infantry Battalion allegedly ordered and participated in the illegal detention and extrajudicial killing of seven suspected members of an organized criminal group in Calera, Zacatecas. On July 31, a federal judge in Zacatecas ordered the arrest of the commander and three other military officers on charges of forced disappearance and premeditated aggravated homicide. At year’s end all four were being held in pretrial detention at the military prison in Mazatlan, Sinaloa. The National Defense Ministry (SEDENA), which provided forensic and judicial assistance to the civilian-led investigation, transmitted its findings to the federal Attorney General’s Office (PGR).

Civilian criminal proceedings continued in the June 2014 killings of 22 suspected criminals in Tlatlaya, state of Mexico. In June the Attorney General’s Office (PGJ) for the state of Mexico and the PGR confirmed that 11 of the 22 individuals were executed, at least half of whom had surrendered before they were killed. In November 2014 the PGR charged three soldiers formerly assigned to SEDENA’s 102nd Infantry Battalion with homicide, tampering with evidence, and abuse of authority and brought lesser charges against four additional soldiers. In early October a federal district judge dropped the charges against four of the soldiers due to insufficient evidence. The PGR appealed the ruling. Those charged remained in

pretrial confinement, and the four released from civil charges continued to face charges under the military justice system. Additionally, seven police officers from the state of Mexico were charged in July with torturing three women who witnessed the executions.

After the Federal Institute of Access to Public Information and Data Protection ordered it to do so, the PGR released documents in December 2014 that revealed municipal police were complicit in the 2010 killing of 72 migrants in San Fernando, Tamaulipas. The documents also showed police involvement in the deaths of 193 other victims found in mass graves in Tamaulipas in 2011.

On July 20, a federal judge in Nuevo Leon sentenced former corporal Juan Ortiz Bermudez to 18 years' imprisonment on conviction of intentional homicide in the 2010 killing of two unarmed civilians. It was the first time a civilian judge penalized a military officer in Nuevo Leon.

On March 2, a federal judge in Sinaloa sentenced four soldiers to nine years and four months in prison for intentional homicide in the 2008 killing of unarmed civilians.

## **b. Disappearance**

There were numerous reports of forced disappearances by security forces as well as numerous cases of disappearances related to organized criminal groups. In data collection the government often merged disappeared persons with missing persons, making it difficult to gather accurate statistics on the extent of the problem. While the federal criminal code includes provisions on "forced disappearances," the subfederal jurisdictions lacked legislation to define consistently this crime; 15 states classified "forced disappearance" as distinct from murder or kidnapping. Investigation, prosecution, and sentencing for the crime of disappearance remained rare.

In September government agencies reported to the Congress that 25,230 persons were recorded as missing or disappeared as of December 31, 2014. According to the National Data Registry of Missing Persons (RNPED), 24,812 of the cases came under state jurisdiction, while 418 cases were under federal jurisdiction. The PGR also reported that 74 persons had been located as of December 2014, 70 of whom were Mexican nationals. According to the government, the causes for disappearances included voluntary absence, migration, death, and unlawful

imprisonment. The CNDH received 12 complaints of “enforced or involuntary disappearances” from January through October 31.

On September 6, a team of IACHR experts released a report critical of the government’s initial investigation of the September 2014 disappearance of 43 students from a rural teachers college in Ayotzinapa, Guerrero State, and the concomitant killings of six others. The IACHR and the original government investigation concluded the students were arrested by local police and then handed over to drug traffickers in Iguala, Guerrero. In October the government extended the mandate of the team of experts until April 30, 2016, and agreed to “restart” the investigation and incorporate the recommendations from the September report, including the creation of a new investigation team to work alongside IACHR experts and the government. In September government officials stated foreign forensic experts had identified the remains of a second student (in addition to the remains of one student identified in 2014). In November the Attorney General’s Office announced the creation of a new special unit to investigate the students’ disappearance. In December the Executive Committee for Victims Assistance (CEAV) approved the first reparations to the family of one of six individuals killed during the incident.

On August 18, a federal judge in Nuevo Leon issued the country’s first civilian conviction of a military officer for the disappearance of a civilian. The court stripped Second Lieutenant Danny Hernandez Sanchez of his rank and sentenced him to 31 years and three months in prison for the forced disappearance in 2012 of a victim in the municipality of Los Herreras, Nuevo Leon.

Kidnapping remained a serious problem for persons at all socioeconomic levels, and there were credible reports of instances of police involvement in kidnappings for ransom, often at the state and local level. The government’s statistics agency (INEGI) estimated that 94 percent of crimes were either unreported or not investigated and that underreporting for kidnapping was even higher.

On May 7, Javier Cano Torre, a journalist from ABC Radio in the state of Guerrero, and three other individuals traveling with him were kidnapped. Cano Torre’s vehicle was found abandoned on the road between Iguala and Teloloapan. The four remained missing, and the case continued under investigation at the state level.

On September 10, the Baja California State Attorney General’s Office (PGJE) announced that it had charged four men with the kidnappings of more than 70

migrants in areas near Tijuana and Mexicali. The PGJE stated that while arresting the men, local authorities had rescued nine migrants who were found being held against their will by the group. The nine kidnapping victims were tortured and abused, some sexually, according to local authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices and stipulates confessions obtained through illicit means are not admissible as evidence in court, but there were reports that government officials employed them.

There is no national registry of torture cases, and there is a lack of specific data on torture cases at the state level. From January to October 31, the CNDH received 587 complaints of “inhuman or degrading treatment” and 49 complaints of torture.

In Jalisco the state-level Human Rights Commission reported 89 torture complaints from January 1 to July 29, after reporting a total of 24 complaints for 2014. On April 26, Jalisco passed a law that increases sentences for those found guilty of torture. On September 25, a judge issued Jalisco’s first-ever sentence for torture to two local police officers found guilty of torturing a man to death while he was under arrest in 2014.

On November 12, the government of the Federal District of Mexico City acknowledged that district-level police had committed “acts of torture and cruel and inhuman treatment” against 90 citizens who participated in demonstrations in the Federal District during 2013 and 2014. The government accepted all recommendations issued by the Human Rights Commission of Mexico City (CDHDF), which included documentation of police actions that violated federal and state law. It was the first time the government of the Federal District admitted to acts of torture and mistreatment.

In June a judge sentenced Omar Rivera Vela, a former police inspector with the Ciudad Juarez municipal police to four and one-half years in prison for torture relating to an incident that occurred in 2013.

On December 2, a Chihuahua state judge dismissed charges against Cristel Fabiola Pina Jasso, Leonardo Gilberto de la O Ramos, and Jose Eduardo Estrada, all three of whom were falsely accused of extortion and had been detained since 2013. The judge also ordered an investigation into allegations that state police officers

tortured the three to secure confessions. On the same day, in a separate case, authorities released Adrian Vasquez from prison near Tijuana, more than three years after he was arrested and reportedly tortured by state police and accused of being a drug trafficker.

On October 7, the CNDH issued Recommendation 33/2015, which directs both SEDENA and the PGR to cooperate fully in the investigation by the UN Committee against Torture (CAT) of the 2009 arbitrary detention and torture of Ramiro Ramirez Martinez, Orlando Santaolaya Villareal, Rodrigo Ramirez Martinez, and Ramiro Lopez Vazquez by the military in the state of Baja California.

There were reports of abuse in public mental health institutions (see section 6, Persons with Disabilities).

### **Prison and Detention Center Conditions**

Conditions in prisons and detention centers were often harsh and life threatening due to corruption, overcrowding, prisoner abuse, alcohol and drug addiction, and loss of security and control. In a 2015 report, the CNDH said prison occupancy was 25 percent above capacity and that conditions prevented or hindered inmates' "access to a decent life, as well as the means to achieve effective rehabilitation and social reintegration." There were numerous cases of corruption in the penitentiary system, including charges that the head of federal prisons and the former director of the Altiplano Prison allowed Sinaloa cartel leader Joaquin "El Chapo" Guzman Loera to escape. In 2012 the CNDH estimated that organized crime controlled 60 percent of prisons.

Civil society groups reported some abuses of migrants in some detention centers.

Physical Conditions: Health and sanitary conditions were poor, and most prisons did not offer psychiatric care. Some prisons often were staffed with poorly trained, underpaid, and corrupt correctional officers, and authorities occasionally placed prisoners in solitary confinement indefinitely. Prisoners often had to bribe guards to acquire food, medicine, and other necessities. In some cases prisoners reportedly had to pay a fee to be permitted to visit with family members. Authorities held pretrial detainees together with convicted criminals. Prison overcrowding continued to threaten health and life. The CNDH noted a lack of access to adequate health care was a significant problem. Food quality and quantity varied by facility, with internationally accredited prisons generally having



the highest standards. The CNDH reported 49 homicides and 62 suicides in state and district prisons in 2014.

The CNDH continued to report conditions for female prisoners were inferior to those for men, particularly for women who lived with their children in prison, due to a lack of appropriate living facilities and specialized medical care. There were reports women who lived with their children in prison did not receive extra food or assistance. Reports of physical and sexual abuse of female detainees continued.

Administration: At some state prisons, recordkeeping remained inadequate. Some states instituted mechanisms for alternative justice, including drug diversion courts, for nonviolent offenders. While prisoners and detainees could lodge complaints about human rights violations, access to justice was inconsistent, and authorities generally did not publicly release the results of investigations. The CNDH has an ombudsman dedicated to prison problems, but it does not provide legal representation for prisoners.

Independent Monitoring: The government permitted independent monitoring of prison conditions by the International Committee of the Red Cross, the CNDH, and state human rights commissions. Independent monitors were generally limited to making recommendations to authorities to improve prison conditions.

Improvements: A number of states, including Baja California, Hidalgo, Morelos, Nuevo Leon, and Puebla, established special pretrial detention units during the year to reduce overcrowding. Fifteen drug treatment courts in Chihuahua, Durango, Mexico Morelos, and Nuevo Leon enabled participants to receive counseling and treatment for their addiction rather than serving time in a correctional facility, thus reducing prison overcrowding. Both federal and state facilities continued to seek international accreditation from the American Correctional Association (ACA), which requires demonstrated compliance with a variety of international standards. As of September 22, one state administrative facility in Chihuahua and six federal prisons; one federal training academy; and 15 state prisons in the states of Baja California, Coahuila, Chihuahua, and Mexico and the Federal District had achieved ACA accreditation. In February the ACA recognized the state of Chihuahua for earning ACA accreditation for every state correctional facility under its control. Since beginning the accreditation process, Chihuahua's prisons experienced sharp decreases in deaths, escapes, and riots. In 2014 only one violence-related death and no riots occurred in Chihuahua's prison facilities.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, but the government often failed to observe these prohibitions.

#### **Role of the Police and Security Apparatus**

The federal police, as well as state and municipal police, have primary responsibility for law enforcement and the maintenance of order. The federal police are under the authority of the interior minister and National Security Committee; state police are under the authority of each of the 32 governors, and municipal police are under the authority of local mayors.

SEDENA, which oversees the army and air force, and the Ministry of the Navy (SEMAR), which oversees the navy and marines, also play a role in domestic security, particularly in combatting organized criminal groups. The secretary of national defense and the secretary of navy are cabinet-level officials who report directly to the president. The law requires military institutions to transfer all cases involving civilian victims, including human rights cases, to the civilian justice system under the jurisdiction of the PGR. If the victim is a member of the military, alleged perpetrators remain subject to the military justice system. SEDENA, SEMAR, the federal police, and the PGR have security protocols for chain of custody and use of force. The protocols, designed to reduce the time arrestees remain in military custody, outline specific procedures for the handling of detainees.

The National Migration Institute (INM), under the authority of the Interior Ministry (SEGOB), is the administrative body responsible for enforcing migration laws and protecting migrants. INM's 5,400 agents worked at ports of entry, checkpoints, and detention centers, conducting migrant apprehension operations in coordination with the federal police.

Although civilian authorities maintained effective control over security forces and police, impunity, especially for human rights abuses, remained a serious problem. The country had extremely low rates of prosecution, and prosecutions could take years to complete. For example, as of August 25, civilian criminal proceedings continued against an army lieutenant and soldiers formerly assigned to SEDENA's Ninth Infantry Battalion for the alleged illegal detention and disappearance of six civilians in 2010. Civilian courts tried cases of human rights violations of civilians by military personnel, and there were a number of such prosecutions during the

year. By law elected officials enjoy immunity from prosecution, including for corruption, while they hold a public office, although state and federal legislatures have the authority to remove an elected official's immunity.

SEDENA's General Directorate for Human Rights investigates military personnel for violations of human rights identified by the CNDH and is responsible for promoting a culture of respect for human rights within the institution. The directorate, however, has no power to ensure allegations are prosecuted or to take independent judicial action.

As part of the implementation of SEDENA's 2014-18 human rights program, in December the secretary of defense announced new human rights measures, including an agreement with the National Council to Prevent Discrimination (CONAOPRED), to create a center for equality and nondiscrimination.

The National Public Security Council approved new police training standards in August 2014, including mandatory training on human rights for all law enforcement personnel. Enforcing compliance with training standards remained a challenge, particularly among municipal police.

### **Arrest Procedures and Treatment of Detainees**

The constitution allows any person to arrest another if the crime is committed in his or her presence. A warrant for arrest is not required if an official has reasonable suspicion about a person's involvement in a crime. Bail exists, except for persons held in connection with drug trafficking or other forms of organized crime. In most cases persons must be presented to a judge, along with sufficient evidence to justify their continued detention, within 48 hours of their arrest, but there were violations of this 48-hour provision. In cases involving three or more persons who organize to commit certain crimes, suspects may be held for up to 96 hours before being presented to a judge.

Only the federal judicial system can prosecute cases involving organized criminal groups. Under a procedure known in Spanish as "arraigo" (a constitutionally permitted form of detention, employed during the investigative phase of a criminal case before probable cause is fully established), certain suspects may, with a judge's approval, be detained for up to 80 days prior to the filing of formal charges. Human rights NGOs claimed arraigo allows authorities to detain someone first, then seek a reason to justify detention. In the absence of formal charges, persons so detained are denied legal representation and are not eligible to

receive credit for time served if convicted. Human rights groups alleged authorities used arraigo to obtain confessions using torture.

Some detainees complained about lack of access to family members and to counsel after police held persons incommunicado for several days and made arrests arbitrarily without a warrant. Police occasionally provided impoverished detainees counsel only during trials and not during arrests or investigations as provided for by law. Authorities held some detainees under house arrest. In June 2014 the armed forces issued a joint use-of-force doctrine, ordering transfer of detained individuals as soon as possible to civilian authorities and prohibiting use of military facilities as detention or retention centers.

Arbitrary Arrest: Allegations of arbitrary detentions persisted throughout the year. During its visit in October, the IACHR assessed that “arbitrary arrests are the norm rather than the exception.”

Pretrial Detention: Lengthy pretrial detention was a problem, although no information was publicly available on the percentage of inmates held in pretrial detention or the average length of time they were held. The law provides time limits within which an accused person must be tried. Authorities generally disregarded time limits on pretrial detention since caseloads far exceeded the capacity of the federal judicial system.

#### **e. Denial of Fair Public Trial**

Although the constitution and law provide for an independent judiciary, court decisions were susceptible to improper influence by both private and public entities, particularly at the state and local level.

#### **Trial Procedures**

The civilian legal system was in a period of transition from an inquisitorial to an adversarial system. Until recently, the country had an inquisitorial-style legal system based primarily upon judicial review of written documents behind closed doors. A 2008 constitutional amendment, however, mandated that by June 2016 the federal and state governments should replace that system with an adversarial system that relies upon oral testimony presented in open court. While the federal government and nearly all of the states had begun to adopt the new criminal justice system, observers expected the complex transition, in which the old and new systems would coexist for a number of years, remained dependent on continuing

government support. In some states implementing the adversarial system, alternative justice centers employed mechanisms such as mediation, negotiation, and restorative justice to resolve minor offenses outside the court system.

Under the new criminal justice system, all hearings and trials are conducted by a judge and follow the principles of public access, immediacy, confrontation, and cross-examination. Defendants enjoy a presumption of innocence and judges render judgments directly without the participation of a jury. Defendants have the right to attend the hearings and to challenge the evidence or testimony presented. Defendants have access to government-held evidence, although the law allows the government to keep elements of an investigation confidential until presentation of evidence in court. The law also provides the right of appeal.

As of September all of the country's 32 sub-federal jurisdictions had begun transitioning to the adversarial system and were at various stages of training and implementing reforms.

The law provides defendants with the right to an attorney at all stages of criminal proceedings. Attorneys are required to meet legal qualifications to represent a defendant. Not all public defenders had preparation and training to serve adequately on the defendants' behalf, and often the state public defender system was not adequate to meet demand. Public defender services functioned either in the judicial or executive branch. According to the Center for Research and Economic Study (CIDE), most criminal suspects did not receive representation until after they came under judicial authority, thus making individuals vulnerable to coercion to sign false statements prior to appearing before a judge.

Although required by law, translation services from Spanish to indigenous languages at all stages of the criminal process were not always available. Indigenous defendants who did not speak Spanish sometimes were unaware of the status of their cases and were convicted without fully understanding the documents they were required to sign.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Citizens have access to an independent judiciary in civil matters to seek civil remedies for human rights violations. For a plaintiff to secure damages against a defendant, the defendant first must be found guilty in a criminal case, a significant barrier given the relatively low number of convictions for civil rights offenses.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

Although the law prohibits such practices and requires search warrants, there were some complaints of illegal searches or illegal destruction of private property.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

The law provides for freedom of speech and press, and the government generally respected these rights. Most newspapers, television, and radio stations were privately owned, and the government had minimal presence in the ownership of news media. Media monopolies, especially on a local level, posed a constraint on freedom of expression.

Violence and Harassment: Journalists were sometimes subject to physical attacks, harassment, and intimidation due to their reporting. Perpetrators of violence against journalists continued to act with impunity with few reports of successful investigation, arrest, or prosecution of suspects. Although organized crime was believed to be behind the majority of these cases, some NGOs believed there were instances when local government authorities participated in and condoned these acts.

According to international NGO Article 19, seven journalists were killed between January and September, compared with five in all of 2014. During the last decade, 370 journalists were killed, according to the Committee to Protect Journalists (CPJ), which noted that no indictments were issued in 90 percent of those cases.

During the first half of the year, Article 19 registered 227 cases of aggression against journalists, including assaults, intimidation, arbitrary detention, and threats; in 2014 there were 326 such cases.

On July 31, a photojournalist from Veracruz, Ruben Espinosa, and activist Nadia Vera Perez were killed in Mexico City, where they had sought refuge after being threatened for their work. Mexico City's attorney general, Rodolfo Rios Garza, led

the investigation, which resulted in the arrests of a suspect on August 4 and a former police officer on August 30. After his arrest the former police officer alleged that a third person aligned with the Zetas, one of the country's powerful drug cartels, committed the killings. On September 13, authorities arrested a third suspect.

In May independent journalist Pedro Celestino Canche Herrera, who was imprisoned on charges of sabotage in the state of Quintana Roo in August 2014, was released after 271 days in prison. A local court declared him innocent of charges that he directed protesters to block access to the state water and sewage commission.

Censorship or Content Restrictions: Human rights groups reported state and local governments occasionally worked to censor the media and threaten journalists. Journalists reported altering their coverage in response to a lack of protection from the government, attacks against members of the media and media facilities, false charges for publishing undesirable news, and threats or retributions against family, among other reasons. There were reports of journalists practicing self-censorship because of threats from criminal groups and of government officials seeking to influence or pressure the press. According to Freedom House, as much as 80 percent of the funding for advertising came from state and federal governments.

Nongovernmental Impact: Organized criminal groups exercised a grave and increasing influence over media outlets and reporters, reportedly threatening individuals who published critical views of crime groups. During a period of intense fighting between rival criminal groups in northern Tamaulipas in February, gunmen kidnapped a newspaper editor in Matamoros after he published front-page stories covering the violence. They threatened to kill him if he continued to publish related stories. Also in February unknown assailants threw a grenade at the Matamoros offices of a national television station that had covered the recent violence, injuring two guards. There were no charges in either incident.

Actions to Expand Press Freedom: SEGOB worked to strengthen the national protection mechanism designed to protect human rights defenders and journalists. SEGOB's Human Rights Directorate increased personnel and improved training for the mechanism, resulting in more rapid review of cases. Separately, the Office of the Special Prosecutor for Crimes Against Freedom of Expression (FEADLE), part of the PGR, reported it had trained more than 500,000 public servants and more than 1,100 journalists on the importance of freedom of expression. A report released by NGOs in July, however, stated the mechanism suffered from a

persistent lack of resources, personnel, and political support. During the year FEADLE did not prosecute any crimes committed against journalists.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or block or filter online content. According to Freedom House, however, the government increased requests to social media companies to remove content. Some civil society organizations alleged that various state and federal agencies sought to monitor private online communications.

The International Telecommunication Union reported that 44 percent of citizens used the internet in 2014. Freedom House's 2015 *Freedom of the Net Report* categorized the country's internet as partly free.

While a 2013 constitutional amendment guarantees access to the internet as a civil right, NGOs alleged that provisions in secondary laws threatened the privacy of internet users by forcing telecommunication companies to retain data for two years, providing real-time geolocation data to the police, and allowing security agents to obtain metadata from private communications companies without a court order. Furthermore, the law does not fully define the "appropriate authority" to carry out such actions.

Concerns persisted regarding the use of physical and digital violence by organized criminal groups in retaliation for information posted online, which exposed journalists and bloggers to the same level of violence as that faced by traditional journalists. Access to the internet became more widely available due to legislation that diversified the telecommunications market.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

#### **b. Freedom of Peaceful Assembly and Association**

The law provides for the freedoms of assembly and association, and the government generally respected these rights. There were some reports of security forces using excessive force against demonstrators.

#### **c. Freedom of Religion**



See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

At the Iztapalapa detention center near Mexico City and other detention centers, including in Chiapas, men were kept separate from women and children, and there were special living quarters for LGBTI individuals. Migrants had access to medical, psychological, and dental services, and the installation had agreements with local hospitals for any urgent cases free of charge. The National Refugee Commission (COMAR) and CNDH visited daily, and the INM and Children and Family Services' officials took trafficking and other victims to designated shelters. Human rights pamphlets were available in many different languages. The CNDH reported that some police, immigration officers, and customs officials violated the rights of undocumented migrants and failed to provide for their safety.

In-country Movement: There were numerous instances of armed groups limiting the movements of migrants, including by kidnappings and homicides.

#### **Internally Displaced Persons**

In parts of the country, drug cartels emptied entire rural communities to take land and natural resources. During the previous year, 281,400 persons were internally displaced due to drug trafficking violence, according to the annual report of the Internal Displacement Monitoring Centre. NGOs estimated hundreds of thousands of citizens, many fleeing areas of armed conflict between organized criminal groups, or between the government and organized criminal groups, became internally displaced. Individuals from Tamaulipas, Baja California, Guerrero, Sinaloa, and Michoacan accounted for the majority of internally displaced persons (IDPs). The CNDH alleged the government allocated only minimal resources to assist IDPs.

## **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. NGOs, however, alleged that the government failed to screen migrants properly for refugee status. Attempting to meet the need, COMAR increased asylum adjudication capacity by 60 percent.

## **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government through free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

### **Elections and Political Participation**

Recent Elections: Observers considered the July 2012 presidential election and the June 2015 legislative and gubernatorial elections free and fair. Due to constitutional reforms, the June elections were the first in which independent candidates could run. The country has rigorous requirements for independent candidates, including a minimum number of signatures required for candidacy, campaign finance restrictions, and limited use of media compared to candidates representing registered political parties. Nonetheless, in June the state of Nuevo Leon elected the country's first independent governor.

Participation of Women and Minorities: A 2014 constitutional reform requires equality between women and men in nominations to the Senate, the Chamber of Deputies, and state congresses. In the June legislative elections, 211 women were elected, up from 184 elected during the 2012 general elections.

There were no established quotas for increased participation of indigenous groups in the legislative body, and no reliable statistics were available regarding minority participation in government. The law provides for the right of indigenous people to elect representatives to local office according to "usages and customs" law rather than federal and state electoral law.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption, but the government did not enforce the law effectively. There were numerous reports of government corruption during the year. Corruption at the most basic level involved paying bribes for routine services or in lieu of fines to administrative officials and security forces. More sophisticated and less apparent forms of corruption included overpaying for goods and services to provide payment to elected officials and political parties.

By law all new applicants for federal law enforcement jobs (and other sensitive positions) must pass a vetting process upon entry into service and every two years thereafter throughout their careers. According to SEGOB and the National Center of Certification and Accreditation, most active police officers at the national, state, and municipal level underwent at least initial vetting. Nevertheless, the CNDH continued to report police, particularly at the state and local level, were involved in kidnapping, extortion, and providing protection for, or acting directly on behalf of, organized crime and drug traffickers.

Corruption: Responsibility for investigating federal police criminal or administrative abuse falls under the purview of the PGR or the Office of Public Administration (SFP), depending on the type of offense. In 2012 the country adopted the Federal Law Against Corruption in Public Procurement, which prohibits companies and individuals from offering money or gifts to secure a business advantage in the procurement of public contracts with the government. Observers considered the agencies generally effective and adequately resourced, but there was broad public criticism that corruption was not investigated, prosecuted, and punished. In November the PGR Office of the Special Prosecutor for Electoral Crimes (Fepade) filed for the arrest of the former Green Party president for distributing 10,000 discount club cards to voters in the June midterm elections. On November 25, he resigned from his position as the SEGOB undersecretary for prevention and citizen participation. The investigation continued at year's end.

Financial Disclosure: The law requires all federal and state-level appointed or elected officials from the middle to high ranks to provide income and asset disclosure. The SFP monitors disclosures with support from each agency. Disclosures are required at the beginning and end of employment, and yearly updates are also required. Declarations are not made publicly available unless the official provides consent. Criminal or administrative sanctions apply for abuses.

Public Access to Information: The government passed the General Law on Transparency in February, which grants free public access to government information at the state and federal levels. Authorities implemented the law effectively. The law includes exceptions to disclosure of government information, including for information that may compromise national security, affect the conduct of foreign relations, harm the country's financial stability, endanger another person's life, or for information relating to pending law enforcement investigations. The law also limits disclosure of personal information to third parties.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views, and the president or cabinet officials met with human rights organizations such as the UN High Commissioner for Human Rights, the UN Special Rapporteur for Torture, the IACHR, Amnesty International, and the CNDH.

Government Human Rights Bodies: The CNDH is an autonomous federal agency created by the government and funded by the legislature to monitor and act on human rights violations and abuses. It can call on government authorities to impose administrative sanctions or pursue criminal charges against officials, but it cannot impose legal sanctions itself. Whenever the relevant authority accepts a CNDH recommendation, the CNDH is required to follow up with the authority to verify that it is carrying out the recommendation. The CNDH sends a request to the authority asking for evidence of its compliance and includes this follow-up information in its annual report. When authorities fail to accept a recommendation, the CNDH makes that known publicly and may exercise its power to call before the Senate government authorities who refuse to accept or enforce its recommendations.

All of the country's 31 states and the Federal District have their own human rights commission. The state-level commissions are funded by the legislatures and are instructed to be autonomous. The CNDH can take over cases from state-level commissions if it receives a complaint the commission has not undertaken adequate investigation.

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status. While the government made some progress enforcing these provisions, significant problems, particularly violence against women, persisted.

### Women

Rape and Domestic Violence: The federal law criminalizes rape, including spousal rape, and imposes penalties of up to 20 years' imprisonment. Twenty-three states and the Federal District have laws criminalizing spousal rape. Human rights organizations asserted authorities did not take seriously reports of rape, and victims continued to be socially stigmatized and ostracized.

The federal penal code prohibits domestic violence and stipulates penalties between six months' and four years' imprisonment. Twenty-eight states and the Federal District stipulate similar penalties, although actual sentences were often more lenient. Federal law does not criminalize spousal abuse. State and municipal laws addressing domestic violence largely failed to meet the required federal standards and often were unenforced, although states and municipalities, especially in the north, were beginning to prioritize training on domestic violence.

Victims of domestic violence in rural and indigenous communities often did not report abuses due to fear of spousal reprisal, stigma, and societal beliefs that abuse did not merit a complaint.

Femicide (the killing of a woman based on her gender) is a federal offense punishable by 40 to 60 years in prison; it is also an offense listed in the criminal codes of all 31 states and the Federal District. The Special Prosecutor's Office for Violence against Women and Trafficking in Persons of the PGR is responsible for leading government programs to combat domestic violence and prosecuting federal human trafficking cases involving three or fewer suspects. The office had 40 federal prosecutors dedicated to federal cases of violence against women, approximately 15 of whom specialized in trafficking countrywide.

In collaboration with civil society, the state of Mexico established the country's first "gender alert" system to collect information to support investigations of gender-based violence. At the national level, there were 72 shelters, of which 34 were operated by civil society organizations, four by private welfare institutions, and 34 by public institutions.

Sexual Harassment: Federal labor law prohibits sexual harassment and provides for fines from 250 to 5,000 times the minimum daily wage. Sexual harassment is criminalized in 15 of 31 states and the Federal District, and all states have provisions for punishment when the perpetrator is in a position of power. According to the National Women's Institute (INMUJERES), the federal institution charged with directing national policy on equal opportunity for men and women, sexual harassment in the workplace was a significant problem, but victims were reluctant to come forward, and cases were difficult to prove.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have the information and means to do so, free from discrimination, coercion, or violence. Despite the existence of a national family-planning program, the lack of comprehensive sex education and access to contraceptives in public hospitals and rural areas continued to undermine the government's stated commitment to reproductive rights. Skilled attendants at delivery and in postpartum care were widely available except in some rural indigenous areas. The country's maternal mortality rate was 50 per 100,000 live births.

Discrimination: The law provides women the same legal status and rights as men and "equal pay for equal work performed in equal jobs, hours of work, and conditions of efficiency." According to INMUJERES, women continued to earn between 5 and 30 percent less than men for comparable work, whereas the World Economic Forum reported women earned 43 percent less than men for comparable work. Women were more likely to experience discrimination in wages, working hours, and benefits (see section 7.d).

## **Children**

Birth Registration: Citizenship is derived both by birth within the country's territory and from one's parents. Citizens generally registered the births of newborns with local authorities. In some instances government officials visited private health institutions to facilitate the process. Failure to register births could result in the denial of public services, such as education or health care.

Child Abuse: There were numerous reports of child abuse. The government sought to increase comprehensive protection of children through passage of the General Law on the Rights of Children and Adolescents, adopted in December 2014. The law grants special attention to vulnerable children and adolescents,

including migrant children, children with disabilities, and children living in poverty. The law includes provisions to eliminate all forms of violence and exploitation of children as well as provisions to strengthen their access to justice. In December the government created a National Program for the Integral Protection of Children and Adolescents, mandated by law, which is responsible for coordinating the protection of children's rights at all levels of government. The program includes the creation of a National System of Information on Children and Adolescents, designed to improve data on treatment of children.

Early and Forced Marriage: The legal minimum marriage age is 18. Enforcement, however, was inconsistent across the states, where some civil codes permit a minimum marital age of 14 for girls and 16 for boys with parental consent, and 18 without parental consent. With a judge's consent, children can be married at younger ages.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, and authorities generally enforced the law. Nonetheless, NGOs continued to report sexual exploitation of minors, as well as child sex tourism in resort towns and northern border areas.

Statutory rape constitutes a crime in the federal criminal code. If an adult who has sexual relations with a minor between ages 15 and 18, the penalty is between three months and four years in prison. An adult who has sexual relations with a minor under age 15 is liable to a penalty ranging from eight to 30 years in prison. Laws against corruption of a minor and child pornography apply to victims under age 18. For the crimes of selling, distributing, or promoting pornography to a minor, the law stipulates a prison term of six months to five years and a fine of 300 to 500 times the daily minimum wage. For crimes involving minors in acts of sexual exhibitionism or the production, facilitation, reproduction, distribution, sale, and purchase of child pornography, the law mandates seven to 12 years in prison and a fine of 800 to 2,500 times the daily minimum wage.

Perpetrators who promote, publicize, or facilitate sexual tourism involving minors face seven to 12 years' imprisonment and a fine of 800 to 2,000 times the daily minimum wage. For those involved in sexual tourism who commit a sexual act with a minor, the law requires a 12- to 16-year prison sentence and a fine of 2,000 to 3,000 times the daily minimum wage. The crime of sexual exploitation of a minor carries an eight- to 15-year prison sentence and a fine of 1,000 to 2,500 times the daily minimum wage. The crimes of child sex tourism and exploiting of

children in prostitution do not require a complaint to prosecute and can be based on anonymous information.

Institutionalized Children: Civil society groups expressed concerns regarding violations of abuses of children with mental and physical disabilities in orphanages and care facilities (see section 6, Persons with Disabilities).

International Child Abductions: The country is party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html) and country-specific information at [travel.state.gov/content/childabduction/en/country/mexico.html](http://travel.state.gov/content/childabduction/en/country/mexico.html).

### **Anti-Semitism**

According to the 2010 census, the Jewish community numbered approximately 67,000 persons, 90 percent of whom lived in Mexico City. There were no known reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other services. The government did not effectively enforce the law. The law requires the Ministry of Health to promote the creation of long-term institutions for persons with disabilities in distress, and the Ministry of Social Development must establish specialized institutions to care for, protect, and house persons with disabilities in poverty, neglect, or marginalization. NGOs reported programs for community integration had not been implemented. NGOs reported no changes in the mental health system to create community services nor any efforts by authorities to have independent experts monitor human rights violations in psychiatric institutions.



Public buildings and facilities continued to be in noncompliance with the law requiring access for persons with disabilities. The education system provided special education for students with disabilities nationwide. In general children with disabilities attended school at a lower rate than those without disabilities. NGOs reported employment discrimination (see section 7.d.).

Human rights abuses in mental health institutions and care facilities, including those for children, continued to be a problem. Abuses of persons with disabilities included lack of access to justice, the use of physical and chemical restraints, physical and sexual abuse, disappearances, and illegal adoption of institutionalized children. Institutionalized persons with disabilities often lacked adequate privacy and clothing and often ate, slept, and bathed in unhygienic conditions. They were vulnerable to abuse from staff members, other patients, or guests at facilities where there was inadequate supervision. Documentation supporting the person's identity and origin was lacking, and there were instances of disappearances.

In July the NGO Disability Rights International (DRI) reported on the privately run institution, Casa Esperanza. DRI alleged that residents, some of whom did not appear to have disabilities, were victims of pervasive sexual abuse by staff, and in some cases human trafficking, and were restrained using duct tape bandages or cages for extended periods of time. Eight residents were reported as permanently confined to their beds. Forty percent of women interviewed--all with psychosocial or psychiatric disabilities--had been surgically sterilized pursuant to an alleged standard practice to avoid pregnancy from sexual abuse. As of June most residents had been moved to other institutions, but no charges had been filed, and the director and staff continued at the facility with the remaining residents.

Persons with disabilities have the right to vote and participate in civic affairs. Voting centers for federal elections were generally accessible for persons with disabilities, and ballots were available with a braille overlay for federal elections. In Mexico City, voting centers were also reportedly accessible for local elections, and braille overlays were available, but in local elections elsewhere in the country, the availability of these services was inconsistent.

## **Indigenous People**

Although the law recognizes indigenous rights, indigenous groups continued to report the country's legal framework did not respect the property rights of indigenous communities or prevent violations of human rights. Most conflicts arose from interpretation of the "habits and customs" laws used by indigenous

communities. Habits and customs laws apply traditional practices to resolve disputes, choose local officials, and collect taxes with limited federal or state government involvement. Communities and NGOs representing indigenous groups continued to report the government often failed to consult indigenous communities adequately when making decisions about the development of projects intended to exploit the energy, minerals, timber, and other natural resources on indigenous lands. The CNDH maintained a formal human rights program to inform and assist members of indigenous communities.

The CNDH reported indigenous women were among the most vulnerable groups in society. They experienced racism, discrimination, and violence. Indigenous persons generally had limited access to health and education services. The CNDH stressed past government actions to improve the living conditions of indigenous people, namely social programs geared specifically to women, were insufficient to overcome the historical marginalization of indigenous populations.

On July 22, Colima state police arrested 33 Nahua indigenous people from the Jalisco municipality of Ayotitlan and their lawyer, Eduardo Mosqueda, under charges of kidnapping, robbery, and plundering. The arrest occurred while they protested at the Pena Colorada Mine--located on the Colima-Jalisco border--to demand the payment of royalties, in accordance with a 2013 injunction granted by a federal judge, for iron ore mined on their land. Following the intervention of the Jalisco governor, authorities reduced charges against the 33 Nahua people to plundering and released them under bail. Attorney Mosqueda, also a human rights defender with the NGO Institute for Environmental Law, remained in prison without the option of bail, awaiting trial on robbery and kidnapping charges.

The law provides for educational instruction in the national language, Spanish, without prejudice to the protection and promotion of indigenous languages, but many indigenous children spoke only their native languages. The lack of textbooks and teaching materials, as well as the lack of qualified teachers fluent in these languages limited education in indigenous languages.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination against LGBTI individuals, but there were reports that the government did not always investigate and punish those complicit in abuses, especially outside the Federal District. Transgender persons may change their gender marker on identity documents only in Mexico City. The law prohibits

discrimination based on sexual orientation, but only in Mexico City does the law also prohibit discrimination based on gender identity. Discrimination based on sexual orientation and gender identity was prevalent, despite a gradual public acceptance of LGBTI individuals.

In Mexico City the law criminalizes hate crimes based on sexual orientation and gender identity. Civil society groups claimed police routinely subjected LGBTI persons to mistreatment while in custody. Civil society groups reported the full extent of hate crimes, including killings of LGBTI persons, was difficult to ascertain because these crimes were often mischaracterized as “crimes of passion,” which resulted in the authorities’ failure to adequately investigate, prosecute, or punish these incidents. In a public event on November 23, attended by 17 city mayors from other countries, Mexico City Mayor Miguel Angel Mancera declared the Federal District an LGBTI-friendly city and announced a series of events and festivities during the week to familiarize the population with issues affecting LGBTI individuals.

The National Council to Prevent Discrimination (CONAPRED) in Mexico City is the city government agency with the authority to resolve complaints of discrimination that occur within the Federal District. The national level CONAPRED received complaints of discriminatory acts in areas of employment, access to commercial establishments, and access to education and healthcare. Civil society groups reported difficulty in determining whether individual complaints were ever resolved.

### **Other Societal Violence or Discrimination**

There continued to be reports criminal groups kidnapped undocumented migrants to extort money from migrants’ relatives or force them into committing criminal acts on their behalf.

Self-defense groups--organized groups of armed civilians that claimed to fight crime in the face of inaction by governmental authorities--were concentrated in the southwestern states of Michoacan and Guerrero. The federal government required self-defense groups based in Michoacan to register with the country’s official rural defense force in 2014, but many members of self-defense groups did not join the force by the May deadline.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join unions, to bargain collectively, and to strike in both the public and private sectors; however, conflicting law, regulations, and practice restricted these rights.

The law requires a minimum of 20 workers to form a union. To receive official recognition from the government, unions must file for registration with the appropriate conciliation and arbitration board or the Secretariat of Labor and Social Security (STPS). In order for the union to be able to perform its legally determined functions, its leadership must also register with the appropriate conciliation and arbitration board or STPS. Conciliation and arbitration boards operated under a tripartite system with government, worker, and employer representatives. Outside observers raised concerns that the boards did not adequately provide for inclusive worker representation and often perpetuated a bias against independent unions, in part due to intrinsic conflicts of interest within structure of the boards exacerbated by the prevalence of representatives from “protection” (unrepresentative, corporatist) unions.

Under the law a union may call for a strike or bargain collectively in accordance with its own bylaws. Before a strike may be considered legal, however, a union must file a “notice to strike” with the appropriate conciliation and arbitration board, which may find that the strike is “nonexistent,” or in other words, cannot proceed legally. The law prohibits employers from intervening in union affairs or interfering with union activities, including through implicit or explicit reprisals against workers. The law allows for reinstatement of workers if the conciliation and arbitration board finds the worker was unfairly fired and the worker requests reinstatement; however, the law also provides for broad exemptions for employers from such reinstatement, including employees of confidence or workers who have been in the job for less than a year.

Although the law authorizes the coexistence of several unions in one worksite, it limits collective bargaining to the union that has “ownership” of a collective bargaining agreement. When there is only one union present, it automatically has the exclusive right to bargain with the employer. Once a collective bargaining agreement is in place at a company, another union seeking to bargain with the employer must compete for bargaining rights through a lengthy representation election process (“recuento”) administered by the conciliation and arbitration boards. The union with the largest number of votes goes on to “win” the collective bargaining rights. It is not mandatory for a union to consult with workers or have

worker support to sign a collective bargaining agreement with an employer. The law establishes that internal union leadership votes may be held via secret ballot, either directly or indirectly.

The government, including the conciliation and arbitration boards, did not consistently protect worker rights. The government's common failure to enforce labor and other laws left workers with little recourse regarding violations of freedom of association, poor working conditions, and other labor problems. The conciliation and arbitration boards' frequent failure to impartially and transparently administer and oversee procedures related to union activity, such as union elections and strikes, undermined worker efforts to exercise freely their rights to freedom of association and collective bargaining. A report commissioned by the President's Office, produced by CIDE and released in April, found no guarantees of impartial and efficient labor justice from the boards and recommended the eventual incorporation of the conciliation and arbitration boards into the judicial branch.

By law penalties for violations of freedom of association and collective bargaining laws range from 16,160 pesos (\$960) to 161,600 pesos (\$9,640). Such penalties were rarely enforced and were insufficient to deter violations. Administrative and/or judicial procedures were subject to lengthy delays and appeals. To reduce backlogs and time to issue a ruling from a year to 90 days, some states began implementing oral trials at their labor boards. The government announced in July 2014 it would create 66 oral trial courts. As of March there were 19 courts located in four states. In the state of Mexico, the new process reduced the number of pending actions from 35,000 to 27,000.

Workers exercised their rights to freedom of association and collective bargaining with difficulty. The process for registration of unions was politicized, and the government, including the conciliation and arbitration boards, occasionally used the process to reward political allies or punish political opponents. According to union organizers, the government, including the conciliation and arbitration boards, frequently rejected registration applications for new locals of independent unions and for new unions on technicalities.

Companies and protection unions used complex divisions and a lack of coordination between federal and state jurisdictions to manipulate the labor conciliation and arbitration processes. For example, a company might register a collective bargaining agreement at both the federal and the local level, and later alternate the jurisdictions when complaints were filed and appealed to gain favorable outcomes. In addition, union organizers from several sectors raised

concerns about the overt and usually hostile involvement of the conciliation and arbitration boards when organizers attempted to create independent unions.

Protection (unrepresentative, corporatist) unions and “protection contracts,” collective bargaining agreements signed by employers and these unions to prevent meaningful negotiations and ensure labor peace, continued to be a problem in all sectors. The combination of exclusivity in bargaining and the lack of a requirement that workers demonstrate support for a collective bargaining agreement or the union that negotiated it before the agreement could take effect facilitated the existence of these contracts. Protection contracts often were developed before the company hired any workers and without direct input from or knowledge of the covered workers. For example, in August a leader of the Confederacion de Trabajadores de Mexico (CTM)--a known protection union--claimed that he was negotiating a collective bargaining agreement to cover workers at a tire factory in San Luis Potosi that was not set to begin production until 2017.

Many observers noted working conditions of a majority of workers were under the control of these contracts and the unrepresentative unions that negotiated them, and that the protection unions and contracts often prevented workers from fully exercising their labor rights as defined by law. Independent unions, a few multinational corporations, and some labor lawyers and academics called on the government to institute legal reforms that would prohibit registration of collective bargaining agreements where the union cannot demonstrate support by a majority of workers or where workers had not ratified the content of the agreements. These same groups advocated for workers to receive hard copies of existing collective bargaining agreements when they are hired.

According to several NGOs and unions, many workers continued to face procedural obstacles and various forms of intimidation (including physical violence) from protection union leaders, or employers supporting a protection union, in the lead-up to, during, and after bargaining-rights elections from other workers, union leaders, violent individuals hired by a company, or employers favoring a particular union. Some employers attempted to influence bargaining-rights elections through the illegal hiring of pseudo employees immediately prior to the election to vote for the company-controlled union.

In March thugs with insignia on their helmets from the CTM--the largest confederation of labor unions--threatened and physically attacked a Coahuila labor leader who had stated his desire to join the independent union Los Mineros in early 2011. The companies had already signed collective agreements with the CTM

without the knowledge of or ratification by the workers. Although a majority of workers in each plant signed affiliation cards with Los Mineros, the Coahuila labor board refused to set a date for a collective bargaining rights election or provide copies of the existing collective bargaining agreements between the companies and the CTM. As of November no election date had been announced.

Union elections were often delayed for many years, which resulted in serious irregularities. For example, in November an independent union in the automobile industry in Jalisco was narrowly defeated in a hard-fought election characterized by irregularities. More than five years after the company dismissed 12 union leaders for forming an independent union, 2,500 workers were finally able to choose between the independent union and the CTM's union. In the days leading up to the recuento process, the election board failed to provide a reliable list of voters and called the election with only a few days' notice. A team of international observers was denied access to the polling and to workers. Workers reported that the list of voters included ineligible names, such as deceased workers, management based in Japan, and security personnel.

Other intimidating and manipulative practices continued to be common, including dismissing workers for labor activism. For example, during the year every worker who was involved with a September 2014 informal work stoppage at a factory in Torreon over alleged wage theft was fired. Workers fired for labor activism often had difficulties being reinstated. In April, for example, authorities concluded that four of 122 workers who were fired in 2012 after trying to dislodge a protection union at an auto parts assembly plant in Coahuila should be reinstated. As of November none had been reinstated.

Independent labor activists reported the requirement that the conciliation and arbitration boards approve strikes in advance gave the boards the power to show favoritism by determining which companies to protect from strikes. Few formal strikes occurred, but protests and informal work freezes were common. For example, local farmworkers in San Quintin, Baja California, began a "wildcat" or unofficial strike on March 17, reportedly against the wishes of the protection unions that officially represented the farmworkers with farm owners. Workers engaged in work stoppages and demonstrations to demand improved working and living conditions during the year. They also demanded that the government begin labor inspections, enroll workers into the national social security, build clinics, and ensure access to decent education for their children.

Farmworker labor activists and owners in San Quintin reached an agreement on June 4 with the help of government representatives to end three months of strikes and protests, which had included sporadic violence. The agreement called for the full enforcement of labor law in the area, a three-tier increase of the minimum wage for workers, and increased government services and oversight. As of November, however, labor activists reported that farm owners and the government had not kept to the terms of the agreement and that farm owners systematically fired or imposed other forms of reprisal against farmworkers involved in the protests and strike action, such as increased workloads or mistreatment on the part of overseers and managers. The companies fired the worker leaders and those identified to have participated in work stoppages and demonstrations. Those leaders and participants were blacklisted and excluded from new seasonal work. On November 7, a total of 23 representatives of the San Quintin agricultural workers (the Alianza de Organizaciones Nacional, Estatal y Municipal por la Justicia Social), together with five representatives of workers from the Xochimilco area (located within the Federal District), obtained official recognition as a national union granted by the Federal District's local conciliation and arbitration board.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, but the government did not effectively enforce the law. Penalties for forced labor violations range from five to 30 years' imprisonment and generally were considered sufficient to deter violations.

Forced labor persisted in the agricultural and industrial sectors, as well as in the informal sector. Women and children were subject to domestic servitude. Women and migrants (including men, women, and children) were the most vulnerable to forced labor.

A December 2014 series of newspaper article exposed child labor, gender-based violence, discrimination against indigenous workers, debt bondage, illegal withholding of workers' wages in escrow to prevent workers from leaving their jobs, unsafe living arrangements for workers and their families, day labor on poverty wages, exclusion from social benefits, and toxic exposure to pesticides in Baja California Sur's agroexport fields. Workers in these agroexport fields engaged in work stoppages and demonstrations to demand improved working and living conditions during the year. Although farmworkers, owners, and the government reached an agreement on June 4--which called for the full enforcement of labor law in the area, an increase of the minimum wage, and increased



government services and oversight--labor activists reported that as of November farm owners and the government had not kept to the terms of the agreement (also see section 7.a.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The constitution prohibits children under age 15 from working and allows those between ages 15 and 17 to work no more than six daytime hours in nonhazardous conditions, and only with parental permission. The law requires that children under 18 must have a medical certificate in order to work. In June the government passed legislation establishing 18 as the minimum age for hazardous work. The law prohibits minors from working in a broad list of hazardous and unhealthy occupations.

The government was reasonably effective in enforcing child labor laws in large and medium-sized companies, especially factories run by some foreign-owned companies, the "maquila" (manufacturing for export) sector, and other industries under federal jurisdiction. Enforcement was inadequate in many small companies and in the agriculture and construction sectors, and nearly absent in the informal sector, in which most child laborers worked.

With regard to inspections at the federal level, the Secretariat for Social Development, the PGR, and National System for Integral Family Development have responsibility for enforcement of some aspects of child labor laws or intervention in cases where such laws are violated. The STPS is responsible for carrying out child labor inspections. Penalties for violations range from 16,780 pesos (\$1,000) to 335,850 pesos (\$20,000) but were not sufficiently enforced to deter violations.

In August the Coahuila state government rescued 78 child laborers, some as young as eight, from a farm near Ramos Arizpe. The state indicted four defendants under labor trafficking charges in the case, which also involved 228 adult victims. The victims reportedly worked at least nine hours daily, received insufficient food, and were forced to live in unhygienic conditions.

According to the 2013 INEGI survey, the most recent data available on child labor, the number of employed children between ages five and 17 remained at 2.5

million, or approximately 8.6 percent of the 29.3 million children in the country. Of these children, 746,000 were between ages five and 13, and 1.8 million were between ages 14 and 17. Of employed children, 30 percent worked in the agricultural sector in the harvest of melons, onions, cucumbers, eggplants, chili peppers, green beans, sugarcane, tobacco, and tomatoes. Other sectors with significant child labor included services (25 percent), retail sales (26 percent), manufacturing (13 percent), and construction (4 percent).

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment or occupation regarding “race, nationality age, religion, sex, political opinion, social status, handicap (or challenged capacity), economic status, health, pregnancy, language, sexual preference, or marital status.” The law provides for labor protection for pregnant women.

The government did not effectively enforce these laws and regulations. Penalties for violations of the law included administrative remedies, such as reinstatement, payment of back wages, and fines (often calculated based on the employee’s wages), and were not generally considered sufficient to deter violations. Discrimination in employment or occupation occurred against women, indigenous groups, persons with disabilities, LGBTI individuals, and migrant workers.

INMUJERES reported 14 percent of women age 15 and older had been required to take a pre-employment pregnancy test to obtain employment, despite labor laws that prohibit employers from requiring such tests. Women earned approximately 65 percent of their male counterparts. Their access to professional opportunities was often blocked by social structures and expectations, and many faced gender-based violence at work. The National Commission to Prevent and Eradicate Violence against Women reported in 2014 that 45 percent of women working in the maquila industry suffered some type of abuse, most commonly a hostile work environment, sexual harassment, long work hours, low wages, and dismissal for pregnancy.

#### **e. Acceptable Conditions of Work**

On September 24, the National Commission on Minimum Wages announced a single general minimum wage of 70.10 pesos (\$4.24) a day to be effective as of October 1. Most formal sector workers received between one and three times the minimum wage. The National Council for Evaluation of Social Development

Policy estimated the poverty line at 83.70 pesos (\$5.07) per day for the year. The tripartite commission, whose labor representatives largely represented protection unions and their interests, is responsible for establishing minimum salaries and continued to block increases that kept pace with inflation.

The law sets six eight-hour days and 48 hours per week as the legal workweek. Any work more than eight hours in a day is considered overtime, for which a worker receives double the hourly wage. After accumulating nine hours of overtime in a week, a worker earns triple the hourly wage. The law prohibits compulsory overtime. The law includes eight paid public holidays and one week of paid annual leave after completing one year of work. The law requires employers to observe occupational safety and health regulations, issued jointly by the STPS and the Institute for Social Security. Legally mandated joint management and labor committees set standards and are responsible for overseeing workplace standards in plants and offices. Individual employees or unions may complain directly to inspectors or safety and health officials. By law workers may remove themselves from situations that endanger health or safety without jeopardy to their employment.

The STPS is responsible for enforcing labor laws and conducting inspections at workplaces. As of November the number of inspectors nationwide was 946. This was sufficient to enforce compliance, and the STPS carried out inspections of workplaces throughout the year, using a questionnaire and other actions to identify victims of labor exploitation. Penalties for violations of wage, hours of work, or occupational safety and health laws range from 17,330 pesos (\$1,030) to 335,940 pesos (\$20,020) but were generally not sufficient to deter violations. Through its DECLARALAB self-evaluation tool, by October STPS had provided technical assistance to 1,073 registered workplaces to help them meet labor regulations.

According to labor rights NGOs, employers in all sectors sometimes used the illegal “hours bank” approach--requiring long hours when the workload is heavy and cutting hours when it is light--to avoid compensating workers for overtime. This continued to be a common practice in the maquila sector, in which employers forced workers to take leave at low moments in the production cycle and oblige them to work, for example, over the Christmas holiday period, with no corresponding triple pay as mandated by law when workers opt for voluntary overtime on national holidays. In addition many companies evaded taxes and social security payments by employing workers informally, or by submitting falsified payroll records to the Mexican Social Security Institute (IMSS). In 2013,

the latest year for which such data are available, INEGI estimated 59 percent of the workforce was engaged in the informal economy.

Private recruitment agencies and individual recruiters violated the rights of large numbers of temporary migrant workers recruited in the country to work abroad, primarily in the United States. Although the law requires these agencies to be registered, they were often unregistered. The STPS registry was out of date and limited in scope. Although a few large recruitments firms were registered, the registry included many defunct and nonexistent mid-sized firms, and few if any of the many small, independent recruiters. Even though the government did not actively monitor or control the recruitment process, it reportedly was responsive in addressing complaints. There were also reports that registered agencies defrauded workers with impunity. Temporary migrant workers were regularly charged illegal recruitment fees. The recruitment agents placed those who demanded their rights on blacklists and barred them from future employment opportunities. During the year the NGO Proyecto de Derechos Economicos, Sociales, y Culturales, or ProDESC, filed a collective criminal complaint with the government for recruitment fraud to demand an inspection of a recruitment agency. The government inspection resulted in a fine of 57,750 pesos (\$3,500) being levied against the recruiter.

There were several complaints of poor working conditions in maquiladoras. Low wages, poor labor relations, long work hours, unjustified dismissals, the lack of social security benefits, unsafe workplaces, and the lack of freedom of association were among the most common complaints. Many women working in the industry suffered some form of abuse (see section 7.d.). Most maquilas hired employees through outsourcing with few social benefits.

# EXHIBIT H



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# Mexico: Organized Crime and Drug Trafficking Organizations

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## Summary

Mexican drug trafficking organizations (DTOs) pose the greatest crime threat to the United States and have “the greatest drug trafficking influence,” according to the annual U.S. Drug Enforcement Administration’s (DEA’s) *National Drug Threat Assessment*. These organizations work across the Western Hemisphere and globally. They are involved in extensive money laundering, bribery, gun trafficking, and corruption, while causing Mexico’s homicide rates to spike. They produce and traffic illicit drugs into the United States, including heroin, methamphetamine, marijuana, and powerful synthetic opioids such as fentanyl, and they traffic South American cocaine.

As Mexico’s transnational crime groups expanded their control of the opioids market, U.S. overdoses rose sharply to a record level in 2017, with more than half of the 72,000 overdose deaths (47,000) involving opioids. Although preliminary 2018 data indicate a slight decline in overdose deaths, many analysts believe trafficking continues to evolve toward opioids making possible a future rise of overdose deaths from opioids. This prospect deeply concerns Congress. In July 2019, the notorious crime boss Joaquin Guzmán Loera (“El Chapo”) received a life sentence in a maximum-security U.S. prison for his role leading the Sinaloa Cartel. Guzmán had been extradited by Mexico to the United States in January 2017, following two escapes from Mexican prisons. The major Mexican DTOs, while increasing their business in opioid supply, have continued to diversify into such crimes as human smuggling and oil theft. According to the Mexican government’s latest estimates, illegally siphoned oil from Mexico’s state-owned oil company costs the government about \$3 billion annually.

Mexico’s DTOs have been in constant flux. Former Mexican President Felipe Calderón (2006-2012) launched an aggressive campaign against the country’s drug traffickers that was a defining policy of his government; the DTOs violently resisted this campaign. By some accounts, there were four dominant DTOs in 2006: the Tijuana/Arellano Felix organization (AFO), the Sinaloa Cartel, the Juárez/Vicente Carrillo Fuentes Organization (CFO), and the Gulf Cartel. Government operations to eliminate DTO leadership sparked organizational changes, which increased instability among the groups and violence. Over the past 12 years, Mexico’s large and comparatively more stable DTOs fragmented, creating at first seven major groups, and then nine, which are briefly described in this report. The DEA has identified those nine organizations as Sinaloa, Los Zetas, Tijuana/AFO, Juárez/CFO, Beltrán Leyva, Gulf, La Familia Michoacana, the Knights Templar, and Cartel Jalisco-New Generation (CJNG).

Mexico’s intentional homicide rate reached new records in 2017 and 2018. In 2019, Mexico’s national public security system reported more than 17,000 homicides between January and June, setting a new record. For some Members of Congress, this situation has increased concern about a policy of returning Central American migrants to cities across the border in Mexico to await their U.S. asylum hearings in areas with some of Mexico’s highest homicide rates.

Mexican President Andrés Manuel López Obrador, elected in a landslide in July 2018, heads a new party, MORENA. He campaigned on fighting corruption and finding new ways to combat crime, including the drug trade. He aimed to avoid the previous two administrations’ failure to lower violence and insecurity. According to some analysts, challenges for López Obrador since his inauguration include a persistently ad hoc approach to security; absence of strategic and tactical intelligence concerning an increasingly fragmented, multipolar, and opaque criminal market; and endemic corruption of Mexico’s judicial and law enforcement systems.

For more background on Mexico, see CRS In Focus IF10578, *Mexico: Evolution of the Mérida Initiative, 2007-2020*, by Clare Ribando Seelke, and CRS Report R42917, *Mexico: Background*

*and U.S. Relations*, by Clare Ribando Seelke and Edward Y. Gracia. On the issues of fentanyl and heroin, see CRS Report R45790, *The Opioid Epidemic: Supply Control and Criminal Justice Policy—Frequently Asked Questions*, by Lisa N. Sacco et al.



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## Background

Mexico shares a nearly 2,000-mile border with the United States, and the two countries have historically close trade, cultural, and demographic ties. Mexico's stability is of critical importance to the United States, and the nature and intensity of violence in Mexico has been of particular concern to the U.S. Congress. Increasing violence, intimidation of Mexican politicians in advance of the 2018 elections, and assassinations of journalists and media personnel have continued to raise alarm. In 2018, some 37 mayors, former mayors, or mayoral candidates were killed, and murders of nonelected public officials rose above 500.<sup>1</sup> In both 2017 and 2018, a journalist was murdered nearly once a month, leading to Mexico's status as one of the world's most dangerous countries to practice journalism. Through early August 2019, press reports indicated that 10 journalists had been murdered in Mexico, in a year that appears to be on track for a new overall homicide record.<sup>2</sup>

Mexico's brutal drug trafficking-related violence over many years has been dramatically punctuated by beheadings, public hanging of corpses, car bombs, and murders of dozens of journalists and public officials. Beyond these brazen crimes, violence has spread from the border with the United States to Mexico's interior, flaring in the Pacific states of Michoacán and Guerrero and in the border states of Tamaulipas, Chihuahua, and Baja California, where Mexico's largest border cities are located. Organized crime groups have splintered and diversified their crime activities, turning to extortion, kidnapping, auto theft, oil smuggling, human smuggling, retail drug sales, and other illicit enterprises. These crimes often are described as more "parasitic" for local communities and populations inside Mexico.

Addressing the question of whether violence (as measured by the number of intentional homicides) has reached new heights, the Justice in Mexico project at the University of San Diego reported that total homicides in Mexico increased by 7% between 2014 and 2015.<sup>3</sup> Drug traffickers exercised significant territorial influence in parts of the country near drug production hubs and along drug-trafficking routes during the six-year administration of President Enrique Peña Nieto (2012-2018), much as they had under the previous president. Although homicide rates declined early in Peña Nieto's term, total homicides rose by 22% in 2016 and 23% in 2017, reaching a record level. In 2018, homicides in Mexico rose above 33,000, or a national rate of 27 per 100,000 people, about a 33% increase over the record set in 2017.<sup>4</sup>

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<sup>1</sup> For more background, see CRS Report R45199, *Violence Against Journalists in Mexico: In Brief*, by Clare Ribando Seelke. See also "Journalist Murdered in Southern Mexico Before Sunday's Elections," Reuters, June 30, 2018.

<sup>2</sup> Lev Garcia, "Mexican Journalist Killed in Veracruz, 10<sup>th</sup> Murdered in 2019," *Washington Post*, August 3, 2019; "Third Mexican Journalist Killed in a Week amid Record Murder Rate," *The Guardian*, August 3, 2019.

<sup>3</sup> Kimberly Heinle, Octavio Rodríguez Ferreira, and David A. Shirk, *Drug Violence in Mexico: Data and Analysis Through 2015*, Justice in Mexico Project, University of San Diego, April 2016.

<sup>4</sup> See Laura Y. Calderón, Kimberly Heinle, Octavio Rodríguez, and David A. Shirk, *Organized Crime and Violence in Mexico*, University of San Diego, April 2019. Hereinafter, Calderón, Heinle, Rodríguez, and Shirk, *Organized Crime*.

Figure I. Map of Mexico



**Source:** Congressional Research Service (CRS).

Analysts raise concerns about severe human rights violations involving Mexican military and police forces, which, at times, reportedly have colluded with Mexico's criminal groups. According to a press investigation of published Mexican government statistics, Mexican armed forces injured or killed some 3,900 individuals in their domestic operations between 2007 and 2014 and labeled victims as "civilian aggressors."<sup>5</sup> According to the report, the government data do not clarify the causes for a high death rate (about 500 were injuries and the rest killings) or specify which of the military's victims were armed or mere bystanders. (Significantly, the military's role in injuries and killings was no longer made public after 2014, according to the press account.<sup>6</sup>) Due to casualty estimates being reported differently by the Mexican government than by Mexican media outlets that track the violence, some debate exists on exactly how many perished.<sup>7</sup>

This report conveys Mexican government data, but the data have not consistently been reported promptly or completely. For example, the government of President Felipe Calderón (2006-2012) released tallies of "organized-crime related" homicides through September 2011. For a time, the

<sup>5</sup> Steve Fisher and Patrick J. McDonnell, "Mexico Sent in the Army to Fight the Drug War. Many Question the Toll on Society and the Army Itself," *Los Angeles Times*, June 18, 2018.

<sup>6</sup> *Ibid.*

<sup>7</sup> The Mexican news organizations *Reforma* and *Milenio* also keep a running tally of "narco-executions." For instance in 2014, *Reforma* reported 6,400 such killings, the lowest it has reported since 2008, whereas *Milenio* reported 7,993 organized crime-related murders. Heinle, Ferreira, and Shirik, April 2016.

Peña Nieto administration also issued such estimates, but it stopped in mid-2013. Although precise tallies diverged, during President Calderón's tenure there was a sharp increase in the number of homicides that began to level off near the end of 2012. In the Peña Nieto administration, after a couple years' decline, a sharp increase was recorded between 2016 and 2018 and in the first half of 2019, which surpassed previous tallies. Overall, since 2006, many sources maintain that Mexico experienced roughly 150,000 murders related to organized crime, which is about 30% to 50% of total intentional homicides.<sup>8</sup>

Violence is an intrinsic feature of the trade in illicit drugs. Traffickers use it to settle disputes, and a credible threat of violence maintains employee discipline and a semblance of order with suppliers, creditors, and buyers.<sup>9</sup> This type of drug trafficking-related violence has occurred routinely and intermittently in U.S. cities since the early 1980s. The violence now associated with drug trafficking organizations (DTOs) in Mexico is of an entirely different scale. In Mexico, the violence not only is associated with resolving disputes or maintaining discipline but also has been directed toward the government, political candidates, and the media. Some observers note that the excesses of some of Mexico's violence might be considered exceptional by the typical standards of organized crime.<sup>10</sup>

Yet, Mexico's homicide rate is not exceptional in the region, where many countries are plagued by high rates of violent crime, such as in the Northern Triangle countries of Central America—El Salvador, Guatemala, and Honduras. Overall, the Latin America region has a significantly higher homicide level than other regions worldwide. According to the U.N.'s Global Study on Homicide published in July 2019, with 13% of the world's population in 2017, Latin America had 37% of the world's intentional homicides.<sup>11</sup> Mexico's homicide rate was once about average for the region, but that has become less true as total homicides have risen steadily in the past two years. This increase is in notable contrast to the countries in the Northern Triangle, where rates of homicide declined between 2017 and 2018.

Many observers find Mexico's rapid rise in killings associated with the drug war concerning. The increase from 2007 until the end of the Felipe Calderón administration in 2012 in both Mexico's rate of homicides and its absolute number of homicides was unprecedented.<sup>12</sup> Estimates of Mexico's disappeared or missing—numbering 40,000 as recently reported by the Mexican government—have generated both domestic and international concern.<sup>13</sup>

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<sup>8</sup> Calderón, Heinle, Rodríguez, and Shirk, *Organized Crime*.

<sup>9</sup> Robert J. MacCoun and Peter Reuter, *Drug War Heresies: Learning from Other Times, Vices and Places* (New York: Cambridge University Press, 2001); Kevin Jack Riley, *Snow Job? The War Against International Cocaine Trafficking* (New Brunswick: Transactional Publishers, 1996).

<sup>10</sup> See, for example, Vanda Felbab-Brown, *Peña Nieto's Piñata: The Promise and Pitfalls of Mexico's New Security Policy Against Organized Crime*, Brookings Institution, February 2013.

<sup>11</sup> UN Global Study on Homicide 2019, six-booklet format, July 8, 2019; see also 'Breathtaking Homicidal Violence': Latin America in Grip of Murder Crisis," *The Guardian*, April 26, 2018.

<sup>12</sup> This finding from the University of San Diego, Justice in Mexico program in several of their annual reports, including Calderón, Heinle, Rodríguez, and Shirk, *Organized Crime*.

<sup>13</sup> "Mexican Gov't Unveils Plan to Search for Missing People," *Agencia EFE* (English Edition), February 4, 2019.

**Figure 2. 2018 Homicide Rates by Mexican State (per 100,000)**

**Source:** Secretariat of Security and Citizen Protection and population projections from the National Population Council in Mexico, adapted from the Center for Strategic and International Studies (CSIS) publication authored by Mary Speck, “Great Expectations and Grim Realities in AMLO’s Mexico,” Washington, DC, May 2019.

**Notes:** Homicide rates were calculated using intentional homicides (*homicidios dolosos*).

Former President Calderón made an aggressive campaign against criminal groups, especially the large DTOs, the central focus of his administration’s policy. He sent several thousand Mexican military troops and federal police to combat the organizations in drug trafficking “hot spots” around the country. His government made some dramatic and well-publicized arrests, but few of those captured kingpins were convicted. Between 2007 and 2012, as part of much closer U.S.-Mexican security cooperation, the Mexican government significantly increased extraditions to the United States, with a majority of the suspects wanted by the U.S. government on drug trafficking and related charges. The number of extraditions peaked in 2012, but remained steady during President Peña Nieto’s term. Another result of the “militarized” strategy used in successive Mexican administrations was an increase in accusations of human rights violations against the Mexican military, which was largely untrained in domestic policing.

President Peña Nieto pledged he would take a new direction in his security policy that would focus on reducing criminal violence that affects civilians and businesses and be less oriented toward removing the leadership of the large DTOs. Ultimately, that promise was not met. His then-attorney general, Jesus Murillo Karam, said in 2012 that Mexico faced challenges from some 60 to 80 crime groups operating in the country whose proliferation he attributed to the predecessor Calderón government’s kingpin strategy.<sup>14</sup> However, despite Peña Nieto’s stated commitment to shift the government’s approach, analysts found considerable continuity between the approaches of Peña Nieto and Calderón.<sup>15</sup> The Peña Nieto government continued the military

<sup>14</sup> Patrick Corcoran, “Mexico Has 80 Drug Cartels: Attorney General,” *In Sight Crime: Organized Crime in the Americas*, December 20, 2012.

<sup>15</sup> Vanda Felbab-Brown, *Changing the Game or Dropping the Ball? Mexico’s Security and Anti-Crime Strategy Under*

and federal police deployments, and it recentralized control over security. It continued to use a strategy of taking down the top drug kingpins, using the same list of top trafficker targets adapted over the years.

President Peña Nieto continued cooperation with the United States under the Mérida Initiative, which began during President Calderón's term. The Mérida Initiative, a bilateral anticrime assistance package launched in 2008, initially focused on providing Mexico with hardware, such as planes, scanners, and other equipment, to combat the DTOs. The \$3 billion effort (through 2018) shifted in recent years to focus on training and technical assistance for the police and enactment of judicial reform, including training at the local and state levels, southern border enhancements, and crime prevention. After some reorganization of bilateral cooperation efforts, the Peña Nieto government continued the Mérida programs. Peña Nieto's focus on crime prevention, which received significant attention early in his term, eventually was ended due to budget cutbacks. As world oil prices dropped dramatically in 2014 and caused reduced economic expansion, the Peña Nieto administration imposed significant budget austerity measures, including on aspects of security.<sup>16</sup>

On December 1, 2018, Andrés Manuel López Obrador, the populist leftist leader of the National Regeneration Movement (MORENA) party, took office for a six-year term after winning 53% of the vote in July elections. The new president pledged to make Mexico a more just and peaceful society, but he also vowed to govern with austerity. López Obrador aims to build infrastructure in southern Mexico, revive the state oil company, and promote social programs.<sup>17</sup> Given fiscal constraints and rising insecurity, observers question whether his goals are attainable.<sup>18</sup>

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*President Peña Nieto*, Latin American Initiative, Brookings, November 2014. Velbab-Brown maintains that the government of Peña Nieto “has largely slipped into many of the same policies of President Felipe Calderón.”

<sup>16</sup> See CRS In Focus IF10578, *Mexico: Evolution of the Mérida Initiative, 2007-2020*, by Clare Ribando Seelke.

<sup>17</sup> *Ibid.*

<sup>18</sup> Laura Weiss, “Can AMLO End Mexico’s Drug War?,” *World Politics Review*, May 16, 2019.



### Crime and Corruption at the State Level<sup>19</sup>

The extent of corruption's penetration throughout layers of government and across parties in Mexico may be demonstrated by the criminal involvement of state governors with the DTOs and other criminals. Twenty former state governors, many from the long-dominant Institutional Revolutionary Party (PRI), are under investigation or in jail.<sup>20</sup> Over the six years of PRI President Peña Nieto's term (2012-2018), Mexico fell 32 places in the Transparency International's Corruption Perception Index.<sup>21</sup>

The governors include

- Former Veracruz Governor Javier Duarte (2010-2016), arrested in Guatemala and extradited to Mexico in August 2017. Estimates of the number of forcibly disappeared in Veracruz during his term exceed 5,000.<sup>22</sup> Following his trial, Duarte received a nine-year sentence in September 2018.
- Governor Roberto Borge of Quintana Roo (2010-2016) is wanted on charges of corruption and abuse of public office.
- Governor Tomás Yarrington of Tamaulipas (1999-2005) was arrested in Italy in 2017 and extradited to the United States in 2018 for U.S. charges of drug trafficking, money laundering, and other corruption. Since 2012, he has been under investigation for his links to the Gulf Cartel and the Zetas inside Mexico.
- Former PRI governor César Duarte of Chihuahua (2010-2016) has fled Mexico and is an international fugitive wanted on a Red Notice by the International Criminal Police Organization, Interpol.

President López Obrador has backed constitutional reforms to allow military involvement in public security to continue for five more years, despite a 2018 Supreme Court ruling that prolonged military involvement in security violated the constitution. He secured congressional approval to stand up a new 80,000-strong National Guard (composed of military police, federal police, and new recruits) to combat crime. This action surprised many in the human rights community, who succeeded in persuading Mexico's Congress to modify López Obrador's original proposal to ensure the National Guard will be under civilian command. The first assignment of the newly composed force involved more vigorous migration enforcement. López Obrador also created a presidential commission to coordinate efforts to investigate an unresolved case from 2014 in which 43 youth in Guerrero state were allegedly murdered by a drug cartel.

Lopez Obrador has remained popular, although his denials that homicide levels have continued to increase and his criticism of the press for not providing more positive coverage have raised concerns among some observers. Some analysts question his commitment to combat corruption and refocus efforts to curb Mexico's crime-related violence, from using the military to combat crime to less conventional approaches, such as legalization of some drugs mentioned in his campaign.<sup>23</sup> Any significant realignment of his security policy is as yet unclear.

<sup>19</sup> For more on the issue of corruption and impunity in Mexico, see Roberto Simon and Geert Aalbers, "The Capacity to Combat Corruption (CCC) Index, Americas Society and the Council of the Americas (AS/COA) and Control Risks, June 2019 at [http://americasquarterly.org/sites/default/files/images/CCC\\_Report2019.pdf](http://americasquarterly.org/sites/default/files/images/CCC_Report2019.pdf), and CRS Report R45733, *Combating Corruption in Latin America: Congressional Considerations*, coordinated by June S. Beittel.

<sup>20</sup> In the U.S. State Department's Country Reports on Human Rights Practices for 2018, "nearly 20 former governors had been sentenced, faced corruption charges, or were under formal investigation," appears in the Mexico country report. See U.S. State Department, Bureau of Democracy, Human Rights and Labor, *Country Reports on Human Rights Practices for 2018*, April 2019.

<sup>21</sup> See *Corruption Perceptions Index 2018*, Transparency International, January 29, 2018, at <https://www.transparency.org/cpi2018> and <https://www.transparency.org/news/feature/cpi-2018-regional-analysis-americas>.

<sup>22</sup> Patrick J. McDonnell and Cecilia Sanchez, "A Mother Who Dug in a Mexican Mass Grave to Find the 'Disappeared' Finally Learns Her Son's Fate," *Los Angeles Times*, March 20, 2017.

<sup>23</sup> For more on the President's approach to security, see CRS Report R42917, *Mexico: Background and U.S. Relations*, by Clare Ribando Seelke and Edward Y. Gracia.

## Congressional Concerns

Over the past decade, Congress has held numerous oversight hearings dealing with the violence in Mexico, U.S. foreign assistance, and border security issues. Congressional concern increased in 2012, after U.S. consulate staff and security personnel working in Mexico came under attack.<sup>24</sup> (Two U.S. officials traveling in an embassy vehicle were shot but not killed in an attack allegedly abetted by corrupt Mexican police.<sup>25</sup>) Occasional use of car bombs, grenades, and rocket-propelled grenade launchers—such as the one used to bring down a Mexican army helicopter in 2015—continue to raise concerns that some Mexican drug traffickers may be adopting insurgent or terrorist techniques.

Perceived harms to the United States from the DTOs, or transnational criminal organizations (TCOs), as the U.S. Department of Justice now identifies them, are due in large part to the organizations' control of and efforts to move illicit drugs and to expand aggressively into the heroin (or plant-based) and synthetic opioids market. Mexico experienced a sharp increase in opium poppy cultivation between 2014 and 2018, and increasingly Mexico has become a transit country for powerful synthetic opioids. This corresponds to an epidemic of opioid-related deaths in the United States, which continues to increase demand for both heroin and synthetic opioids. According to the Centers for Disease Control and Prevention, of the 72,000 Americans who died of drug overdoses in 2017, nearly 28,500 involved fentanyl or a similar analog of the synthetic drug—45% more than in 2016.<sup>26</sup> Meanwhile, in Mexico, attacks on political candidates and sitting officials in the 2018 electoral season caused several candidates to withdraw from their races to avoid violence to themselves or their staffs and families. This overt political intimidation poses another concerning threat to democracy in Mexico.<sup>27</sup> Crime linked to extortion, forced disappearances, and violent robbery have increased, while crime groups have diversified their activities.<sup>28</sup>

The U.S. Congress has expressed concern over the violence and has sought to provide oversight on U.S.-Mexican security cooperation. The 116<sup>th</sup> Congress may continue to evaluate how the Mexican government is combating the illicit drug trade, working to reduce related violence, and monitoring the effects of drug trafficking and violence challenges on the security of both the United States and Mexico. In March 2017, the U.S. Senate passed S.Res. 83 in support of both Mexico and China and their efforts to achieve reductions in fentanyl production and trafficking.

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<sup>24</sup> In 2011, a U.S. Immigration and Customs Enforcement (ICE) agent was killed and another wounded in a drug gang shooting incident in San Luis Potosi, north of Mexico City. See, "US immigration Agent Shot Dead in Mexico Attack," BBC News, February 16, 2011.

<sup>25</sup> C. Archibold and Karla Zabudovsky, "Mexico Detains 12 Officers in Attack on Americans in Embassy Vehicle," *New York Times*, August 28, 2012; Michael Weissenstein and Olga R. Rodriguez, "Mexican Cops Detained in Shooting of US Government Employees That Highlights Police Problems," Associated Press, August 27, 2012.

<sup>26</sup> Steven Dudley, Deborah Bonello, Jaime López-Aranda et al, "Mexico's Role in the Deadly Rise of Fentanyl," Wilson Center: Mexico Institute and *Insight Crime*, February 2019.

<sup>27</sup> Kevin Sieff, "36 Local Candidates in Mexico Have Been Assassinated, Leading Others to Quit," *Washington Post*, May 21, 2018.

<sup>28</sup> Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública, "Informe de Víctimas de Homicidio, Secuestro y Extorsión 2017," March 20, 2018.



## Crime Situation in Mexico

The splintering of the large DTOs into competing factions and gangs of different sizes began in 2017 and continues today. The development of these different crime groups, ranging from TCOs to small local mafias with certain trafficking or other crime specialties, has made the crime situation even more diffuse and the groups' criminal behavior harder to eradicate.

The older, large DTOs tended to be hierarchical, often bound by familial ties and led by hard-to-capture cartel kingpins. They have been replaced by flatter, more nimble organizations that tend to be loosely networked. Far more common in the present crime group formation is the outsourcing of certain aspects of trafficking. The various smaller organizations resist the imposition of norms to limit violence. The growth of rivalries among a greater number of organized crime "players" has produced continued violence, albeit in some cases these players are "less able to threaten the state and less endowed with impunity."<sup>29</sup> However, the larger organizations (Sinaloa, for example) that have adopted a cellular structure still have attempted to protect their leadership, as in the 2015 escape orchestrated for Sinaloa leader "El Chapo" Guzmán through a mile-long tunnel from a maximum-security Mexican prison.

The scope of the violence generated by Mexican crime groups has been difficult to measure due to restricted reporting by the government and attempts by crime groups to mislead the public. The criminal actors sometimes publicize their crimes in garish displays intended to intimidate their rivals, the public, or security forces, or they publicize the criminal acts of violence on the internet. Conversely, the DTOs may seek to mask their crimes by indicating that other actors or cartels, such as a competitor, are responsible. Some shoot-outs are not reported as a result of media self-censorship or because the bodies disappear;<sup>30</sup> one example is the reported death of a leader of the Knights Templar, Nazario Moreno Gonzalez, who was reported dead in 2010, but no body was recovered. Rumors of his survival persisted and were confirmed in 2014, when he was killed in a gun battle with Mexican security forces.<sup>31</sup> (See "Knights Templar," below.)

Forced disappearances in Mexico also have become a growing concern, and efforts to accurately count the missing or forcibly disappeared have been limited, a problem that is exacerbated by underreporting. Government estimates of the number of disappeared people in Mexico have varied over time, especially of those who are missing due to force and possible homicide. In the Gulf Coast state of Veracruz, in 2017, a vast mass grave was unearthed containing some 250 skulls and other remains, some of which were found to be years old.<sup>32</sup> Journalist watchdog group Animal Politico, which focuses on combating corruption with transparency, concluded in a 2018 investigative article that combating impunity and tracking missing persons cannot be handled in several states because 20 of Mexico's 31 states lack the biological databases needed to identify unclaimed bodies. Additionally, 21 states lack access to the national munitions database used to trace bullets and weapons.<sup>33</sup>

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<sup>29</sup> Patrick Corcoran, "Mexico Government Report Points to Ongoing Criminal Fragmentation," *InSight Crime: Organized Crime in the Americas* (now *InSight Crime*), April 14, 2015.

<sup>30</sup> Christopher Sherman, "Drug War Death Tolls a Guess Without Bodies," Associated Press, March 26, 2013.

<sup>31</sup> Ioan Grillo, *Gangster Warlords* (New York: Bloomsbury Press, 2016). See also, Parker Asmann, "Walled Inside Homes, Corpses of Mexico's Disappeared Evade Authorities," *InSight Crime*, July 31, 2019.

<sup>32</sup> Patrick J. McDonnell and Cecilia Sanchez, "A Mother Who Dug in a Mexican Mass Grave to Find the 'Disappeared' Finally Learns Her Son's Fate," *Los Angeles Times*, March 20, 2017; "Mexico Violence: Skulls Found in a New Veracruz Mass Grave," BBC News, March 20, 2017.

<sup>33</sup> Arturo Angel, "Dos Años del Nuevo Sistema Penal: Mejoran los Juicios, pero no el Trabajo de Policías, Fiscalías.

According to the Swiss-based Internal Displacement Monitoring Centre, about 380,000 people were forcibly displaced in Mexico between 2009 and 2018, as a result of violence and organized crime. Some Mexican government authorities have said the number may exceed 1 million, but the definition of the causes of displacement is broad in such a count and includes anyone who moved due to violence. Dislocated Mexicans often cite clashes between armed groups, with Mexican security forces, intergang violence, and fear of future violence as reasons for leaving their homes and communities.<sup>34</sup>

## Background on Drug Trafficking in Mexico

DTOs have operated in Mexico for more than a century. The DTOs can be described as global businesses with forward and backward linkages for managing supply and distribution in many countries. As businesses, they are concerned with bringing their product to market in the most efficient way to maximize their profits.

Mexican DTOs are the major wholesalers of illegal drugs in the United States and are increasingly gaining control of U.S. retail-level distribution through alliances with U.S. gangs. Their operations, however, are markedly less violent in the United States than in Mexico, despite their reportedly broad presence in many U.S. jurisdictions.

The DTOs use bribery and violence, which are complementary. Violence is used to discipline employees, enforce transactions, limit the entry of competitors, and coerce. Bribery and corruption help to neutralize government action against the DTOs, ensure impunity, and facilitate smooth operations. The proceeds of drug sales (either laundered or as cash smuggled back to Mexico) are used in part to corrupt U.S. and Mexican border officials,<sup>35</sup> Mexican law enforcement, security forces, and public officials either to ignore DTO activities or to actively support and protect DTOs. Mexican DTOs advance their operations through widespread corruption; when corruption fails to achieve cooperation and acquiescence, violence is the ready alternative.

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Animal Politico,” June 18, 2018.

<sup>34</sup> Juan Arvizo, “Crimen Displazó a 380 Mil Personas,” *El Universal*, July 24, 2019. See also, Parker Asmann, “Is the Impact of Violence in Mexico Similar to War Zones?,” *InSight Crime*, October 23, 2017.

<sup>35</sup> For further discussion of corruption of U.S. and Mexican officials, see Loren Riesenfeld, “Mexico Cartels Recruiting US Border Agents: Inspector General,” *InSight Crime*, April 16, 2015; CRS Report R41349, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*, by Clare Ribando Seelke and Kristin Finklea.

### Links Between Crime Groups and Mexican Law Enforcement, Military, and Top Officials

According to an April 2019 report of the University of San Diego's Justice in Mexico project, "The ability of organized crime groups to thrive hinges critically on the acquiescence, protection, and even active involvement of corrupt government officials, as well as corrupt private sector elites, who share the benefits of illicit economic activities."<sup>36</sup>

In Mexico, arrests of police and other public officials accused of cooperating with the drug trafficking organizations have rarely been followed by convictions, although a few prominent cases involving official corruption have achieved results. Police corruption has been so extensive that law enforcement officials sometimes carry out the violent assignments from drug trafficking organizations and other criminal groups. Purges of Mexico's municipal, state, and federal police have not rid the police of this enduring problem.

When "El Chapo" Guzmán escaped a second time from a federal maximum-security prison in 2015, scores of Mexican prison personnel were arrested. Eventually, the prison warden was fired.<sup>37</sup> Guzmán, who led Mexico's notorious Sinaloa Cartel for decades, was extradited to the United States in early 2017. In February 2019, he was convicted in federal court in New York for multiple counts of operating a continuing criminal enterprise. Some of the New York trial's most incendiary testimony alleged that former senior Mexican government officials took bribes from Guzmán. One prosecution witness alleged that then-president Peña Nieto (2012-2016) received a \$100 million bribe from Guzmán, an allegation Peña Nieto strongly disputed; some observers maintain that allegation was far-fetched.<sup>38</sup>

The relationship of Mexico's drug traffickers to the government and to one another is a rapidly evolving picture, and any current snapshot (such as the one provided in this report) must be continually adjusted. In the early 20<sup>th</sup> century, Mexico was a source of marijuana and heroin trafficked to the United States, and by the 1940s, Mexican drug smugglers were notorious in the United States. The growth and entrenchment of Mexico's drug trafficking networks occurred during a period of one-party rule in Mexico by the Institutional Revolutionary Party (PRI), which governed for 71 years. During that period, the government was centralized and hierarchical, and, to a large degree, it tolerated and protected some drug production and trafficking in certain regions of the country, even though the PRI government did not generally tolerate crime.<sup>39</sup>

Mexico is a longtime recipient of U.S. counterdrug assistance, but cooperation was limited between the mid-1980s and mid-2000s due to U.S. distrust of Mexican officials and Mexican sensitivity about U.S. involvement in the country's internal affairs. Numerous accounts maintain that for many years the Mexican government pursued an overall policy of accommodation. Under this system, arrests and eradication of drug crops took place, but due to the effects of widespread corruption the system was "characterized by a working relationship between Mexican authorities and drug lords" through the 1990s.<sup>40</sup>

The system's stability began to fray in the 1990s, as Mexican political power decentralized and the push toward democratic pluralism began, first at the local level and then nationally with the election of the National Action Party (PAN) candidate, Vicente Fox, as president in 2000.<sup>41</sup> The process of democratization upended the equilibrium that had developed between state actors (such as the Federal Security Directorate, which oversaw domestic security from 1947 to 1985)

<sup>36</sup> Calderón, Heinle, Rodríguez, and Shirk, *Organized Crime*.

<sup>37</sup> "Mexico Says Officials Must Have Helped Drug Lord Guzman Escape," Reuters, July 13, 2015; "México Dice que El Chapo Necesitó 'la Complicidad del Personal' de la Cárcel," Univision, July 13, 2015.

<sup>38</sup> David Agren, "Witness: 'El Chapo' Bribed Ex-Mexican President," *Washington Post*, January 16, 2019; "The Trial of El Chapo and Mexican Politics," *LatinNews*, Mexico and NAFTA, January 2019; Alan Feuer, "The Public Trial of El Chapo, Held Partially in Secret," *New York Times*, November 2018; Steven Dudley, "The End of the Big Cartels- Why There Won't Be Another Chapo," *InSight Crime*, March 18, 2019.

<sup>39</sup> Astorga and Shirk, *Drug Trafficking Organizations and Counter-Drug Strategies*, p. 5.

<sup>40</sup> Francisco E. Gonzalez, "Mexico's Drug Wars Get Brutal," *Current History*, February 2009.

<sup>41</sup> Shannon O'Neil, "The Real War in Mexico: How Democracy Can Defeat the Drug Cartels," *Foreign Affairs*, vol. 88, no. 4 (July/August 2009).

and organized crime. No longer were certain officials able to ensure the impunity of drug traffickers to the same degree and to regulate competition among Mexican DTOs for drug trafficking routes, or *plazas*. To a large extent, DTO violence directed at the government appears to be an attempt to reestablish impunity, while the inter-cartel violence seems to be an attempt to reestablish dominance over specific drug trafficking plazas. The intra-DTO violence (or violence inside the organizations) reflects a reaction to suspected betrayals and the competition to succeed killed or arrested leaders.

Before this political development, an important transition of Mexico's role in the international drug trade took place during the 1980s and early 1990s. As Colombian DTOs were forcibly broken up, Mexican traffickers gradually took over the highly profitable traffic in cocaine to the United States. Intense U.S. government enforcement efforts led to the shutdown of the traditional trafficking route used by the Colombians through the Caribbean. As Colombian DTOs lost this route, they increasingly subcontracted the trafficking of cocaine produced in the Andean region to the Mexican DTOs, which they paid in cocaine rather than cash. These already-strong Mexican organizations gradually took over the cocaine trafficking business, evolving from being mere couriers for the Colombians to being the wholesalers they are today.

As Mexico's DTOs rose to dominate the U.S. drug markets in the 1990s, the business became even more lucrative. This shift raised the stakes, which encouraged the use of violence in Mexico to protect and promote market share. The violent struggle among DTOs over strategic routes and warehouses where drugs are consolidated before entering the United States reflects these higher stakes. Today, the major Mexican DTOs are poly-drug, handling more than one type of drug, although they may specialize in the production or trafficking of specific products. According to the U.S. State Department's 2019 *International Narcotics Control Strategy Report* (INCSR), Mexico is a significant source and transit country for heroin, marijuana, and synthetic drugs such as methamphetamine and to a lesser degree fentanyl destined for the United States.

The extent of Mexico's role in production of the synthetic opioid fentanyl, which is 30 to 50 times more potent than heroin, is less known, although Mexico's role in fentanyl trafficking is increasingly well documented.<sup>42</sup> Mexico remains the main trafficking route for U.S.-bound cocaine from the major supply countries of Colombia and (to a lesser extent) Peru and Bolivia.<sup>43</sup> The west coast state of Sinaloa, with its long coastline and difficult-to-access areas, is favorable for drug cultivation and remains the heartland of Mexico's drug trade. Marijuana and poppy cultivation has flourished in the state for decades.<sup>44</sup> It has been the source of Mexico's most notorious and successful drug traffickers.

## Components of Mexico's Drug Supply Market

**Cocaine.** Cocaine of Colombian origin supplies most of the U.S. market, and most of that supply is trafficked through Mexico, with Mexican drug traffickers the primary wholesalers of cocaine to

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<sup>42</sup> U.S. Department of Justice, Drug Enforcement Administration, 2017 *National Drug Threat Assessment*, (DEA-DCT-DIR-040-1), October 2017. See also, Steven Dudley, "The End of the Big Cartels-Why There Won't be Another El Chapo," *InSight Crime*, March 18, 2019. According to the article, "Chinese companies produce the vast majority of fentanyl, fentanyl analogs, and fentanyl precursors, but Mexico is becoming a major transit and production point for the drug and its analogs as well."

<sup>43</sup> U.S. State Department, *International Narcotics Control Strategy Report*, (INCSR), Vol. 1, March 2019. (Hereinafter, INCSR, 2019).

<sup>44</sup> The region where Sinaloa comes together with the states of Chihuahua and Durango is a drug-growing area sometimes called Mexico's "Golden Triangle" after the productive area of Southeast Asia by the same name. In this region, according to press reports, a third of the population is estimated to make their living from the illicit drug trade.

the United States. According to the State Department's 2019 INCSR published in March 2019, coca cultivation and cocaine production in Colombia rose sharply, with the U.S. government estimating that Colombia produced a record 921 metric tons of pure cocaine in 2017.<sup>45</sup> For 2018, the U.S. government reported that Colombia's coca cultivation dropped slightly to 208,000 hectares and its potential cocaine production declined to an estimated 887 metric tons.<sup>46</sup>

**Heroin and Synthetically Produced Opioids.** In its 2018 *National Drug Threat Assessment* (NDTA), the Drug Enforcement Administration (DEA) warns that Mexican TCOs present an acute threat to U.S. communities given their dominance in heroin and fentanyl exports. In Mexico, the drug traffickers have driven up the homicide and extortion rates and led to a rising homicide rate in recent years, projected to climb to 29 homicides per 100,000 individuals in 2019, based on current estimates.<sup>47</sup> Mexico's heroin traffickers, who traditionally provided black or brown heroin to U.S. cities west of the Mississippi, began in 2012 and 2013 to innovate and changed their opium processing methods to produce white heroin, a purer and more potent product, which they trafficked mainly to the U.S. East Coast and Midwest. DEA seizure data determined in 2017 that 91% of heroin consumed in the United States was sourced to Mexico, and the agency maintains that no other crime groups have a comparable reach to distribute within the United States.<sup>48</sup>

According to the 2019 INCSR and the U.S. Office of National Drug Control Policy, Mexico has cultivated an increasing amount of opium poppy. Mexico cultivated an estimated 32,000 hectares (ha) in 2016, 44,100 ha in 2017, and 41,800 ha in 2018. The U.S. government estimated that Mexico's potential production of heroin rose to 106 metric tons in 2018 from 26 metric tons in 2013, suggesting Mexican-sourced heroin is likely to remain dominant in the U.S. market.<sup>49</sup> Some analysts believe, however, that plant-sourced drugs, such as heroin and morphine, are going to be increasingly replaced in the criminal market by synthetic drugs. If that happens, it is possible the drug cartel structure that has relied upon control of opium production, heroin manufacture, and the distribution channels of the plaza system in Mexico and the criminal distribution system inside the United States may be transformed. Simultaneously, poor Mexican farmers who cultivate opium to produce heroin may be thrown out of work.<sup>50</sup>

Illicit imports of fentanyl from Mexico involve Chinese fentanyl or fentanyl precursors coming most often from China. In addition, these traffickers adulterate fentanyl imported from China and smuggle it into the United States. Some reporters maintain in their contacts with traffickers who

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<sup>45</sup> U.S. Office of National Drug Control Policy (ONDCP), "New Annual Data Released by White House Drug Policy Office Shows Record High Coca Cultivation and Cocaine Production in Colombia," Press Release, June 25, 2018.

<sup>46</sup> White House, "ONDCP Reports Cocaine production in Colombia is Leveling Off," June 26, 2019, at <https://www.whitehouse.gov/briefings-statements/ondcp-reports-cocaine-production-colombia-leveling-off/>.

<sup>47</sup> Anthony Harrup, "Mexico's Murder Rate Hit Record High in 2018," *Wall Street Journal*, July 29, 2019; Patrick Corcoran, "Why Are More People Being Killed in Mexico in 2019," *InSight Crime*, August 9, 2019.

<sup>48</sup> ONDCP, "New Annual Data Released by White House Office of National Drug Control Policy Shows Poppy Cultivation and Potential Heroin Production Remain at Record-High Levels in Mexico," Press Release, June 14, 2019. See also, U.S. Department of Justice, Drug Enforcement Administration (DEA), 2018 National Drug Threat Assessment, DEA-DCT-DIR-032-18, October 2018.

<sup>49</sup> ONDCP, "New Annual Data Released by White House Office of National Drug Control Policy Shows Poppy Cultivation and Potential Heroin Production Remain at Record-High Levels in Mexico," Press Release, June 14, 2019. Also, INCSR, 2019.

<sup>50</sup> For sources of the concepts here, see Steven Dudley, "The End of the Big Cartels-Why There Won't Be Another Chapo," *InSight Crime*, March 18, 2019; Testimony of Bryce Pardo, Associate Policy Researcher, RAND Corporation, to House Homeland Security on Intelligence and Counterterrorism Subcommittee and Border Security, Facilitation, and Operations Hearing, "Homeland Security Implications of the Opioid Crisis," July 25, 2019.



“cook” fentanyl in laboratories that these cartel cooks are not mixing their product with heroin any longer. These reporters contend that DTOs trafficking heroin are deemphasizing heroin-fentanyl combinations and sending pure fentanyl to the United States or primarily fentanyl-based products, such as counterfeit pills.<sup>51</sup>

**Cannabis.** In 2017, Mexico seized 421 metric tons of marijuana and eradicated more than 4,230 hectares of marijuana, according to the State Department’s 2019 INCSR. However, some analysts foresee a decline in U.S. demand for Mexican marijuana because drugs “other than marijuana” will likely become dominant in the future. This projection relates to more marijuana being grown legally in several states in the United States and Canada, which have either legalized cannabis or made it legal for medical purposes, thus decreasing its value as part of Mexican trafficking organizations’ profit portfolio.

**Methamphetamine.** Mexican-produced methamphetamine has overtaken U.S. sources of the drug and expanded into nontraditional methamphetamine markets inside the United States. The expansion of methamphetamine seizures inside Mexico, as reported by the annual INCSR, is significant. In 2017, Mexico seized some 11.3 metric tons of methamphetamine, but in 2018, as of August, Mexican authorities had seized 130 metric tons of methamphetamine in part the result of an arrest and seizure of some 50 metric tons of the drug in Sinaloa.<sup>52</sup> The purity and potency of methamphetamine has driven up overdose deaths in the United States, according to the 2018 NDTA. Most Mexican trafficking organizations include a portion of the methamphetamine business in their trafficking operations and collectively control the wholesale methamphetamine distribution system inside the United States.

**Note on U.S.-Mexican Enforcement Cooperation.** The Mexican government increased its eradication efforts of opium poppy and cannabis, targeting both plant-based drugs. According to the State Department’s 2019 INCSR, U.S. government assistance helped to push back on the growing involvement of the Mexican criminal groups in heroin and fentanyl trafficking by providing drug interdiction equipment to destroy drug labs, equipment for poppy eradication, and equipment for maritime interdiction. The Mexican government seized 356 kilograms of heroin, and eradicated about 29,200 ha of opium poppy. Regarding clandestine drug laboratories, Mexico dismantled some 103 labs in 2017.<sup>53</sup>

## Evolution of the Major Drug Trafficking Groups

The DTOs have been in constant flux in recent years.<sup>54</sup> By some accounts, when President Calderón came to office in 2006, there were four dominant DTOs: the Tijuana/Arellano Felix organization (AFO), the Sinaloa Cartel, the Juárez/Vicente Carrillo Fuentes Organization (CFO), and the Gulf Cartel. Since then, the large, more stable organizations that existed in the earlier years of the Calderón administration have fractured into many more groups. For several years, the

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<sup>51</sup> Deborah Bonello, “In El Chapo’s Mexico, Fentanyl is the New Boom Drug,” VICE, February 18, 2019. The article notes, fentanyl seizures have spiked along the U.S. Southwest border and elsewhere in route from Mexico: “a 700 percent increase in seizures... from six in 2015 to 54 in 2017.” Additionally, some northern Mexican cities are seeing fentanyl use appear. See Arthur DeBruyne, “An Invisible Fentanyl Crisis Emerging on Mexico’s Northern Border,” *Pacific Standard*, February 6, 2019.

<sup>52</sup> Ibid. See also, “50 Tonnes of Meth Seized in Sinaloa; Estimated Value US \$5 Billion,” *Mexico New Daily*, August 18, 2018; Mike La Susa, “Massive Mexico Methamphetamine Seizure Reflects Market Shifts,” *InSight Crime*, August 21, 2018.

<sup>53</sup> INCSR, 2019.

<sup>54</sup> See Patrick Corcoran, “How Mexico’s Underworld Became Violent,” *InSight Crime*, April 2, 2013. According to this article, constant organizational flux, which continues today, characterizes violence in Mexico.

U.S. Drug Enforcement Administration identified the following organizations as dominant: Sinaloa, Los Zetas, Tijuana/AFO, Juárez/CFO, Beltrán Leyva, Gulf, and La Familia Michoacana. In some sense, these might be viewed as the “traditional” DTOs. However, many analysts suggest that those 7 groups have fragmented to between 9 and as many as 20 major organizations. Today, fragmentation, or “balkanization,” of the major crime groups has been accompanied by many groups’ diversification into other types of criminal activity. The following section focuses on nine DTOs whose current status illuminates the fluidity of all the crime groups in Mexico as they face new challenges from competition and changing market dynamics.

## Nine Major DTOs

Reconfiguration of the major DTOs—often called transnational criminal organizations, or TCOs, due to their diversification into other criminal businesses—preceded the fragmentation that is common today. The Gulf Cartel, based in northeastern Mexico, had a long history of dominance in terms of power and profits, with the height of its power in the early 2000s. However, the Gulf cartel’s enforcers—Los Zetas, who were organized from highly trained Mexican military deserters—split to form a separate DTO and turned against their former employers, engaging in a hyper-violent competition for territory.

The well-established Sinaloa DTO, with roots in western Mexico, has fought brutally for increased control of routes through the border states of Chihuahua and Baja California, with the goal of remaining the dominant DTO in the country. Sinaloa has a more decentralized structure of loosely linked smaller organizations, which has been susceptible to conflict when units break away. Nevertheless, the decentralized structure has enabled it to be quite adaptable in the highly competitive and unstable environment that now prevails.<sup>55</sup>

Sinaloa survived the arrest of its billionaire founder Joaquin “El Chapo” Guzmán in 2014. The federal operation to capture and detain Guzmán, which gained support from U.S. intelligence, was viewed as a major victory for the Peña Nieto government. Initially the kingpin’s arrest did not spawn a visible power struggle. His dramatic escape in July 2015 followed by his rearrest in January 2016, however, raised speculation that his role in the Sinaloa Cartel might have become more as a figurehead, rather than a functional leader.

The Mexican government’s decision to extradite Guzmán to the United States, carried out on January 19, 2017, appears to have led to violent competition from a competing cartel, the Cartel Jalisco-New Generation (CJNG), which had split from Sinaloa in 2010. Over 2016 and the early months of 2017, CJNG’s quick rise and a possible power struggle inside of Sinaloa between El Chapo’s sons and a successor to their father, a longtime associate known as “El Licenciado,” reportedly caused increasing violence.<sup>56</sup>

In the Pacific Southwest, La Familia Michoacana—a DTO once based in the state of Michoacán and influential in surrounding states—split apart in 2015. It eventually declined in importance as its successor, the Knights Templar, grew in prominence in the region known as the *tierra caliente* of Michoacán, Guerrero, and in parts of neighboring states Colima and Jalisco. At the same time, CJNG rose to prominence between 2013 and 2015 and is currently deemed by many analysts to

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<sup>55</sup> Oscar Becerra, “Traffic Report—Battling Mexico’s Sinaloa Cartel,” *Jane’s Information Group*, May 7, 2010. The author describes the networked structure: “The Sinaloa Cartel is not a strictly vertical and hierarchical structure, but instead is a complex organization containing a number of semi-autonomous groups.”

<sup>56</sup> Anabel Hernández, “The Successor to El Chapo: Dámaso López Núñez.” *InSight Crime*, March 13, 2017.

be the most dangerous and largest Mexican cartel. CJNG has thrived with the decline of the Knights Templar, which was targeted by the Mexican government.<sup>57</sup>

Open-source research about the “traditional” DTOs, and their successors mentioned above is more available than information about smaller factions. Current information about the array of new regional and local crime groups, numbering more than 45 groups, is more difficult to assess. The once-coherent organizations and their successors are still operating, both in conflict with one another and at times cooperatively.

## Tijuana/Arellano Felix Organization

The AFO is a regional “tollgate” organization that historically has controlled the drug smuggling route between Baja California (Mexico) to southern California.<sup>58</sup> It is based in the border city of Tijuana. One of the founders of modern Mexican DTOs, Miguel Angel Felix Gallardo, a former police officer from Sinaloa, created a network that included the Arellano Felix family and numerous other DTO leaders (such as Rafael Caro Quintero, Amado Carrillo Fuentes, and Joaquín “El Chapo” Guzman). The seven “Arellano Felix” brothers and four sisters inherited the AFO from their uncle, Miguel Angel Felix Gallardo, after his arrest in 1989 for the murder of DEA Special Agent Enrique “Kiki” Camarena.<sup>59</sup>

The AFO was once one of the two dominant DTOs in Mexico, infamous for brutally controlling the drug trade in Tijuana in the 1990s and early 2000s.<sup>60</sup> The other was the Juárez DTO, also known as the Carrillo Fuentes Organization. The Mexican government and U.S. authorities took vigorous enforcement action against the AFO in the early years of the 2000s, with the arrests and killings of the five brothers involved in the drug trade—the last of whom was captured in 2008.

In 2008, Tijuana became one of the most violent cities in Mexico. That year, the AFO split into two competing factions when Eduardo Teodoro “El Teo” Garcia Simental, an AFO lieutenant, broke from Fernando “El Ingeniero” Sanchez Arellano (the nephew of the Arellano Felix brothers who had taken over the management of the DTO). Garcia Simental formed another faction of the AFO, reportedly allied with the Sinaloa DTO.<sup>61</sup> Further contributing to the escalation in violence, other DTOs sought to gain control of the profitable Tijuana/Baja California-San Diego/California plaza in the wake of the power vacuum left by the earlier arrests of the AFO’s key players.

Some observers believe that the 2010 arrest of Garcia Simental created a vacuum for the Sinaloa DTO to gain control of the Tijuana/San Diego smuggling corridor.<sup>62</sup> Despite its weakened state,

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<sup>57</sup> Luis Alonso Perez, “Mexico’s Jalisco Cartel—New Generation: From Extinction to World Domination,” *InSight Crime* and *Animal Politico*, December 26, 2016.

<sup>58</sup> John Bailey, “Drug Trafficking Organizations and Democratic Governance,” in *The Politics of Crime in Mexico: Democratic Governance in a Security Trap* (Boulder: FirstForum Press, 2014), p. 121. Mexican political analyst Eduardo Guerrero-Gutiérrez of the Mexican firm Lantia Consulting defines a “toll-collector” cartel or DTO as one that derives much of the organization’s income from charging fees to other drug trafficking organizations using their transportation point across the U.S./Mexican border.

<sup>59</sup> Special Agent Camarena was an undercover Drug Enforcement Administration (DEA) agent working in Mexico who was kidnapped, tortured, and killed in 1985. The Guadalajara-based Felix Gallardo network broke up in the wake of the investigation of its role in the murder.

<sup>60</sup> Mark Stevenson, “Mexico Arrests Suspected Drug Trafficker Named in US Indictment,” Associated Press, October 24, 2013.

<sup>61</sup> Steven Dudley, “Who Controls Tijuana?” *InSight Crime*, May 3, 2011. Sanchez Arellano, nephew of the founding Arellano Felix brothers, took control in 2006 after the arrest of his uncle, Javier Arellano Felix.

<sup>62</sup> E. Eduardo Castillo and Elliot Spagat, “Mexico Arrests Leader of Tijuana Drug Cartel,” Associated Press, June 24, 2014.



the AFO appears to have maintained control of the plaza through an agreement made between Sanchez Arellano and the Sinaloa DTO's leadership, with Sinaloa and other trafficking groups paying a fee to use the plaza.<sup>63</sup> Some analysts credit the relative peace in Tijuana to a law enforcement success, but it is unclear how large of a role policing strategy played.

In 2013, the DEA identified Sanchez Arellano as one of the six most influential traffickers in the region.<sup>64</sup> Following his arrest in 2014, however, Sanchez Arellano's mother, Enedina Arellano Felix, who was trained as an accountant, reportedly took over. It remains unclear if the AFO retains enough power through its own trafficking and other crimes to continue to operate as a tollgate cartel. Violence in Tijuana rose to more than 100 murders a month in late 2016, with the uptick in violence attributed to Sinaloa battling its new challenger, CJNG, according to some analyses.<sup>65</sup> CJNG apparently has taken an interest in both local drug trafficking inside Tijuana and cross-border trafficking into the United States. As in other parts of Mexico, the role of the newly powerful CJNG organization may determine the nature of the area's DTO configuration in coming years.<sup>66</sup> Some analysts maintain the resurgence of violence in Tijuana and the spiking homicide rate in the nearby state of Southern Baja California are linked to CJNG forging an alliance with remnants of the AFO. In 2018, Tijuana was the city with the highest number of homicides in the country, with 2,246 homicides, or a homicide rate of 115 per 100,000, suggesting the violence that receded in 2012 has returned to the municipality.<sup>67</sup>

## Sinaloa DTO

Sinaloa, described as Mexico's oldest and most established DTO, is comprised of a network of smaller organizations. In April 2009, then-President Barack Obama designated the notorious Sinaloa Cartel as a drug kingpin entity pursuant to the Kingpin Act.<sup>68</sup> Often regarded as the most powerful drug trafficking syndicate in the Western Hemisphere, the Sinaloa Cartel was an expansive network at its apex; Sinaloa leaders successfully corrupted public officials from the local to the national level inside Mexico and abroad to operate in some 50 countries. Traditionally one of Mexico's most prominent organizations, each of its major leaders was designated a kingpin in the early 2000s. At the top of the hierarchy was Joaquin "El Chapo" Guzmán, listed in 2001, Ismael Zambada Garcia ("El Mayo"), listed in 2002, and Juan Jose "El Azul" Esparragoza Moreno, listed in 2003.

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<sup>63</sup> Stratfor, *Mexico Security Memo: Torreon Leader Arrested, Violence in Tijuana*, April 24, 2013, at <http://www.stratfor.com/analysis/mexico-security-memo-torreon-leader-arrested-violence-tijuana#axzz37Bb5rDDg>. In 2013, Nathan Jones at the Baker Institute for Public Policy asserted that the Sinaloa-AFO agreement allows those allied with the Sinaloa DTO, such as the *Cártel Jalisco Nueva Generación*, or otherwise not affiliated with Los Zetas to also use the plaza. See "Explaining the Slight Uptick in Violence in Tijuana" for more information at <http://bakerinstitute.org/files/3825/>.

<sup>64</sup> Op. cit. Castillo and Spagat, 2014.

<sup>65</sup> Christopher Woody, "Mexico Is Settling into a Violent Status Quo," *Houston Chronicle*, March 21, 2017.

<sup>66</sup> Sandra Dibble, "New Group Fuels Tijuana's Increased Drug Violence," *San Diego Union Tribune*, February 13, 2016; Christopher Woody, "Tijuana's Record Body Count Is a Sign That Cartel Warfare Is Returning to Mexico," *Business Insider*, December 15, 2016.

<sup>67</sup> Sam Quinones, "Where the Wall Worked Back," *Politico Magazine*, June 25, 2018; Calderón, Heinle, Rodríguez, and Shirk, *Organized Crime*.

<sup>68</sup> At the same time, the President identified two other Mexican DTOs as Kingpins: La Familia Michoacana and Los Zetas. The Kingpin designation is one of two major programs by the U.S. Department of the Treasury imposing sanctions on drug traffickers and the one sanctioning individuals and entities globally was enacted by the U.S. Congress in 1999.

By some estimates, Sinaloa had grown to control 40%-60% of Mexico's drug trade by 2012 and had annual earnings calculated to be as high as \$3 billion.<sup>69</sup> The Sinaloa Cartel has long been identified by the DEA as the primary trafficker of drugs to the United States.<sup>70</sup> In 2008, a federation dominated by the Sinaloa Cartel (which included the Beltrán Leyva organization and the Juárez DTO) broke apart, leading to a battle among the former partners that sparked the most violent period in recent Mexican history.

Since its 2009 kingpin designation of Sinaloa, the United States has attempted to dismantle Sinaloa's operations by targeting individuals and financial entities allied with the cartel. For example, in October 2010, the U.S. Department of the Treasury's Office of Foreign Assets Control identified Alejandro Flores Cacho, along with 12 businesses and 16 members of his financial and drug trafficking enterprise located throughout Mexico and Colombia, as collaborators with Sinaloa. (In August 2017, OFAC identified the Flores DTO and its leader, Raul Flores Hernandez, as Kingpins.<sup>71</sup>)

The Sinaloa Cartel's longtime most visible leader, "El Chapo" Guzmán, escaped twice from Mexican prisons in 2001 and again in 2015. The second escape in July 2015 was a major embarrassment to the Peña Nieto administration, and that incident may have convinced the Mexican government to extradite the alleged kingpin rather than try him in Mexico after his recapture.

In January 2017, the Mexican government extradited Guzmán to the United States. He was indicted in New York District's federal court in Brooklyn and tried for four months, from November 2018 to February 2019. His lawyers maintained he was not the head of the Sinaloa enterprise and instead a "lieutenant" following orders.<sup>72</sup> Nevertheless, he was convicted by a federal jury in February 2019 and sentenced by a U.S. district judge in July 2019 to a life term in prison, with the addition of 30 years, and ordered to pay \$12.6 billion in forfeiture for being the principal leader of the Sinaloa Cartel and for 26 drug-related charges including a murder conspiracy.<sup>73</sup>

After Guzman's trusted deputy "El Azul" Esparragoza Moreno was reported to have died in 2014, the head of the Sinaloa DTO was assumed to be Guzmán's partner, Ismael Zambada Garcia, alias "El Mayo," who is thought to continue in that leadership role.<sup>74</sup> Sinaloa may operate with a more horizontal leadership structure than previously thought.<sup>75</sup> Sinaloa operatives control certain territories, making up a decentralized network of bosses who conduct business and violence through alliances with each other and local gangs. Local gangs throughout the region specialize in

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<sup>69</sup> From 2012 on, cartel leader, Joaquín "El Chapo" Guzmán Loera, was ranked in *Forbes Magazine's* listing of self-made billionaires.

<sup>70</sup> "Profile: Sinaloa Cartel," *InSight Crime*, January 8, 2016.

<sup>71</sup> U.S. Treasury Department, "Treasury Sanctions Longtime Mexican Drug Kingpin Raul Flores Hernandez and his Vast Network: OFAC Kingpin Act Action Targets 22 Mexican Nations and 43 Entities in Mexico," Press Release, August 9, 2017.

<sup>72</sup> Alan Feuer, "El Chapo May Not Have Been Leader of Drug Cartel, Lawyers Say," *New York Times*, June 26, 2018.

<sup>73</sup> U.S. Drug Enforcement Administration (DEA), "Joaquin 'El Chapo' Guzman, Sinaloa Cartel Leader, Sentenced to Life in Prison Plus 30 Years," Press Release, July 17, 2019.

<sup>74</sup> Kyra Gurney, "Sinaloa Cartel Leader 'El Azul' Dead? 'El Mayo' Now in Control?" June 9, 2014. Esparragoza Moreno supposedly died of a heart attack while recovering from injuries sustained in a car accident.

<sup>75</sup> Observers dispute the extent to which Guzmán made key strategic decisions for Sinaloa. Some maintain he was a figurehead whose arrest had little impact on Sinaloa's functioning as he ceded operational tasks to Zambada Garcia and Esparragoza long before his arrest.

specific operations and are then contracted by the Sinaloa DTO network.<sup>76</sup> The shape of the cartel in the current criminal landscape is evolving, however, as Sinaloa's rivals eye a formidable drug empire built on the proceeds from trafficking South American cocaine, and locally sourced methamphetamine, marijuana, and heroin to the U.S. market.

For a former hegemon in the cartel landscape, the Sinaloa Cartel is now under pressure and its future remains unclear. Some analysts warn that Sinaloa remains powerful given its dominance internationally and its infiltration of the upper reaches of the Mexican government. Other analysts maintain that Sinaloa is in decline, citing its breakup into factions and violence from inter- and intra-organizational tensions. *Cártel Jalisco Nueva Generación–CJNG* has evidently battled with its former partner, Sinaloa, in a number of regions, and has been deemed by several authorities Mexico's new most powerful and expansive crime syndicate.

### Juárez/Carrillo Fuentes Organization

Based in the border city of Ciudad Juárez in the central northern state of Chihuahua, the once-powerful Juárez DTO controlled the smuggling corridor between Ciudad Juárez and El Paso, TX, in the 1980s and 1990s.<sup>77</sup> By some accounts, the Juárez DTO controlled at least half of all Mexican narcotics trafficking under the leadership of its founder, Amado Carrillo Fuentes. Vicente Carrillo Fuentes, Amado's brother, took over the leadership of the cartel when Amado died during plastic surgery in 1997 and reportedly led the Juárez organization until his arrest in October 2014.

In 2008, the Juárez DTO broke from the Sinaloa federation, with which it had been allied since 2002.<sup>78</sup> The ensuing rivalry between the Juárez DTO and the Sinaloa DTO helped to turn Ciudad Juárez into one of the most violent cities in the world. From 2008 to 2011, the Sinaloa DTO and the Juárez DTO fought a "turf war," and Ciudad Juárez experienced a wave of violence with spikes in homicides, extortion, kidnapping, and theft—at one point reportedly experiencing 10 murders a day.<sup>79</sup> From 2008 to 2012, the violence in Juárez cost about 10,000 lives. Reportedly, more than 15% of the population displaced by drug-related violence inside Mexico between 2006 to 2010 came from the border city, while having only slightly more than 1% of Mexico's population.<sup>80</sup>

Traditionally a major trafficker of both marijuana and South American cocaine, the Juárez Cartel has become active in opium cultivation and heroin production, according to the DEA. Between

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<sup>76</sup> Revelan Estructura y Enemigos de 'El Chapo'," *Excelsior*, March 26, 2014; John Bailey, "Drug Trafficking Organizations and Democratic Governance," in *The Politics of Crime in Mexico: Democratic Governance in a Security Trap* (Boulder: FirstForum Press, 2014), p. 119.

<sup>77</sup> John Bailey, "Drug Trafficking Organizations and Democratic Governance," in *The Politics of Crime in Mexico: Democratic Governance in a Security Trap* (Boulder, CO: FirstForum Press, 2014), p. 121.

<sup>78</sup> Some analysts trace the origins of the split to a personal feud between "El Chapo" Guzmán of the Sinaloa DTO and former ally Vicente Carrillo Fuentes. In 2004, Guzmán allegedly ordered the killing of Rodolfo Carrillo Fuentes, another of Vicente's brothers. Guzmán's son, Edgar, was killed in May 2008, allegedly on orders from Carrillo Fuentes. See Alfredo Corchado, "Juárez Drug Violence Not Likely to Go Away Soon, Authorities Say," *Dallas Morning News*, May 17, 2010.

<sup>79</sup> Steven Dudley, "Police Use Brute Force to Break Crime's Hold on Juárez," *InSight Crime*, February 13, 2013. Some Mexican newspapers such as *El Diario* reported more than 300 homicides a month in 2010 when the violence peaked.

<sup>80</sup> For a more in-depth narrative of the conflict in Juárez and its aftermath, see Steven Dudley, "Juárez: After the War," *InSight Crime*, February 13, 2013. For a discussion of out-migration from the city due to drug-related violence, see Viridiana Rios Contreras, "The Role of Drug-Related Violence and Extortion in Promoting Mexican Migration: Unexpected Consequences of a Drug War," *Latin America Research Review*, vol. 49, no. 3 (2014).

2012 and 2013 violence dropped considerably and this was attributed by some analysts to both the actions of the police and to President Calderón's socioeconomic program *Todos Somos Juárez*, or *We Are All Juárez*.<sup>81</sup> Other analysts credit the Sinaloa DTO with success in its battle over the Juárez DTO after 2012. They consider Sinaloa's dominance, perhaps abetted by local authorities, to be the reason for the relatively peaceful and unchallenged control of the border city despite the Juárez DTO's continued presence in the state of Chihuahua.<sup>82</sup>

Many residents who fled during the years of intense drug-related violence remain reluctant to return to Juárez and cite the elevated homicide rate as one reason.<sup>83</sup> The El Paso and Juárez transit route again appears to be in flux with the rise in killings on the Mexican side of the border since 2016.<sup>84</sup> In 2018, the two cities with the highest number of intentional homicides were Tijuana in Baja, California, followed by Ciudad Juárez.<sup>85</sup>

## Gulf DTO

Based in the border city of Matamoros, Tamaulipas, with operations in other Mexican states on the Gulf side of Mexico, the Gulf DTO was a transnational smuggling operation with agents in Central and South America.<sup>86</sup> The Gulf DTO was the main competitor challenging Sinaloa for trafficking routes in the early 2000s, but it now battles its former enforcement wing, Los Zetas, over territory in northeastern Mexico. The Gulf DTO reportedly has split into several competing gangs. Some analysts no longer consider it a whole entity and maintain that it is so fragmented that factions of its original factions are fighting.<sup>87</sup>

The Gulf DTO arose in the bootlegging era of the 1920s. In the 1980s, its leader, Juan García Abrego, developed ties to Colombia's Cali Cartel as well as to the Mexican federal police. García Abrego was captured in 1996 near Monterrey, Mexico.<sup>88</sup> His violent successor, Osiel Cárdenas Guillén, successfully corrupted elite Mexican military forces to become his hired assassins. Those corrupted military personnel became known as Los Zetas when they fused with the Gulf Cartel. In the early 2000s, Gulf was considered one of the most powerful Mexican DTOs. Cárdenas was arrested by Mexican authorities in 2003, but he continued to run his drug enterprise from prison until his extradition to the United States in 2007.<sup>89</sup>

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<sup>81</sup> Calderón launched the social program *Todos Somos Juárez* and sent the Mexican military into Ciudad Juárez in an effort to drive out DTO proxies and operatives. "Calderón Defiende la Estrategia en Ciudad Juárez en Publicación de Harvard," CNNMexico, February 17, 2013. See also CRS Report R41349, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*, by Clare Ribando Seelke and Kristin Finklea.

<sup>82</sup> See Steven Dudley, "How Juárez's Police, Politicians Picked Winners of Drug War," *InSight Crime*, February 13, 2013.

<sup>83</sup> As of the end of 2013, only about 10% of those who had fled during the most violent years of 2007-2011 had returned to Ciudad Juárez. See Damien Cave, "Ciudad Juárez, a Border City Known for Killing, Gets Back to Living," *New York Times*, December 13, 2013.

<sup>84</sup> Daniel Borunda, "Mexican Army Again to Patrol Juárez; Military to Increase Presence After Surge in Violence Across Chihuahua," *El Paso Times*, May 14, 2018.

<sup>85</sup> According to Calderón, Heinle, Rodríguez, and Shirk, *Organized Crime*, Ciudad Juárez in 2018 had 1,004 murders or about 64 per 100,000 and Tijuana had 2,246 murder or 115 per 100,000 people.

<sup>86</sup> John Bailey, "Drug Trafficking Organizations and Democratic Governance," in *The Politics of Organized Crime in Mexico: Democratic Governance in a Security Trap* (Boulder: FirstForum Press, 2014), p. 120.

<sup>87</sup> Scott Stewart, "Tracking Mexico's Cartels in 2018," *Stratfor*, February 1, 2018.

<sup>88</sup> Steven Dudley and Sandra Rodríguez, *Civil Society, the Government and the Development of Citizen Security*, Wilson Center Mexico Institute, Working Paper, August 2013, p. 11.

<sup>89</sup> George W. Grayson, *Mexico: Narco-Violence and a Failed State?* (New Brunswick, NJ: Transaction Publishers,

Tensions between the Gulf DTO and Los Zetas culminated in their split in 2010. Antonio “Tony Tormenta” Cárdenas Guillén, Osiel’s brother, was killed that year, and leadership of the Gulf went to another high-level Gulf lieutenant, Jorge Eduardo Costilla Sanchez, also known as “El Coss,” until his arrest in 2012. Exactly what instigated the Zetas and Gulf split has not been determined, but the growing strength of the paramilitary group and its leader was a factor. Some analysts say the Zetas blamed the Gulf DTO for the murder of a Zeta close to their leader, which sparked the rift.<sup>90</sup> Others posit the split happened earlier, but the Zetas organization that had brought both military discipline and sophisticated firepower to cartel combat was clearly acting independently by 2010. Regardless, the ensuing bitter conflict between the Gulf DTO and Los Zetas has been identified as the “most violent in the history of organized crime in Mexico.”<sup>91</sup>

Mexican federal forces identified and targeted a dozen Gulf and Zeta bosses they believed responsible for the wave of violence in Tamaulipas in 2014.<sup>92</sup> Analysts have reported that the structures of both the Gulf DTO and Los Zetas have been decimated by federal action and combat between each other, and both groups now operate largely as fragmented cells that do not communicate with each other and often take on new names.<sup>93</sup>

From 2014 through 2016, some media sources outside of the state of Tamaulipas and anonymous social media accounts from within Tamaulipas reported daily kidnappings, daytime shootings, and burned-down bars and restaurants in towns and cities such as the port city of Tampico. Like the Zetas, fragmented cells of the Gulf DTO have expanded into other criminal operations, such as fuel theft and widespread extortion. In the 2018 NDTA, the DEA maintains that the Gulf Cartel, around for several decades, today concentrates on cocaine and marijuana trade but “also recently expanded into heroin and methamphetamine ... [and] smuggles a majority of its drug shipments into South Texas through the border region between the Rio Grande Valley and South Padre Island.”<sup>94</sup>

## Los Zetas

This group originally consisted of former elite airborne special force members of the Mexican Army who defected to the Gulf DTO and became its hired assassins.<sup>95</sup> Although Zeta members are part of a prominent transnational DTO, their main asset is not drug smuggling but organized violence. They have amassed significant power to carry out an extractive business model—thus generating revenue from crimes, such as fuel theft, extortion, human smuggling and kidnapping,

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2010).

<sup>90</sup> Eduardo Guerrero Gutierrez, “El Dominio del Miedo,” *Nexos*, July 1, 2014. Suspecting the Gulf DTO of the death of Sergio Mendoza, the founder of Los Zetas, Heriberto “El Lazco” Lazcano reportedly offered a 24-hour amnesty period for Gulf operatives to claim responsibility, which they never did. This event, some scholars maintain, was the origin of the split between the groups.

<sup>91</sup> Eduardo Guerrero Gutierrez is a Mexican security analyst and a former security adviser to President Enrique Peña Nieto. CRS interview in June 2014.

<sup>92</sup> Jorge Monroy, “Caen Tres Lideres de Los Zetas y Cartel de Golfo,” June 18, 2014. In June 2014, Mexican Marines captured three of those identified.

<sup>93</sup> Interview with Eduardo Guerrero, June 2014. “Balkanization,” or decentralization of the structure of the organization, does not necessarily indicate that a criminal group is weak but simply that it lacks a strong central leadership. Also, news outlets inside Tamaulipas remain some of the most threatened by DTO cells, so they are intimidated to report on criminal violence and its consequences.

<sup>94</sup> U.S. Department of Justice, DEA, *2018 NDTA*.

<sup>95</sup> Most reports indicate that the Zetas were created by a group of 30 lieutenants and sub-lieutenants who deserted from the Mexican military’s Special Mobile Force Group (Grupos Aeromóviles de Fuerzas Especiales, GAFES) to join the Gulf Cartel in the late 1990s.



that are widely seen to inflict more suffering on the Mexican public than transnational drug trafficking.<sup>96</sup>

Los Zetas had a significant presence in several Mexican states on the Gulf (eastern) side of the country, and extended their reach to Ciudad Juárez (Chihuahua) and some Pacific states, and operate in Central and South America. More aggressive than other groups, Los Zetas used intimidation as a strategy to maintain control of territory, making use of social media and public displays of bodies and body parts to send messages to frighten Mexican security forces, the local citizenry, and rival organizations. Sometimes smaller gangs and organizations use the “Zeta” name to tap into the benefits of the Zeta reputation or “brand.”

Unlike many other DTOs, Los Zetas have not attempted to win the support of local populations in the territory in which they operate, and they have allegedly killed many civilians. They are linked to a number of massacres, such as the 2011 firebombing of a casino in Monterrey that killed 53 people and the 2011 torture and mass execution of 193 migrants who were traveling through northern Mexico by bus.<sup>97</sup> Los Zetas are known to kill those who cannot pay extortion fees or who refuse to work for them, often targeting migrants.<sup>98</sup>

In 2012, Mexican marines killed longtime Zeta leader Heriberto Lazcano (alias “El Lazca”), one of the founders of Los Zetas, in a shoot-out in the northern state of Coahuila.<sup>99</sup> The capture of his successor, Miguel Angel Treviño Morales, alias “Z-40,” notorious for his brutality, in 2013 by Mexican federal authorities was a second blow to the group. Some analysts date the beginning of the “loss of coherence” of Los Zetas to Lazcano’s killing and consider the ensuing arrest of Treviño Morales to be the event which accelerated the group’s decline. In March 2015, Treviño Morales’s brother Omar, who was thought to have taken over leadership of Los Zetas, also was arrested in a joint operation by the Mexican federal police and military. According to Mexico’s attorney general, federal government efforts against the cartels through April 2015, hit the Zetas the hardest, with more than 30 of their leaders removed.<sup>100</sup>

Los Zetas are known for their diversification and expansion into other criminal activities, such as fuel theft, extortion, kidnapping, human smuggling, and arms trafficking. According to media coverage, Pemex, Mexico’s state oil company, announced that it lost more than \$1.15 billion in 2014 due to oil siphoning and about three times that amount in recent years from siphoned off oil. In 2017, the Atlantic Council released a report estimating that Los Zetas control about 40% of the market in stolen oil. Los Zetas resisted government attempts to curtail their sophisticated networks,<sup>101</sup> Most incidents of illegal siphoning occur in the Mexican Gulf states of Tamaulipas and Veracruz.

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<sup>96</sup>John Bailey, “Drug Trafficking Organizations and Democratic Governance,” in *The Politics of Crime in Mexico: Democratic Governance in a Security Trap* (Boulder, CO: FirstForum Press, 2014), p. 120; interview with Alejandro Hope, July 2014.

<sup>97</sup>George Grayson, *The Evolution of Los Zetas in Mexico and Central America: Sadism as an Instrument of Cartel Warfare*, U.S. Army War College Strategic Studies Institute, Carlisle, PA, April 2014, p. 9.

<sup>98</sup>According to Grayson, Los Zetas are also believed to kill members of law enforcement officials’ families in revenge for action taken against the organization, reportedly even targeting families of fallen military men.

<sup>99</sup>Will Grant, “Heriberto Lazcano: The Fall of a Mexican Drug Lord,” BBC News, October 13, 2012.

<sup>100</sup>“Los Zetas Are the Criminal Organization Hardest Hit by the Mexican Government,” *Southernpulse.info*, May 13, 2015.

<sup>101</sup>Michael Lohmuller, “Will Pemex’s Plan to Fight Mexico Oil Thieves Work?,” *InSight Crime*, February 18, 2015; Dr. Ian M. Ralby, *Downstream Oil Theft: Global Modalities, Trends, and Remedies*, Atlantic Council, January 2017.

Although many observers dispute the scope of the territory now held by major Los Zetas factions and how that fragmentation influenced the formerly cohesive group's prospects, most concur that the organization is no longer as powerful as it was during the peak of its dominance in 2011 and 2012. Two known factions are Old School Zetas (*Escuela Vieja*, or EV) and the more mainstream faction that has continued with the traditional core of the Zetas, *Cartel del Noreste* (CDN).

### Beltrán Leyva Organization

Before 2008, the Beltrán Leyva Organization (BLO) was part of the Sinaloa federation and controlled access to the U.S. border in Mexico's Sonora state. The Beltrán Leyva brothers developed close ties with Sinaloa head Joaquin "El Chapo" Guzmán and his family, along with other Sinaloa-based top leadership. The January 2008 arrest of BLO's leader, Alfredo Beltrán Leyva, through intelligence reportedly provided by Guzmán, triggered BLO's split from the Sinaloa DTO.<sup>102</sup> The two organizations have remained bitter rivals since.

The organization suffered a series of setbacks at the hands of the Mexican security forces, beginning with the 2009 killing of Arturo Beltrán Leyva, followed closely by the arrest of Carlos Beltrán Leyva. In 2010, the organization broke up when the remaining brother, Héctor Beltrán Leyva, took the remnants of BLO and rebranded it as the South Pacific (*Pacífico Sur*) Cartel. Another top lieutenant, Edgar "La Barbie" Valdez Villarreal, took a faction loyal to him and formed the Independent Cartel of Acapulco, which he led until his arrest in 2010.<sup>103</sup> The South Pacific Cartel appeared to retake the name Beltrán Leyva Organization and achieved renewed prominence under Hector Beltrán Leyva's leadership, until his arrest in 2014.

Splinter organizations have arisen since 2010, such as the *Guerreros Unidos* and *Los Rojos*, among at least five others with roots in BLO. Los Rojos operates in Guerrero and relies heavily on kidnapping and extortion for revenue as well as trafficking cocaine, although analysts dispute the scope of its involvement in the drug trade.<sup>104</sup> The *Guerreros Unidos* traffics cocaine as far north as Chicago in the United States and reportedly operates primarily in the central and Pacific states of Guerrero, México, and Morelos. The *Guerreros Unidos*, according to Mexican authorities, was responsible for taking the 43 Mexican teacher trainees, who were handed to them by local authorities in Iguala, Guerrero; the group subsequently murdered the students and burned their bodies.<sup>105</sup> The lack of a hegemonic DTO in Guerrero has led to significant infighting between DTO factions and brutal intra-cartel competition, resulting in the state of Guerrero having the highest number of homicides and kidnappings in the country in 2013 and the second

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<sup>102</sup> See *InSight Crime* profile, "Beltrán Leyva Organization." The profile suggests that Guzmán gave authorities information on Alfredo Beltrán Leyva to secure Guzmán's son's release from prison.

<sup>103</sup> Edgar Valdez is an American-born smuggler from Laredo, TX, and allegedly started his career in the United States dealing marijuana. His nickname is "La Barbie" due to his fair hair and eyes. Nicholas Casey and Jose de Cordoba, "Alleged Drug Kingpin Is Arrested in Mexico," *Wall Street Journal*, August 31, 2010. La Barbie was extradited to the United States in September 2015, and put on trial in the United States. He changed his original plea of not guilty to guilty in January 2016 on charges of drug trafficking and money laundering and was sentenced in June 2018 to serve 49 years in prison and pay a \$192 million fine. See Parker Asmann, "Mexico Cartel Leader's Sentencing Sends Strong Message to El Chapo," *InSight Crime*, June 12, 2018.

<sup>104</sup> Marguerite Cawley, "Murder Spike in Guerrero, Mexico Points to Criminal Power Struggle," *InSight Crime*, May 30, 2014. "Mexico Nabs Drug Gang Leader in State of Guerrero," Associated Press, May 17, 2014. The AP reports that the Mexican security commissioner claims Los Rojos as primarily responsible for cocaine shipments from Guerrero to the United States. *InSight Crime* analysts, however, argue that the group lacks the international ties to rely consistently on drug trafficking as a primary revenue source.

<sup>105</sup> According to the profile of *Guerreros Unidos* on the *InSight Crime* website, an alleged leader of the group is the brother-in-law of the former mayor of Iguala.

most after the state of México in 2014.<sup>106</sup> In the 2017 NDTA, DEA maintains that the *Guerreros Unidos* are known to traffic heroin and other drugs into the United States.

Like other DTOs, the BLO was believed to have infiltrated the upper levels of the Mexican government for at least part of its history, but whatever reach it once had likely has declined significantly after Mexican authorities arrested many of its leaders. According to the 2018 NDTA, the BLO is a group of factions that work under the umbrella of the BLO name and traffic mainly marijuana, cocaine, heroin, and methamphetamine. Subgroups rely on alliances with the CJNG, the Juárez Cartel and elements of Los Zetas to move drugs across the border, while maintaining distribution links in the U.S. cities of Phoenix, Los Angeles, Chicago, and Atlanta. Inside of Mexico, it remains influential in the states of Morelos, Guerrero, Nayarit, and Sinaloa.<sup>107</sup>

## La Familia Michoacana

Based originally in the Pacific state of Michoacán, La Familia Michoacana (LFM) traces its roots back to the 1980s. Formerly aligned with Los Zetas before the group's split from the Gulf DTO, LFM announced its intent to operate independently from Los Zetas in 2006, declaring that LFM's mission was to protect Michoacán from drug traffickers, including its new enemies, Los Zetas.<sup>108</sup> From 2006 to 2010, LFM acquired notoriety for its use of extreme, symbolic violence, military tactics gleaned from the Zetas, and a pseudo-ideological or religious justification for its existence.<sup>109</sup> LFM members reportedly made donations of food, medical care, schools, and other social services to benefit the poor in rural communities to project a populist "Robin Hood" image.

In 2010, however, LFM played a less prominent role, and in November 2010, LFM reportedly called for a truce with the Mexican government and announced it would disband.<sup>110</sup> A month later, spiritual leader and co-founder Nazario "El Más Loco" Moreno González reportedly was killed, although authorities claimed his body was stolen.<sup>111</sup> The body was never recovered, and Moreno González reappeared in another shoot-out with Mexican federal police in 2014, after which his death was officially confirmed.<sup>112</sup> Moreno González had been nurturing the development of a new criminal organization that emerged in early 2011, calling itself the Knights Templar and claiming to be a successor or offshoot of LFM.<sup>113</sup>

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<sup>106</sup> Marguerite Cawley, "Murder Spike in Guerrero, Mexico Points to Criminal Power Struggle," *InSight Crime*, May 30, 2014; op. cit., Heinle, Molzahn, and Shirk, April 2015.

<sup>107</sup> U.S. Department of Justice, DEA, *2018 NDTA*.

<sup>108</sup> Alejandro Suverza, "El Evangelio Según La Familia," *Nexos*, January 1, 2009. For more on its early history, see *InSight Crime's* profile on La Familia Michoacana.

<sup>109</sup> In 2006, LFM gained notoriety when it rolled five severed heads allegedly of rival criminals across a discotheque dance floor in Uruapan. La Familia Michoacana was known for leaving signs ("narcomantas") on corpses and at crime scenes that referred to LFM actions as "divine justice." William Finnegan, "Silver or Lead," *New Yorker*, May 31, 2010.

<sup>110</sup> Stratfor, "Mexican Drug Wars: Bloodiest Year to Date," December 20, 2010.

<sup>111</sup> Dudley Althaus, "Ghost of 'The Craziest One' Is Alive in Mexico," *InSight Crime*, June 11, 2013.

<sup>112</sup> Mark Stevenson and E. Eduardo Castillo, "Mexico Cartel Leader Thrived by Playing Dead," Associated Press, March 10, 2014.

<sup>113</sup> The Knights Templar was purported to be founded and led by Servando "La Tuta" Gomez, a former school teacher and a lieutenant to Moreno González. However, after Moreno Gonzalez's faked demise and taking advantage of his death in the eyes of Mexican authorities, Moreno González and Gomez founded the Knights Templar together after a dispute with LFM leader Méndez Vargas, who stayed on with the LFM. See "Seeking a Place in History – Nazario Moreno's Narco Messiah," *InSight Crime*, March 13, 2014.



Though “officially” disbanded, LFM remained in operation, even after the 2011 arrest of leader José de Jesús Méndez Vargas (alias “El Chango”), who allegedly took over after Moreno González’s disappearance.<sup>114</sup> Though largely fragmented, remaining cells of LFM are still active in trafficking, kidnapping, and extortion in Guerrero and Mexico states, especially in the working-class suburbs around Mexico City through 2014.<sup>115</sup> Observers report that LFM had been largely driven out of Michoacán by the Knights Templar, although a group calling itself the New Family Michoacan, *La Nueva Familia Michoacana*, has been reported to be active in parts of Guerrero and Michoacán. As a DTO, LFM has specialized in methamphetamine production and smuggling, along with other synthetic drugs. It also has been known to traffic marijuana and cocaine and to tax and regulate the production of heroin.

## Knights Templar

The Knights Templar began as a splinter group from La Familia Michoacana, announcing its presence in Michoacán in 2011. Similar to LFM, the Knights Templar began as a vigilante group, claiming to protect the residents of Michoacán from other criminal groups, such as the Zetas, but in reality operated as a DTO. The Knights Templar is known for the trafficking and manufacture of methamphetamine, but the organization also moves cocaine and marijuana north. Like LFM, it preaches its own version of evangelical Christianity and claims to have a commitment to “social justice,” while being the source of much of the insecurity in Michoacán and surrounding states.

In 2013, frustration with the perceived ineffectiveness of Mexican law enforcement in combating predatory criminal groups led to the birth in Michoacán of “*autodefensa*” or self-defense organizations, particularly in the *tierra caliente* region in the southwestern part of the state. Composed of citizens from a wide range of backgrounds—farmers, ranchers, businessmen, former DTO operatives, and others—the self-defense militias primarily targeted members of the Knights Templar.<sup>116</sup> Local business owners, who had grown weary of widespread extortion and hyper-violent crime that was ignored by corrupt local and state police, provided seed funding to resource the militias in Michoacán, but authorities cautioned that some of the self-defense groups had extended their search for resources and weapons to competing crime syndicates, such as the CJNG. Despite some analysts’ contention that ties to rival criminal groups are highly likely, other observers are careful not to condemn the entire self-defense movement. These analysts acknowledge some gains in the effort to combat the Knights Templar that had not been made by government security forces, although conflict between self-defense groups also has led to violent battles.

The Knights Templar reportedly has emulated LFM’s penchant for diversification into other crime, such as extortion. The Knights Templar battled the LFM, and by 2012 its control of Michoacán was nearly as widespread as LFM’s once had been, especially by demanding local businesses pay it tribute through hefty levies. According to avocado growers in the rural state who provide more than half the global supply, the LFM and the Knights Templar have seriously cut into their profits. The Knights Templar also moved aggressively into illegal mining, such as mining iron ore from illegally operated mines. Through mid-2014, the Knights Templar

<sup>114</sup> Adriana Gomez Licon, “Mexico Nabs Leader of Cult-Like La Familia Cartel,” Associated Press, June 21, 2011.

<sup>115</sup> CRS Interview with Dudley Althaus, June 2014.

<sup>116</sup> The self-defense forces pursue criminal groups to other towns and cities and are self-appointed, sometimes gaining recruits who are former migrants returned from or deported from the United States; and many are heavily armed. After a period of cooperation, the Mexican federal police made news when it arrested 83 members of the self-defense forces in June 2014 for possession of unregistered weapons. “Arrestan a 83 Miembros y a Líder de Autodefensas en México,” Associated Press, June 27, 2014.

reportedly had been using Mexico's largest port, Lázaro Cárdenas, located in the southern tip of Michoacán, to smuggle illegally mined iron ore, among other illicit goods.<sup>117</sup> Analysts and Mexican officials, however, suggest that a 2014 federal occupation of Lázaro Cárdenas resulted in an "impasse," rendering DTOs unable to receive and send shipments.<sup>118</sup>

In early 2014, the Mexican government began its controversial policy of incorporating members of the self-defense groups into legal law enforcement, giving them the option to disarm or register themselves and their weapons as part of the "Rural Police Force," despite concerns about competing cartels corrupting these forces or the potential for the groups to morph into predatory paramilitary forces, as occurred in Colombia.<sup>119</sup> The federal police and the Rural Police Force had a brief successful period of cooperation, which ended with the arrests of the two self-defense force leaders (as well as dozens of members) in spring 2014.<sup>120</sup> The arrests sparked tension between the self-defense movement and federal police, contributing to a renewal of high rates of violence in the area.<sup>121</sup>

The Mexican government and self-defense forces delivered heavy blows to the Knights Templar, especially with the confirmed killing in March 2014 of Nazario Moreno González, who led the Knights, and the killing of Enrique Plancarte, another top leader, several weeks later.<sup>122</sup> Previously, the self-defense forces and the Knights Templar reportedly had split Michoacán roughly into two, although other criminal organizations continued to operate successfully in the area. In February 2015, the Knights Templar DTO leader Servando "La Tuta" Gomez was captured. The former schoolteacher had taken risks by being interviewed in the media. With La Tuta's arrest, the fortunes of the Knights Templar plummeted.

But new spinoff groups or fragments of other cartels filled the void, including the rise of such groups as Los Viagras, and they contested the state with the Cartel Jalisco. In March 2017, the alleged leader of Los Viagras, José Carlos Sierra Santana, was killed. The Mexican government quickly reinforced troops and federal police forces in the state to prevent a bloodbath as cartels struggled to assert new patterns of dominance.

## Cartel Jalisco-New Generation

Originally known as the Zeta Killers, the CJNG made its first appearance in 2011 with a roadside display of the bodies of 35 alleged members of Los Zetas.<sup>123</sup> The group is based in Jalisco state with operations in central Mexico, including the states of Colima, Michoacán, Mexico State,

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<sup>117</sup> "Mexico Seizes Tonnes of Minerals in Port Plagued by Drug Gangs," Reuters, March 3, 2014. The Knights Templar shared control with the powerful Sinaloa DTO. Both groups reportedly received shipments cocaine from South America and precursor chemicals used to produce methamphetamines largely from Asia.

<sup>118</sup> Interview with Eduardo Guerrero, July 2014.

<sup>119</sup> Nick Miroff and Joshua Partlow, "In Mexico, Militias Taste Power," *Washington Post*, May 12, 2014.

<sup>120</sup> The Mexican federal police arrested 83 members of the self-defense forces (including a well-known leader) in June 2014 for possession of unregistered weapons, an event largely seen as destroying chances for further cooperation between Mexican law enforcement and the self-defense forces. "Arrestan a 83 Miembros y a Líder de Autodefensas en México," Associated Press, June 27, 2014.

<sup>121</sup> For more information on the origins of tensions between the self-defense movement and Mexican authorities, see Steven Dudley and Dudley Althaus, "Mexico's Security Dilemma: The Battle for Michoacán," Woodrow Wilson Center, Mexico Institute, April 30, 2014. The authors maintain that the situation in Michoacán was "a battle on four fronts:" factions of the self-defense forces are fighting each other, self-defense forces battling the Knights Templar, self-defense forces fighting Mexican federal forces, and DTOs fighting federal forces.

<sup>122</sup> Olga R. Rodriguez, "Mexican Marines Kill Templar Cartel's Leader," Associated Press, April 1, 2014.

<sup>123</sup> Miriam Wells, "Jalisco Cartel Announces 'Cleansing' of Mexican State," *InSight Crime*, September 20, 2013.

Guerrero, and Guanajuato.<sup>124</sup> It has grown into a dominant force in the states of the *Tierra Caliente*, including Guerrero and Michoacán. Reportedly, it has been led by many former associates of slain Sinaloa DTO leader Ignacio “Nacho” Coronel, who operated his faction in Jalisco until he was killed by Mexico’s security forces in July 2010.<sup>125</sup> CJNG has early roots in the Milenio Cartel, which was active in the *tierra caliente* region of southern Mexico before it disintegrated in 2009.<sup>126</sup> The group is a by-product of the Milenio Cartel’s collapse and was allied with the Sinaloa federation until 2014.<sup>127</sup>

Cartel Jalisco-New Generation reportedly served as an enforcement group for the Sinaloa DTO until summer 2013. Analysts and Mexican authorities have suggested the split between Sinaloa and CJNG is one of the many indications of a general fragmentation of crime groups. Ruben Oseguera Cervantes, alias “El Mencho,” a top wanted fugitive by the DEA, is the group’s current leader.<sup>128</sup> The Mexican military delivered a blow to the CJNG with the July 2013 capture of its leader’s deputy, Victor Hugo “El Tornado” Delgado Renteria. In January 2014, the Mexican government arrested the leader’s son, Rubén Oseguera González (also known as “El Menchito”), believed to be CJNG’s second-in-command. However, El Menchito, who has dual U.S.-Mexican citizenship, was released in December 2014 due to lack of evidence in a federal case. Captured again in late June 2015, El Menchito was again released by a judge. On July 3, 2015, he was rearrested by Mexican authorities; he is being held in the Miahutlan, Oaxaca, maximum-security prison.<sup>129</sup>

In 2015, the Mexican government declared CJNG one of the most dangerous cartels in the country and one of two with the most extensive reach.<sup>130</sup> In October 2016, the U.S. Department of the Treasury echoed the Mexican government when it described the group as one of the world’s “most prolific and violent drug trafficking organizations.”<sup>131</sup> According to some analysts, CJNG has operations throughout the Americas, Asia, and Europe. The group allegedly is responsible for distributing cocaine and methamphetamine along “10,000 kilometers of the Pacific coast in a route that extends from the Southern Cone to the border of the United States and Canada.”<sup>132</sup>

To best understand CJNG’s international reach, it is important to first consider its expansion within Mexico. In 2016, many analysts maintained the cartel had presence throughout the country in a combined area that made up nearly half of Mexico.<sup>133</sup> Recent reports indicate the group has pushed further into Aguas Calientes, San Luis Potosí, and Zacatecas states. The group has battled Los Zetas and Gulf Cartel factions in Tabasco, Veracruz, and Guanajuato, and it has battled the

<sup>124</sup> “Se Pelean el Estado de México 4 Carteles,” *El Siglo de Torreón*, March 2, 2014; interview with Dudley Althaus, 2014.

<sup>125</sup> CRS interview with Alejandro Hope, July 2014. See also Peña Nieto’s *Challenge: Criminal Cartels and Rule of Law in Mexico*, especially Appendix D: Main Cartels in Mexico; Stratfor, “Mexico Security Memo: The Death of a Cartel de Jalisco Nueva Generacion Ally,” February 27, 2013; Stratfor, “Mexican Cartels: Cartel de Jalisco Nueva Generacion,” April 4, 2013; “Jalisco Cartel—New Generation,” *InSight Crime*, May 5, 2015.

<sup>126</sup> Stratfor, “Tracking Mexico’s Cartels in 2017,” February 3, 2017.

<sup>127</sup> *Ibid.*

<sup>128</sup> DEA, “Most Wanted Fugitives,” at <https://www.dea.gov/fugitives.shtml>, accessed February 14, 2017.

<sup>129</sup> Juan Carlos Huerta Vázquez, “‘El Menchito’, un Desafío para la PGR,” *Proceso*, January 15, 2016.

<sup>130</sup> Michael Lohmuller, “Only Two Cartels Left in Mexico: Official,” *InSight Crime*, June 10, 2015.

<sup>131</sup> U.S. Department of the Treasury, “Treasury Sanctions Individuals Supporting Powerful Mexico-Based Drug Cartels,” press release, October 27, 2016.

<sup>132</sup> Luis Alonso Perez, “Mexico’s Jalisco Cartel—New Generation: From Extinction to World Domination,” *InSight Crime and Animal Politico*, December 26, 2016.

<sup>133</sup> *Ibid.*

Sinaloa federation in the Baja peninsulas and Chihuahua.<sup>134</sup> CJNG's ambitious expansion campaign has led to high levels of violence, particularly in Ciudad Juarez and Tijuana, where it has clashed with the Sinaloa federation for control of the lucrative heroin trade and corresponding smuggling routes.<sup>135</sup> The group also has been linked to several mass graves in southwestern Mexico and was responsible for shooting down an army helicopter in 2015, the first successful takedown of a military asset of its kind in Mexico.<sup>136</sup>

CJNG's efforts to dominate key ports on both the Pacific and Gulf Coasts have allowed it to consolidate important components of the global narcotics supply chain. In particular, CJNG asserts control over the ports of Veracruz, Mazanillo, and Lázaro Cardenas, which has given the group access to precursor chemicals that flow into Mexico from China and other parts of Latin America.<sup>137</sup> As a result, CJNG has been able to pursue an aggressive growth strategy, underwritten by U.S. demand for Mexican methamphetamine, heroin, and fentanyl.<sup>138</sup>

Despite leadership losses, Cartel Jalisco-New Generation has extended its geographic reach and maintained its own cohesion while exploiting the splintering of the Sinaloa organization. It is considered a newer and extremely powerful cartel, based in Mexico's second-largest city of Guadalajara, and has a presence in 22 of 32 Mexican states. Its reputation for extreme and intimidating violence continues, as well. In August 2019, 19 bodies were found on display in Uruapan in the southwestern state of Michoacán accredited to CJNG, including several bodies that were dismembered and 9 that were hung from an overpass.<sup>139</sup>

## Fragmentation, Competition, and Diversification

As stated earlier, DTOs today are more fragmented and more competitive than in the past. However, analysts disagree about the extent of this fragmentation, its importance, and whether the group of smaller organizations will be easier to dismantle. Fragmentation that began in 2010 and accelerated in 2011 redefined the "battlefield" and brought new actors, such as Los Zetas and the Knights Templar, to the fore. In 2018, an array of smaller organizations were active and some of the once-small groups, such as CJNG, entered the space left after other DTOs were dismantled. Recently, some analysts have identified CJNG as a cartel with national reach like the Sinaloa DTO, although it originally was an allied faction or the armed wing of Sinaloa organization.

A newer cartel, known as Los Cuinis, also was identified as a major organization in 2015. In April 2015, the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) named both CJNG and Los Cuinis as Specially Designated Narcotics Traffickers under the Foreign Narcotics Kingpin Designation Act. According to an OFAC statement, the Los Cuinis DTO has become "one of the most powerful and violent drug cartels in Mexico."<sup>140</sup> Other analysts view the

<sup>134</sup> "Tracking Mexico's Cartels in 2017," *Stratfor*, February 3, 2017.

<sup>135</sup> Deborah Bonello, "After Decade-Long Drug War, Mexico Needs New Ideas," *InSight Crime 2016 GameChangers: Tracking the Evolution of Organized Crime in the Americas*, January 4, 2017.

<sup>136</sup> Angel Rabasa et al., *Counterwork: Countering the Expansion of Transnational Criminal Networks*, RAND Corporation, 2017.

<sup>137</sup> "Tracking Mexico's Cartels in 2017," *Stratfor*, February 3, 2017.

<sup>138</sup> Deborah Bonello, "After Decade-Long Drug War, Mexico Needs New Ideas," *InSight Crime 2016 GameChangers: Tracking the Evolution of Organized Crime in the Americas*, January 4, 2017.

<sup>139</sup> Mark Stevenson, "19 Bodies Hung from Bridge or Hacked Up in Mexico Gang Feud," Associated Press, August 8, 2019.

<sup>140</sup> See U.S. Department of the Treasury, "Treasury Sanctions Business Network of the Los Cuinis Drug Trafficking Organization," Press Release, August 19, 2015.

fragments as the cause of heightened violence but note that groups appear less able to challenge the national government and engage in some types of transnational crime, including drug trafficking.

Contrary to the experience in Colombia in the 1980s and 1990s, with the sequential dismantling of the enormous Medellín and Cali cartels, fragmentation in Mexico has been associated with resurging violence.<sup>141</sup> A “kingpin strategy” implemented by the Mexican government has incapacitated numerous top- and mid-level leaders in all the major DTOs, either through arrest or deaths in arrest efforts. However, this strategy contributed to violent succession struggles, shifting alliances among the DTOs, a proliferation of new gangs and small DTOs, and the replacement of existing leaders and criminal groups by even more violent ones.

The ephemeral prominence of some new gangs and DTOs, regional changes in the power balance between different groups, and their shifting allegiances often catalyzed by government enforcement actions make it difficult to portray the current Mexican criminal landscape. The Stratfor Global Intelligence group contends that the rival crime networks are best understood in regional groupings and that at least three geographic identities emerged by 2015, which essentially endure. Those umbrella groups are Tamaulipas State, Sinaloa State, and *Tierra Caliente* regional group. This framework also shows several states and regions of Mexico where the activities of these three regional groups mix, as in the eastern state of Veracruz, which is a mix of elements from the *Tierra Caliente* and the Tamaulipas umbrella groups. (See map by Stratfor, **Figure 3**.)<sup>142</sup>

Some believe diversification of the DTOs and their evolution into poly-crime outfits may be evidence of organizational vitality and growth. Others contend that diversification signals that U.S. and Mexican drug enforcement measures are cutting into profits from drug trafficking or constitutes a response to shifting U.S. drug consumption patterns. This includes legalization of marijuana in some states and Canada and a large increase in demand for plant-based and synthetic opioids.<sup>143</sup> The growing public condemnation of the DTOs also may be stimulated by the organizations’ diversification into violent street crime, which causes more harm to average Mexican civilians than intra- and inter-DTO violence related to conflicts over drug trafficking. Because the DTOs have diversified, many analysts now refer to them as transnational criminal organizations, organized crime groups, or mafias.<sup>144</sup> Others maintain that much of their nondrug criminal activity is in service of the central drug trafficking business. What is apparent is that the

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<sup>141</sup> In Colombia’s case, successfully targeting the huge and wealthy Medellín and Cali cartels and dismantling them meant that a number of smaller drug trafficking organizations replaced them (*cartelitos*). The smaller organizations have not behaved as violently as the larger cartels, and thus the Colombian government was seen to have reduced violence in the drug trade. Critical, however, were factors in Colombia that were not present in Mexico, such as the presence of guerrilla insurgents and paramilitaries that became deeply involved in the illegal drug business. Some have argued that the Colombian cartels of the 1980s and 1990s were structured and managed very differently than their contemporary counterparts in Mexico.

<sup>142</sup> “Stratfor now divides Mexican organized criminal groups into the distinct geographic areas from which they emerged. This view is not just a convenient way of categorizing an increasingly long list of independent crime groups in Mexico, but rather it reflects the internal realities of most crime groups in Mexico.” See “Mexico’s Drug War Update: Tamaulipas-Based Groups Struggle,” *Stratfor*, April 16, 2015.

<sup>143</sup> Morris Panner, “Latin American Organized Crime’s New Business Model,” *ReVista*, vol. XI, no. 2 (Winter 2012). The author comments, “the business is moving away from monolithic cartels toward a series of mercury-like mini-cartels. Whether diversification is a growth strategy or a survival strategy in the face of shifting narcotics consumption patterns, it is clear that organized crime is pursuing a larger, more extensive agenda.”

<sup>144</sup> See for example, Eric L. Olson and Miguel R. Salazar, *A Profile of Mexico’s Major Organized Crime Groups*, Woodrow Wilson International Center for Scholars, February 17, 2011.



demise of the traditional kingpins, envisioned as ruling their cartel armies in a hierarchical fashion from a central position, has led to equally violent, smaller, fragmented groups.<sup>145</sup>

**Figure 3. Stratfor Cartel Map by Region of Influence (2018)**  
(map indicates the range of TCOs or cartels by region of influence and origin)



Source: Stratfor Global Intelligence.

## Outlook

The goal of the Mexican government’s counter-DTO strategy has been to diminish the extent and character of the DTOs’ activity from a national-security threat to a law-and-order problem and, once this is achieved, to transfer responsibility for addressing this challenge from military forces back to the police. President Peña Nieto did not succeed in reducing the scope of the military in its domestic policing function. Instead, the Mexican military has been challenged by accusations of extrajudicial executions by members of its forces and also for the use of torture and other severe human rights violations.

<sup>145</sup> Patrick Corcoran, “Why Are More People Being Killed in Mexico in 2019?” *InSight Crime*, August 8, 2019.

The government of President López Obrador also remains challenged by the DTO-related corruption of public officials and politicians and within the nation's police forces. Equally concerning is the lack of attention to broader efforts against corruption in Mexico, despite President López Obrador's campaign pledges.<sup>146</sup> Many analysts maintain that the important tools for managing the binational challenge of Mexico's violent organizations include long-term institutional reform to replace a culture of illegality and corruption with one of rule of law and respect for lawful authority.

In some regions, Mexican cities and towns have experienced considerable displacement; they may be characterized as ghost towns. These include localities near the border with Texas in the states of Coahuila and Tamaulipas and in the heart of Mexico's Golden Triangle of drug cultivation, especially the state of Sinaloa. As discussed in this report, the splintering of the large criminal organizations has led to increased violence. One cause of the current violence in 2018 and 2019 may be the transition to a post-Sinaloa Cartel dominated-era, with the concomitant rise of a lucrative heroin trade and the production and trafficking of synthetic opioids that has sparked renewed competition. Nevertheless, some observers remain convinced of the capacity of the Sinaloa organization and its primary competitor, the expansive Cartel Jalisco-New Generation, to use their well-established bribery and corruption networks, backed by violence, to retain significant power in Mexico.

Many U.S. government officials and policymakers have deep concerns about the Mexican government's capacity to decrease violence in Mexico and curb the power of the country's criminal groups. Many analysts have viewed as problematic a continued reliance on a controversial kingpin strategy. They note the kingpin strategy has not lowered violence in a sustainable way. Some analysts suggest a new strategy of targeting the middle operational layer of each key criminal group to handicap the groups' regeneration capacity.<sup>147</sup>

## Author Information

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<sup>146</sup> Calderón, Heinle, Rodríguez, and Shirk, *Organized Crime*; Gina Hinojosa and Maureen Meyer, *The Future of Mexico's National Anti-Corruption System: The Anti-Corruption Fight under President López-Obrador*, Washington Office on Latin America, August 2019.

<sup>147</sup> See, for example, Vanda Felbab-Brown, *AMLO's Security Policy: Creative Ideas, Tough Reality*, Brookings, March 2019.

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# EXHIBIT I

# House Homeland Security Committee. Border Security, Facilitation, & Operations Subcommittee hearing on Examining t.,sked

November 20, 2019 2:35PM ET

TRANSCRIPT

November 19, 2019

COMMITTEE HEARING

REP. KATHLEEN RICE, D-N.Y.

HOUSE HOMELAND SECURITY COMMITTEE. BORDER SECURITY, FACILITATION, &  
OPERATIONS SUBCOMMITTEE HEARING ON EXAMINING THE HUMAN RIGHTS AND  
LEGAL IMPLICATIONS OF DHS REMAIN IN MEXICO POLICY

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HOUSE HOMELAND SECURITY COMMITTEE. BORDER SECURITY,  
FACILITATION, & OPERATIONS SUBCOMMITTEE HEARING ON EXAMINING  
THE HUMAN RIGHTS AND LEGAL IMPLICATIONS OF DHS REMAIN IN MEXICO  
POLICY

NOVEMBER 19, 2019

SPEAKERS:

REP. KATHLEEN RICE, D-N.Y., CHAIR

REP. LOU CORREA, D-CALIF.

REP. DONALD M. PAYNE JR., D-N.J.

REP. XOCHITL TORRES SMALL, D-N.M.

REP. YVETTE D. CLARKE, D-N.Y.

REP. AL GREEN, D-TEXAS

REP. BENNIE THOMPSON, D-MISS., EX OFFICIO

REP. CLAY HIGGINS, R-LA., RANKING MEMBER

REP. MICHAEL GUEST, R-MISS.

REP. JOHN JOYCE, R-PA.

REP. DEBBIE LESKO, R-ARIZ.

REP. MIKE D. ROGERS, R-ALA., EX OFFICIO

WITNESSES:

MS. LAURA PENA, PRO BONO COUNSEL, AMERICAN BAR ASSOCIATION  
COMMISSION ON IMMIGRATION

MS. ERIN THORN VELA, STAFF ATTORNEY, RACIAL AND ECONOMIC  
JUSTICE PROGRAM, TEXAS CIVIL RIGHTS PROJECT

TODD SCHNEBERK, MD, ASSISTANT PROFESSOR OF EMERGENCY MEDICINE,  
CO-DIRECTOR, HUMAN RIGHTS COLLABORATIVE, KECK SCHOOL OF  
MEDICINE OF THE UNIVERSITY OF SOUTHERN CALIFORNIA, ASYLUM  
NETWORK CLINICIAN, PHYSICIANS FOR HUMAN RIGHTS

MR. MICHAEL KNOWLES, PRESIDENT, AFGE LOCAL 1924, SPECIAL  
REPRESENTATIVE, AFGE NATIONAL CIS COUNCIL 119

MR. THOMAS HOMAN, FORMER ACTING DIRECTOR, U.S. IMMIGRATION AND  
CUSTOMS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY (MINORITY  
WITNESS)

RICE: The Subcommittee on Border Security, Facilitation, and Operations will come to order.

The subcommittee is meeting today to receive testimony on "Examining the Human Rights and Legal  
Implications of the DHS' 'Remain in Mexico' Policy."

Without objection the chair is authorized to declare the subcommittee in recess at any point.

Good morning. Today we will examine the implementation of the Migrant Protection Protocols, more commonly known as the "Remaining Mexico" Program. This morning we will hear the perspectives of practitioners who witnessed the program's impact on the ground.

Since this program went into effect on January 18th, 2019, the "Remain in Mexico" Policy has forced tens of thousands of asylum seekers to wait in Mexico while their claims are processed. However this brief summary does not even begin to touch on the devastating and destructive impact that this policy has had on countless lives.

Prior to this program's implementation, asylum seekers were permitted to stay in the United States while their cases moved through the courts, a policy based on the humane and common-sense premise that refugee should be given temporary safe haven while it is decided whether or not they may remain in our country. Under "Remain in Mexico" however when migrants who arrive at our southern border inform a U.S. official that they are seeking asylum, they are provided a court date and sent back into Mexico until their initial hearing.

These migrants are mostly from Central and South America, having fled their homes to escape gang violence and government oppression. They're almost always strangers to Mexico with no friends or family to rely on as they wait on a decision from the United States. The cities in which they are forced to wait are some of the most dangerous in Mexico; cartels are active; jobs are hard to come by; and even local government officials have been known to engage in violence and exploitation, as a result these migrants who are fleeing violence and oppression are now being forced to wait in conditions that are just as dangerous as the ones they fled, if not more so. Families waiting in Mexico under this policy face kidnapping, sexual assault, and extortion.

In addition to provoking yet another humanitarian crisis, "Remain in Mexico" presents a serious threat to our national security. The program has created a newly vulnerable population, left completely exposed to exploitation by drug cartels, allowing these criminal organizations to remain active along our border and even expand their reach.

The administration assured lawmakers and the public that the program would be carefully applied, making exceptions for Mexican nationals, non-Spanish speakers, pregnant women, the LGBTQ community, and people with disabilities. However investigations and reporting have revealed that individuals from every protected category are frequently turned away and left to fend for themselves in Mexican cities that the U.S. State Department has marked as "too dangerous for travel."

Meanwhile on August of 2019 DHS notified Congress that it would build large temporary immigration-hearing facilities to conduct "Remain in Mexico"-related proceedings. Located in Brownsville and Laredo, these temporary facilities are functioning as virtual immigration courtrooms, with judges appearing -- via video conference from brick-and-mortar courtrooms all across the country. These facilities have become a significant cause for alarm; lack of public information about the proceedings; limited access to translators and attorneys; and a complete disregard for migrant legal rights are just some of the many problems emerging from this court system.

Reports have described secretive assembly-line proceedings in the facilities to conduct hundreds of hearings per day. CBP, ICE, and DHS, have provided little information on the functioning of these port courts, despite numerous requests -- inquiries from news outlets and congressional staff.

Lack of available information on their operations is exacerbated by the severe restrictions on who can even access the facilities, with barbed wire fences and security managed by private companies, they're closed to the public, news outlets and legal advocacy organizations. Despite the clear legal standard that all immigration proceedings are to be open to the public, CBP has rejected requests after request for access. These facilities dramatically worsen the chaotic nature of the program by removing any ability for migrants to access legal aid. Furthermore the prohibitions on oversight expose migrants to violations of the Due Process Rights, established for asylum seekers in U.S. law.

We've invited our witnesses here to shed light on this disgraceful and untenable situation, and I thank them for joining us today.

Our Asylum laws emerged after the Second World War as our nation faced the shameful truth that we failed to provide safe haven to refugees fleeing the Nazis. Since then we have granted asylum to desperate communities fleeing danger all over the world and in doing so saved an untold number of lives. The "Remain in Mexico" Policy is a reprehensible step backwards and a continuation of this administration's abandonment of our nation's long-standing and bipartisan tradition of protecting asylum seekers and refugees.

We hope today to build public awareness of this policy and improve our own understanding so that we can find a way toward stopping this needless harm inflicted on the men, women, and children seeking safety in our great country.

The chair now recognizes the Ranking Member of the Subcommittee, the gentleman from Louisiana, Mr. Higgins, for an opening statement.

HIGGINS: Thank you, Madam Chair.

And thank you to our witnesses for being here today. While I look forward to hearing your testimony I also would like to voice -- and I'm disappointed that no DHS officials actually responsible for negotiating and implementing Migrant Protection Protocols Agreement with the government of Mexico were invited to testify today by the majority. I'm also concerned by the partisan preconceptions surrounding the hearing title.

This past year we saw a crisis at the border, this referred to by some as a "fake emergency," --virtually explode as over 977,000 people attempted to illegally enter the United States through our southwest border. That's more than we encountered in 2017 and 2018 combined; is larger than the population of the entire state of Delaware.

Historically most illegal immigrants have been single adults from Mexico looking for temporary work. During Fiscal Year 2000 Border Patrol was able to repatriate the majority of those detained within hours. Today most illegal immigrants are family units and unaccompanied minors from Guatemala, Honduras, and El Salvador.

In Fiscal Year '19 Customs and Border Protection encountered 473,682 families, that's nearly a 3,200 percent increase from Fiscal Year '13. This change is directly -- tied to criminal organizations exploiting loopholes in our Immigration laws as propaganda to convince people to bring children to the border.

Migrants are giving up their life savings in many cases, mortgaging homes and properties, farms, perhaps handing over their children to smugglers because they're falsely been told that children are visas to get into this country. Even the Guatemalan Ministry of Foreign Affairs has publicly confirmed this.

Smugglers don't care about the well-being of migrants, they only care about turning a profit. In Fiscal Year '19, Customs and Border Protection averaged 71 hospital visits per day for the migrants who arrived at our border in deteriorating health. The Border Patrol conducted over 4,900 rescues of immigrants who smugglers left to die. Former Acting DHS Secretary McAleenan testified in July that more than 5,500 fraudulent family-cases have been uncovered where the adult is not the parent of the child; 1,000 of those have already resulted in prosecutions.

Worst, the cartels are sending children back on commercial airlines to their home country and then return to the border with different adults. Agents call this practice "Recycling Children." ICE identified 600 children who've gone through this; one child told investigators he was forced to make the trip eight times.

There's a common misconception that most people illegally crossing our border are seeking asylum, however less than 20 percent of immigrants in Customs and Border Patrol custody are found to have quote/unquote, "credible fear" to return to their home country. In Fiscal Year '18, that number was 18 percent. And for those saying everyone turning themselves in, that's not the case. A customs -- according to Customs and Border Protection, last year more than a hundred and fifty thousand migrants who illegally entered this country got away from authorities, evading capture, and making their way into the interior.

The Trump administration has been forced to act alone and has taken several important actions to mitigate the crisis as gridlock over Immigration reform continues in Congress. DHS implemented the Migrant Protection Protocols, MPP, a program that cut down on the overcrowding of migrants in DHS custody and the number of migrants being released into U.S. communities due to immigration-court backlog. At one point this year, CBP had almost 20,000 people in custody; now they're averaging less than 3,500. DHS has invested in temporary courtrooms near southwest border ports of entry to help expedite immigration hearings for MPP individuals. MPP ends the economic consent of making a meritless asylum claim, considering only 20 percent of asylum claims get favorable final judgment but every asylum applicant released in the interior is provided with work authorization.

Department of Justice statistics point to more than 89,000 Orders of Removal in absentia for Fiscal Year '19 for those who are not detained. MPP mitigation risk that those ordered removed will disappear into the United States' interior.

This month DHS, the State Department, and the International Organization for Migration visited several shelters operated by faith-based organizations and the government of Mexico, that house MPP individuals. These shelters were found to have a persistent law enforcement presence, adequate medical care, and access to food and water.

Today's hearing could've been an opportunity to bring in the Department to ask about DHS' (ph) vision and discuss the implementation of the MPP program in greater -- detail. We have seemingly forgone a fact-finding mission for something that might resemble a show trial. Nevertheless I want to thank our witnesses for -- appearing before us today and I look forward to your testimony.

Madam Chairwoman, I yield back.

RICE: Thank you, Mr. Higgins.

The chair now recognizes the Chairman of the Full Committee, the gentleman from Mississippi, Mr. Thompson, for an opening statement.

THOMPSON: Thank you very much Chairman Rice.



Today the subcommittee will hear about how the Trump's administration "Remain in Mexico" Policy has distorted our Immigration system by effectively closing the door to people seeking safety in this country.

I share Chairwoman Rice's concerns about the legal and humanitarian implications of this misguided policy, and thank her for calling this hearing.

While the Department of Homeland Security officials have argued "Remain in Mexico" has allowed U.S. Customs and Border Protection to regain operational control of our border with Mexico, we actually know better. In fact the policy has raised serious legal questions and created a new humanitarian crisis along our southern border.

Moreover it runs contrary to our American values, returning migrants with known physical, mental, and developmental disabilities in Mexico is unacceptable. Sending pregnant women into Mexico where there is no safe housing or basic medical care for them is unacceptable. Establishing secretive courts that DHS uses to process asylum seekers, forced to return to Mexico, runs contrary to our values. Indeed immigration court proceedings are generally open to the public for the sake of transparency.

The American Immigration Lawyers Association, ACLU, and Amnesty International, among others regularly observe these proceedings. However these organizations have been repeatedly denied access to the new temporary port courts in Brownsville and in Laredo. For those of you who are familiar with the Rio Grande Valley, you know about the work of Sister Norma of Catholic Charities, carries out to assist migrants in that region. Sister Norma has also been denied entry to the port courts multiple times with no real explanation as to why. These observers are desperately needed.

Attorneys who have been able to get into the port courts, uniformly talk about court operations that run roughshod over basic Due Process Rights; paperwork is filled out with wrong information or certain information sections are purposely left blank for example. Every step that can be taken to limit the amount of time an attorney can meet with their client is taken. CBP has even allegedly fabricated future hearing dates for migrants who were granted asylum in order to return them to Mexico. The administration appears intent on cutting off access to the lawful asylum process even if their actions are legally questionable, force vulnerable adults and children into danger.

I look forward to hearing from our panelists about their first-hand observation and experience with the "Remain in Mexico" Policy and the temporary port courts. Their testimony will help inform the committee's future oversight work. Efficient and effective border security has long been a bipartisan priority of this committee but blocking the asylum process for vulnerable people and risking their lives by putting them in harm's way does not make us any safer; it just makes us less than the America we've held ourselves out to be.

Again I thank the chairwoman for holding today's hearing, and the members of the committee for their participation.



I yield back.

RICE: Thank you, Mr. Chairman.

The chair now recognizes the Ranking Member of the Full Committee, the gentleman from Alabama, Mr. Rogers, for an opening statement.

ROGERS: Thank you, Chairman Rice.

Let me state for the record, I wholeheartedly support the "Remain in Mexico" Policy. I think it's an essential policy and it is in no way inhumane.

This past year nearly 1 million -- illegal immigrants were encountered, attempting to cross our southwest border. It led to an unprecedented humanitarian crisis. CBP facilities were overwhelmed and overrun leading to dangerous conditions both for migrants and law enforcement officers. Everyday up to 50 percent of Border Patrol agents were taken off the line to process and care for immigrants.

For months the administration requested emergency funds for new authorities to deal with this crisis. For months my colleagues ignored the crisis as a fake emergency. Finally Congress acted and provided critical emergency funding. While the funding helped, it did nothing to address the root cause of the crisis, and that's loopholes in our Asylum laws. Democrats have yet to move any legislation to close those loopholes.

In the face of congressional inaction, the Trump administration has been forced to act on its own. The administration has secured agreements with Mexico, Guatemala, Honduras, and -- El Salvador, to improve security cooperation across the region and reduce exploitation of our Immigration laws. After negotiations with Mexico, DHS also implemented the Migrant Protection Protocols Program as a part of regional strategy to prevent abuse of our Asylum laws, while protecting those with legitimate claims.

MPP discourages non-meritorious or false asylum claims and actually helps decrease the wait time for immigrant court hearings. Migrants under MPP Program wait months compared to years for those currently within the interior. Congress should focus on -- reforming Immigration laws instead of holding messaging hearings.

Thank you, Mr. Chairman.

I yield back.

HIGGINS: Madam Chair?

RICE: Thank you.

Yes.

HIGGINS: I'd like to seek unanimous consent to submit the Department of Homeland Security's October 2019 assessment of MPP Program, for the record?

RICE: Yes. So ordered.

Other members of the committee are reminded that under the committee rules, opening statements may be submitted for the record.

Without objection members not sitting on the committee will be permitted to participate in today's hearing. And today we welcome our colleague from Texas, Ms. Escobar.

I now welcome our panel of witnesses.

Our first witness Ms. Laura Pena, is pro bono counsel at the American Bar Association's Commission on Immigration. She's a native of the Rio Grande Valley and was previously appointed as a Foreign Policy advisor at the U.S. State Department under the Obama administration, and later served as an immigration trial attorney at the U.S. Department of Homeland Security. Prior to joining the ABA, she served as a visiting attorney with the Texas Civil Rights Project, to assist family reunification efforts after the "Zero-Tolerance Policy" went into effect last summer along the US-Mexico border.

Our second witness is Ms. Erin Thorn Vela, a staff attorney at the Texas Civil Rights Project who advocates on behalf of immigrants and low-income individuals. Ms. Thorn Vela was a front-line volunteer during the family separation crisis last year. Much of her recent efforts have focused on assisting asylum seekers forced to wait in Mexico under the Trump administration's "Remain in Mexico" Policy.

Next, Dr. Todd Schneberk, is an assistant professor of Emergency Medicine at the University of Southern California, an Asylum clinician with -- Physicians for Human Rights. He has worked with displaced persons in Tijuana, Mexico for the last five years and performed forensic evaluations for asylum cases on both sides of the border, including on numerous individuals in the "Remain in Mexico" Program who were waiting in Tijuana.

We also have Mr. Michael Knowles, the president of the American Federation of Government Employees, Local 1924, the CIS Council 119 affiliate representing more than 2,500 USCIS employees in the D.C. region. Mr. Knowles began working with refugee communities in 1975 both in the United States and abroad, in countries such as Afghanistan, Indonesia, and Thailand. He has served as an asylum -- officer since 1992 but is here in his capacity as Special Representative for Refugee Asylum International Operations representing the views of the Union and its members.

Our final witness this morning is Mr. Thomas Homan, the former acting director of Immigration and Customs Enforcement. Mr. Homan began his career as a police officer in West Carthage, New York before joining what was then called the Immigration and Naturalization Service. Mr. Homan has since served as a Border Patrol agent, investigator, and eventually an executive associate director. In January of 2017, President Trump named Mr. Homan, the acting director of ICE where he served until June of 2018.

Without objection the witnesses' full statements will be inserted in the record. I now ask each witness to summarize his or her statement for five minutes, beginning with Ms. Pena.

PENA: Thank you.

Chairman -- Chairwoman Rice, Ranking Member Higgins, and members of the subcommittee. My name is Laura Pena. I'm pro bono counsel for the American Bar Association Commission on Immigration. And I am pleased to testify today on behalf of the ABA President, Judy Perry Martinez. Thank you for this opportunity to share our views with the subcommittee.

The ABA is deeply concerned about the Migrant Protection Protocols also known as "Remain in Mexico" which discriminates against Spanish-speaking asylum seekers and deprives them of full and fair access to the American Justice System. We are further concerned about the personal safety of the more than 55,000 asylum seekers who've been subjected to this policy and return to await in dangerous conditions in Mexico, particularly along the Texas border, and cities of Juarez, Nuevo Laredo, Reynosa, and Matamoros, the latter which -- with which there is -- a refugee tent -- encampment.

To date the ABA is only non-governmental organization that has had a tour of the Brownsville tent court a soft-sided facility erected near the port of entry where MPP hearings take place and which remains closed to the public.

I am based in the Rio Grande Valley and I have represented individuals placed into MPP proceedings. I will briefly identify the primary issues that have led to the erosion of legal protections for asylum seekers under the Migrant Protection Protocols.

First asylum seekers are being returned to dangerous cities where organizations have documented hundreds, hundreds of incidents, kidnappings, and violence. The ABA is concerned that DHS' efforts to comply with its non-refoulement obligations, that is the legal obligation to refrain from sending refugees to countries where they could suffer persecution or torture, has failed. Asylum seekers must affirmatively request a non-refoulement interview to be removed from the MPP Program, placing the burden on the applicant when it is a legal obligation of the United States government. Moreover the legal standard is so high that only a small percentage of applicants actually pass the interview to be allowed to pursue their claims in the United States.

Second, the Brownsville tent court, a DHS-run facility managed by CBP serves as a major obstacle to basic due process protections. To appear for their hearings, asylum seekers with early morning hearings traveled through dangerous border cities in the middle of the night and have to wait on the bridge before they are processed for their hearing. Once at the tent court immigration judges, interpreters, and government counsel appear -- via video teleconference, while respondents appear at the tent court most without an attorney.

The technology can be unreliable leading to disruptive delays that can further traumatize vulnerable asylum seekers. When the technology does function, is provided during the hearings with the exception of procedural matters and as directed by the judge. The procedures for hearings at the tent court result in unfairness and a lack of due process. The tent court also frustrates meaningful access to counsel.

Asylum seekers do have the statutory right to counsel in Immigration proceeding, and although there are many attorney-client meeting rooms available in this particular tent court, these rooms are greatly underutilized due to restricted access managed by CBP. Attorneys may enter the tent courts only to appear at the hearing for an asylum seeker the attorney already represents. Attorneys cannot enter this facility to screen potential clients. Once an attorney-client relationship is somehow created, attorneys can only consult with their -- clients one hour prior to the commencement of the hearing, on the date of the hearing. Attorneys are often prohibited from meeting with their clients, after the end of the hearing, simply to explain what transpired during the hearing, where there is insufficient interpretation.

This all means that U.S. lawyers must go to their clients in Mexico, a dangerous proposition that many attorneys will not take. Each time I need to meet with my client, I must take precautions to ensure my personal safety while in Mexico, I cross only during the day, and must coordinate my visits with humanitarian groups or other colleagues. During one legal visit into Matamoros, and several convoys of heavily armed Mexican Military officials rolled into the refugee encampment, several U.S. attorneys and humanitarian-aid workers evacuated the encampment, out of fear that the Military would begin forcibly removing the refugees. My legal consultation that day was cut short, and I returned days later to consult my -- with my client again, and had to consult along a narrow sidewalk, along the port of entry during a heavy rainstorm, where my client's 4-year-old son was crying because he was scared of the thunderstorm.

This is not meaningful access to counsel, and attorney should not have to endure such dangerous conditions to fulfill their professional responsibilities. For these reasons, the ABA urges that the Migrant Protection Protocols be rescinded, and that procedures be put in place to ensure fair treatment and due process for all asylum seekers.

Thank you for your time.

RICE: Thank you for your testimony.

I now recognize Ms. Thorn Vela, to summarize her statement for five minutes.

THORN VELA: Ms. Chairwoman and committee, thank you for inviting me here to testify about my experience working with individuals that DHS has forcibly removed to Matamoros, Mexico, under the Migrant Protection Protocols or "Remain in Mexico" Policy.

I'm a staff attorney at the Texas Civil Rights Project. For the last two years I have volunteered and work with people seeking asylum in the United States. For the last five years, I have lived and worked along the Texas-Mexico border and all of my work with asylum seekers is on a pro bono basis.

Since August I have spent at least 200 hours providing pro bono legal advice to asylum seekers forcibly removed to Matamoros. The horrors in Matamoros are almost endless. I want to share with you the fear, the risks, and the despair that we attorneys and our clients feel every single day.

No one should be in this program. Asylum seekers in Matamoros surviving flames attends and on the tarps. They do not have adequate food or medicine because volunteers and a few humanitarian-aid groups are the only regular providers of aid. Of the over 1,000 people screened by advocates, more than half report being kidnapped, assaulted, extorted, or raped since being returned to Matamoros. These stories break my heart but no more than stories of children tortured and assaulted that play over in my mind. One mother and her small child were kidnapped less than one hour after the U.S. government forcibly returned them to Matamoros; they were tortured for eight days.

In another case two sisters, aged 7 and 9 were sent by our government to Mexico, and then targeted by local Mexican nationals who sexually abused them. Mexican authorities detained this person for one night and let him go. He returned to the tents the next day.

Neither we nor our partners have been successful in having even these young victims removed from this program. The fact that the U.S. government knowingly permits abuse and torture to be the norm sends a strong message, anyone can target asylum seekers there with impunity and no government will care.

This program design puts people in life-threatening -- conditions, and we have seen DHS routinely ignore its own safeguards. The Agency claims that anyone who has fear of persecution or torture will be taken out of Matamoros, yet almost no one has passed a non-refoulement interview.

The threshold for non-refoulement is required by international law to be low. The person must have a reasonable fear of torture or persecution. I have seen this fear. I've seen asylum seekers shake, and break down and sob; their fears are genuine and confirmed by the U.S. government's own reports about what is happening in this region, yet at interviews asylum seekers report that officers threatened them, ignored them, lie to them, and send them back without any explanation or notice about what has happened in the interview.

DHS' policies say that certain groups of particularly vulnerable people should be categorically barred from being sent to the streets of one of the most dangerous areas in the hemisphere. Some are people with physical disabilities that are apparent by just looking at the person. We have seen cancer survivors, pregnant women, and children with autism and Down syndrome who are still in the camp today.

We represent a deaf non-verbal woman, not once was she given an interpreter for any interaction with federal officers, a blatant violation of her civil rights. Because she is non-verbal, she could not even scream for help when her family was being followed by two men. At the end of her first week there, DHS admitted it had erred in placing her in the program, however it took presenting her three times to the Bridge director, a Demand Letter, and the threat of litigation, to get her taken out of Matamoros.

What would've happened if we hadn't had been there, and why won't the Agency fix these violations of policy and of law, that place particularly vulnerable people in harm's way?

We constantly find people who should be protected under the Agency's own policies. I listened with horror as a lesbian woman in the camp told me that men had punched her in the face, and threatened to rape her, to turn her straight. This woman story is not an anomaly for the LGBT people that we work with.

I am horrified that all I can say to asylum seekers in Matamoros, is this, "Hold on and stay safe." That statement feels so empty when I know how often people are kidnapped directly from their tents, abused, and tortured. It haunts me when I walked back across that bridge to the United States, that I have only these words to console my clients. They should be able to seek safety in safety; that safety is their right by international treaty, the Constitution, and the core principles of our humanity that are enshrined in our Immigration laws.

Thank you for your time.

RICE: Thank you for your testimony.

I now recognize Dr. Schneberk, to summarize his statement, for five minutes.

SCHNEBERK: Thank you for the opportunity to speak.

My name is Todd Schneberk. I'm an emergency physician in Los Angeles, California. I also provide care in Tijuana, Mexico to indigent patients many of whom have been deported from the United States, including young people and some Veterans.

Today I speak as a medical -- expert for Physicians for Human Rights. For more than 30 years PHR has carried out forensic evaluations that assess the degree to which physical and psychological findings corroborate allegations of abuse, and play a key role in the adjudication of asylum claims in the United States.

My work has changed dramatically since the Trump administration rolled out MPP, and my colleagues and I now face and increasing demand to carry out these forensic evaluations across the border.

As a medical expert, I regularly witness the dire impacts of MPP and I'm here to share my assessment of -- that this program should be halted and -- defunded immediately.



First, I'd like to share how my medical assessment of the state in which thousands of asylum seekers arrive at the border. In February of this year I was a part of a PHR team that documented the cases of asylum seekers in Tijuana. These findings later formed the basis of a PHR report entitled, "If I Went Back, I Would Not Survive." We medically evaluated dozens of asylum seekers who share -- shared harrowing stories of extreme brutality and whose physical and psychological scars bore out their narratives. Not surprisingly the majority screened positive for post-traumatic stress disorder, many screened positive for depression, experiencing significant fear and hypervigilance.

I would like to share some of the examples of physical and psychological signs and symptoms that PHR's medical team documented among asylum seekers at the U.S. border; all names have been changed for security reasons.

Jimena, a 21-year-old mother from Honduras who was raped because her husband refused to join a gang told us how armed men entered her house, threw her face down on the kitchen floor, one of the men held her down, while the other man raped her. She described her physical state afterwards. "I had bruises on my shoulders, where they held me down. I had pain in my abdomen for three days, and in my stomach throughout my pregnancy. It hurt to sit down."

PHR medical experts noted signs of severe depression and hypervigilance, having to wait in Tijuana only compounded her fear and anxiety.

Perhaps the most distressing cases PHR documented concern children. Antonio an 8-year-old Honduran boy was attacked by two paramilitary men with a machete. Since the attack his parents told PHR that he cries often, and must hold his mother hand -- mother's hand to be at ease. Since they arrived in Tijuana, Antonio defecates in his bed and suffers from nightmares, where he yells, "Mom, hurry, hurry. The guy is going to kill us." Antonio himself reported symptoms of PTSD and anxiety disorder as well as somatization, whereby psychological distress manifests his physical ailments and attention problems.

As most asylum seekers stuck in Tijuana, Antonio did not have access to mental healthcare or adequate medication or therapy for Attention Deficit Hyperactivity Disorder which likely exacerbated his condition.

Since the completion of PHR's investigations, I have completed -- I have participated in multiple forensic evaluations of MPP returnees through a network of both Mexican and U.S. physicians and attorneys. Here are a few -- here are -- snapshots of some of these cases.

Alec is a Honduran evangelical pastor who was assaulted multiple times and shot in the leg for opposing gangs trying to recruit youth. Gang members then raped his wife, threatening that it would keep happening unless he left the area. Alec fled after his -- wife was raped the second time. In addition to his physical scars, Alec screened positive for depression and PTSD. Although he was granted asylum in Immigration Court, it was immediately repealed.

Martin is a young man who fled Honduras due to pressure to join a gang. He was diagnosed with epilepsy as a boy for which he was prescribed a combination of medications. After being forced to wait in Tijuana, Martin suffered several seizures that caused -- significant head and facial. Although a charity helped him find medications, U.S. border officials confiscated every time he crossed into the United States to attend his hearings, despite medical letters, from myself and others attesting to the importance of this medications.

While I continue to work with MPP returnees in Tijuana, I also provide emergency care in Los Angeles. Like any ER doctor, I first tried to make the patient feel safe and control their environment so that we can comfortably discuss and address their needs and fears. For the thousands who wait in Tijuana however, the standard of safety and basic health needs are impossible to meet.

Since this Program begun in February, I have seen firsthand how MPP puts the -- mental and physical health of asylum seekers at grave risk, harming a population that has already experienced severe levels of trauma. The stress and constant vigilance required to survive in an under-resourced border town like Tijuana exposes these asylum seekers to further violence and exploitation and each day that they are forced to wait, compounds the trauma that forces them to seek -- safe haven.

I urge Congress to take action by directing DHS to immediately -- defund MPP and abolish metering as well as any policies that negatively impact the right to seek asylum or risk re-traumatization of this vulnerable population, such as programs intended to authorize officials other than trained USCIS asylum officers to conduct credible fear interviews.

I also urge Congress to pass new legislation to safeguard against policies or directives that effectively restrict individual's access to asylum protection in the United States.

Thank you.

RICE: Thank you, Doctor.

I now recognize Mr. Knowles, to summarize a statement for five minutes.

KNOWLES: I wish to thank the committee for giving me the opportunity to testify here today. I want to reiterate that I am here in my capacity as the Union representative for USCIS employees, and not in my official capacity as an asylum officer. I am not authorized to speak on behalf of the Agency but I speak on behalf of our members.

I have an extensive written statement which is submitted for the record and I would like to draw attention to some of the exhibits, one being our amicus, "friend of the court" brief that we submitted in the Ninth Circuit in June, in support of a lawsuit brought against DHS on its MPP Policy, and we extensively document the objections of our members to this policy, in that -- in that amicus brief.



We've also submitted a very important new story, documents, regarding the much-publicized resignation of one of our asylum officers from San Francisco, Mr. Douglas Stevens, he was a subject of some news stories in both print and on the radio over the last weekend, and we've included a transcript of the radio broadcast and his own statement of resignation in which he outlines the legal objections. And we just want to say for the record, that the Union stands firmly behind Mr. Stevens and other asylum officers who have bravely raised their voices.

As indicated in my bio, I'm well acquainted with this field, having served as an asylum officer since 1992, the second year of the programs' inception and before that worked for many years abroad. I'm well acquainted with crisis. I'm well acquainted with conflict having worked in war zones ranging from Vietnam to Cambodia, to Afghanistan, and refugee camps across Western and Southeast Asia, as well as refugee camps here in the United States.

I mentioned that because many of my asylum officer-colleagues are just like me. They bring extensive experience, they're subject matter experts in the field, they were hired by the government to conduct some of the most difficult and complicated work of the Immigration Service and they do so proudly, as patriotic citizens and public servants. Many of them are attorneys, many of them have advanced degrees, and extensive experience in the Human Rights field and we're very dismayed that statements by this administration's leadership, our own Agency leadership has disparaged this loyal work-force and going so far as to question their integrity, their competence, and their loyalty to the United States.

And I asked that this committee regardless of party or inclination on this matter would do its utmost to uphold the good name and the loyalty of these brave men and women.

My colleagues here on the panel have eloquently testified to the effect of these programs on the migrants and asylum seekers and I'm here today to talk about the effect, the very serious effect on the officers that have to carry out the work. Many of them have expressed their concerns internally, some publicly, all in good conscience, none out of disloyalty. We've had disparaging remarks indicating that they just don't agree with policies or that they're politically motivated, and we categorically deny those allegations. We are non-partisan professional civil servants; we took an oath to uphold the Constitution and the laws of the United States, and our objection to the policies, like MPP, which is only one of many egregious policies, that are being implemented, our objections are based in our oath, and in our commitment to uphold the law.

These policies are blatantly illegal. They're immoral, and indeed are the basis for some egregious human rights violations by our own country. We have been threatened with retaliation, with investigations of leakers and whistleblowers. We've had some of our members threatened with discipline and most shockingly, we witnessed the precipitous removal of Mr. John Lafferty, the chief of the Asylum Program who is one of the most-highly respected civil servants I've had the honor to serve with, he was summarily dismissed and transferred with no explanation. I have no insight into that action but my members and I have reason to believe it was because of his devotion to the Program, to its integrity, and to its work force, and he was seen as an obstacle to carrying out some of these policies.

So in closing, I would ask this committee to have more hearings like this. We need more exposure of these situations. MPP is only one of many serious abuses in this field. We filed a brief on these so-called "Third-Country Transit Bar," and as you've read in the news, we are on the eve of yet another egregious abuse by our country whereby asylum seekers will be transported to have asylum cases heard in Guatemala, not by our own country, but by a country that produces many refugees itself. Our officers are dismayed. They are -- they remain committed to the job but they asked me to implore this committee, to please intervene to put a stop to this injustice.

Thank you for your time. And I look forward to answering your questions.

RICE: Thank you, Mr. Knowles.

I now recognize Mr. Homan, to summarize his statement for five minutes (ph).

HOMAN: Chairman Rice, Ranking Member Higgins, and members of the subcommittee. The Migrant Protection Protocols is an important step in regaining control of the southern border.

When the MPP was implemented, the numbers of illegal aliens crossing our border illegally was at unprecedented levels. The MPP requires that certain foreign individuals entering or seeking admission to the U.S. from Mexico may be returned to Mexico and wait outside the U.S. for the duration of their immigration proceedings. Our country is still facing a security and humanitarian crisis on the southern border, and I applaud DHS for using all appropriate resources and authorities to address the crisis.

Over 70 percent of all illegal entrants in U.S. this fiscal year are family units and unaccompanied children and mostly from Central America. Even though over 85 percent of all central Americans that arrive at the border claim fear, less than 20 percent get relief from our courts because they simply don't qualify for asylum or they don't show up for their case. The last numbers I saw from the Immigration Court reports that are online showed almost half, 46 percent of those that claim fear at the border don't file a case with EOIR. Once they are released in the U.S. which is their primary goal, they disappear and wait for the next DACA amnesty to roll around.

Misguided court decisions, outdated laws, and the failure of Congress to close the loopholes that have caused this unprecedented surge has made it easier for illegal immigrants to enter and remain in the U.S. Of the most recent 100,000 family units have been ordered removed after due process, less than 2 percent have left. In June of this year just five months ago Acting Secretary McAleenan testified that 90 percent of all family units in a most recent pilot study failed to show up in court after being released from the border.

The MPP will help to ensure that those who claim asylum and want to see a judge and to get due process will actually see a judge. I hear from many including some here today that these migrants have a right to claim asylum, they have a right to see a judge, and they demand due process and I agree but there's a flipside of that coin, after due process, if ordered removed by a judge, that order needs to be followed and executed or there'd be absolutely no integrity in the entire process.

The loopholes that Congress has failed to close along with the numerous enticements such as: abolish ICE; no more immigration detention; free healthcare for aliens; sanctuary cities; a pathway to citizenship for those here illegally, all encourage more people to make that dangerous journey which continue to bankroll criminal cartels; the same cartels that are smuggling drugs in this country at alarming rates.

ICE seized enough opioids last year to kill every man, woman and child in this country twice. Thirty-one percent of women are being sexually assaulted making this journey and children are dying. Border Patrol agents rescued over 4,000 migrants who may have died if they weren't found and saved by Border Patrol agents, but you don't hear a lot about that because people are too busy calling the Border Patrol racist and Nazis.

Now there is a crisis on the border even though many said there were no caravans, there were and we saw them. Others say it was a manufactured crisis, and now we know it wasn't. Their president has been right from day one on this and has done everything he can but within the law, in trying to secure our border and protect our sovereignty. As a matter of fact on May 7th of this year, the Ninth Circuit Court of Appeals stayed an injunction against MPP, and has allowed it to continue. The significant gains made on this issue are because of our president and the men and women of the CBP and ICE. Again MPP is based on the laws written by Congress and upheld by the Ninth Circuit.

I am here in another hearing today, that will examine a policy implemented by the administration in an attempt to secure our nation. However have seen no hearings in the House regarding the three loopholes that are causing the crisis such as: abuse of the asylum process; the Flores Settlement Agreement; or the TVPRA, trafficking of victims that trafficking of victims at Trafficking of Victims Act; no hearing on sanctuary cities; or the numerous victims of crimes at the hands of those released back into the street rather than being turned over to ICE; no hearings on a way forward, discussing attacks against the men and women who serve within the Border Patrol and ICE; no hearing about securing our border.

The Border Patrol has said that 40 to 50 percent of their manpower is no longer on the frontline defending our border because we're dealing with these families and the UACs. When half of our Border Patrol is not on the line, the Border Patrol is more vulnerable to drug smuggling and the smuggling of bad operators such as cartel members, gang members, and those who want to come to this country to do us harm.

If you are someone in this world and wants to come to the United States and do us harm, our border is vulnerable. It's harder to buy a plane ticket to the U.S. or get a visa here because after 9/11 we have all sorts of security checks and derog (ph) searches are conducted. If you want to get here and do us harm, you're going to come here the same way, 12 to 20 million others did, illegally -- through our southern border, especially now because half the border is unguarded.

The president recognized this and has taken unprecedented actions to address this crisis and I applaud him for doing it. Now it's time for this body to legislate and address this crisis and protect our nation.

I look forward to answering your questions today. Thank you.

RICE: Thank you.

I thank all the witnesses for their testimony.

I will remind each member that he or she will have five minutes to question the panel.

I will now recognize myself a question.

Mr. Knowles, I'd like to start with you. So there have been news reports, at least one issue late last week that seem to indicate that asylum officers were pressured by Border Patrol agents to deny certain migrants, entry into the United States. To your knowledge has this happened? And what have your member share with you about the directives they're asked to carry out under the "Remain in Mexico" Policy?

KNOWLES: I -- am I on the speaker?

RICE: Yes.

KNOWLES: Sorry. I have no direct knowledge of the -- what you just mentioned in the news report although I've read the news report of Border Patrol agents directing asylum officers to make certain decisions.

I did not get the last part of your question?

RICE: What have your member share with you about the directives they are asked to carry out under the "Remain in Mexico" Policy?

KNOWLES: Well they have shared -- I -- first of all I don't know a single asylum officer in the country, and I speak to them all over the country, who believes that this is a good policy; most of them have been very vocal in talking to me about how it's illegal and it places them, feeling that they are complicit in a human rights abuse. They're sworn to carry out our laws which guarantee due process for asylum seekers; not every asylum seeker is guaranteed asylum but they are guaranteed due process and humane treatment, and under MPP the asylum officer is not even allowed to ask them about their asylum claim, they can only ask them about their fear of remaining in Mexico and that process is carried out at a very high standard which is almost impossible for the applicant to meet.

Moreover we've had asylum officers who in applying very rigorously the flawed MPP rules, try to make positive decisions and they were overruled by their supervisors and headquarters' monitors saying, "No. That doesn't meet the standard," with no real legal explanation other than, "The Front Office has eyes on this."

RICE: So you mentioned also that people who felt threatened with retaliation and also how whistleblowers were being treated. I have very limited time so I would like to follow up with you on those specific issues.

But you also said that MPP was one of many programs that should be either revised or done away with. You also mentioned the asylum hearings being held in Guatemala and not even being supervised by officers -- American officers. What other programs were you talking about when you -- that -- you would include in that category?

KNOWLES: So we have written four amicus briefs that I would urge your committee to look at. The first was opposing the Travel Ban and the suspension of the Refugee Program in 2017. The second was on MPP. The third was on very questionable changes that came, we believe from the White House to our Training and Policy Guidance manuals that officers must use which had the effect of substantially changing and altering the way that we do credible-fear screening, in ways that we believe were unlawful. The fourth brief, we filed a month ago, opposing the so-called Interim Final Rule which imposes a bar on asylum seekers, a -- an absolute bar to asylum seekers who passed through other countries and did not seek asylum there.

Over the weekend there was published in the -- in the Federal Record, a new rule that will -- as I understand, be implemented this week and our offices are to be trained today. In fact I'm supposed to attend the training myself on how cases will be adjudicated, who will -- these -- asylum seekers will be transported to Guatemala, to have their asylum cases heard in Guatemala by the...

RICE: Right.

KNOWLES: ... Guatemalans...

RICE: Right.

KNOWLES: ... not by the United States.

RICE: Thank you for pointing that out.

Dr. Schneberk, for the remaining time I have, I mean, the trauma that is done to these people and it sounds like a large portion of them are women and children, and other vulnerable populations, what are the long-term consequences on their mental, emotional, and physical health? And what is the likelihood that they're going to be able to recover from that?

SCHNEBERK: Briefly you know, there's a whole area of medicine called Trauma Informed Care, and trying to figure out how we do a better job taking care of these folks is an ongoing study. I mean but start -- to start with you know, trying to create safety is kind of rule number one. Long-term outcomes you know, there's a -- you could imagine the amount of mental health effects as a result of these types of experiences but I mean there's not only just mental health issues you know, there's actually higher morbidity, mortality as in people die you know, at younger ages because of adverse childhood events.

There is a famous study because the ACEs Study that basically documented a lot of these adverse childhood events, one of them being you know, incarceration of a parent and there's a lot of extrapolatable types of experiences that you look at what's going on with the kids and younger people that are subjected to these policies and it's pretty easy to say there's going to be a lot of health -- denigrating health effects.

RICE: I want to thank you all for being here today.

And I now recognize the Ranking Member of the Subcommittee, the gentleman from Louisiana, Mr. Higgins, for questions.

HIGGINS: Thank you Madam Chairwoman.



Mr. Homan, under the Migrant Protection Protocols, an international agreement between United States and Mexico, just clarify for America, please, America is watching. Mexican government provides migrants with humanitarian protections for the duration of their stay. Both the government of Mexico and faith-based shelters are housing migrants who have been returned as part of MPP. And just to put a number in this to clarify for America, as of November, the count is 57,430 illegal immigrants have been returned to Mexico, to be housed by Mexican government and faith-based shelters under this program.

And I'm sure we all recall, very recent history, we were facing a hundred and fifty thousand crossings a month so just to put this in perspective, a certain percentage of illegal crossings are intercepted, processed, and returned to Mexico while their asylum due process moves forward and we have done our best to accommodate court systems, to give them access for more rapid resolution, is that a -- generally a good description of this program, Mr. Homan?

HOMAN: Yes, sir. You're accurate.

HIGGINS: OK. Do you have personal knowledge of the -- what's identified as faith-based shelters that are being used?

HOMAN: No. I know the United States government along with IOM, a division of -- United Nations, is helping to oversee the process. We're also -- we're also -- there's also -- there's actually funding the United States flowing into Mexico to help pay for the expenses of these facilities.

Miss -- Thank you, sir.

Ms. Vela, are you familiar with the faith-based shelters?

THORN VELA: I'm familiar (inaudible)...

HIGGINS: Generally speaking, we're not -- trying to...

THORN VELA: ... Yes Congressman, there are faith-based shelters.

HIGGINS: OK. Are these generally -- the Children of God, that occupy those shelters, are they generally of Hispanic origin?

THORN VELA: Yes.

HIGGINS: They speak Spanish?

THORN VELA: Yes.

HIGGINS: Your opening statement, and thank you for your very thorough opening statement, essentially accuses the United States of purposefully sending MPP illegal immigrants -- which we're just trying to handle a due process, it's quite a situation down there. You're essentially accusing the United States of purposefully sending these immigrants into a horrendous situation where -- based upon your testimony you -- essentially indicate that the -- those Mexican government officials and faith-based organization workers -- the primarily volunteer workers that are occupying the shelters and running them, that they don't care about these MPP folks, that they have no -- they have no compassion for them, the -- is that your position that these -- that these folks down there have no compassion for the MPP?

THORN VELA: I understand that the government of Mexico has said that they are providing aid but our -- from the ground, what we see every day, we don't see that aid. Certainly...

HIGGINS: All right. So just...

THORN VELA: ... anyone could (inaudible)...

HIGGINS: ... just to clarify...

THORN VELA: ... (inaudible)...

HIGGINS: ... you have the right to your opinion. I will defend your right to have your opinion, good lady. I just want to clarify, you seem to be indicating that the United States has set up some system where we're knowingly sending MPP, illegal immigrants, into shelters that are run by folks that don't love them and care for them. In fact they're quite hateful towards them.

THORN VELA: ... from what I've seen towards -- in Matamoros, Congressman, they are not -- the individuals being sent back to MPP are not being sent back to shelters. They are living in the streets, in a two-thousand-person refugee camp that does not have any shelter for them; the only aid -- the only compassion that they are getting are from volunteers that that are...

HIGGINS: So that...

THORN VELA: ... crossing over (ph)...

HIGGINS: ... would be an indication -- just in the interest of time, you're -- you're stating that the Mexican government is not living up to its agreement with -- under MPP?

THORN VELA: ... I have not seen that promise fulfilled on the ground in Matamoros.

HIGGINS: All right. One final question, and thank you for your candor, Madam, that you've made courageous statements and this committee cares about these things.

But I ask you, regarding MPP illegal immigrants being knowingly returned to Mexico to be tortured, that's -- that's quite an accusation. Do you have any proof of that?



THORN VELA: We have partners on the ground that worked with the young mother and her child that were tortured and released. The young child...

HIGGINS: You're referring to one case out of almost 58,000?

THORN VELA: ... I personally I'm only aware of that case but I have partners that work not only in Matamoros but throughout the border where MPP has rolled out and my partners can tell dozens and dozens and dozens of stories of very similar conduct.

HIGGINS: Thank you all for your testimony.

Madam Chairwoman, my time has expired.

RICE: Thank you, Mr. Higgins.

The chair recognizes for five minutes the gentleman from Mississippi, Mr. Thompson.

THOMPSON: Thank you very much.

Those of us who've been in the area where the returning Mexico policy is being implemented have real questions about the health and safety and sanitary conditions of the people who are there. I don't think those standards are the standards that we hold dear as Americans in this country, and I think our concern more than anything else is when you implement a policy that lowers your standards as a country, then that is changing the values of who we are as a country. So when you put the burden on changing the policy in terms of returning people to Mexico, in a dangerous situation, that's not who we are as a country. And I think the more important part for us is, why change a policy that puts people at risk and that's one of the reasons we are here today.

We heard from two attorneys, a doctor, and a practitioner, that some of those policies we put in place have in fact changed the lives of the people who are coming to this country seeking asylum and as a -- somebody whose ancestors came to this country as slaves who were absolutely mistreated, I think I have a sensitivity, and some others here, that we don't want our country to ever be part of anything that mistreat people.

So the goal of why we're here today is to make sure that as the American government does its Immigration policies that we still see people as human beings; we are a nation of laws, we have values that we have to uphold, and so that's why we're here, that's why I complemented the chairwoman for having the courage to hold a hearing like this.

It's a tough situation. I'm a grandfather. The last thing I'd want is for somebody to mistreat my grandchildren just because they don't look like them. I don't want that. I voted for the Affordable Care Act because I think in America everybody ought to have an opportunity, if they are sick, to go to the doctor. Those are the American values that we hold as Americans and I think we have to be mindful of that.

So with that preface, Ms. Pena, do you think our standards of jurisprudence are being upheld with this -  
- "Remain in Mexico" Policy?

PENA: Thank you for the question, Representative Thompson.

In front of me, I have the Immigration and Nationality Act. This is the law passed by Congress. And I appreciate the question because I want us bring -- I want to bring us back to the legal obligations in jurisprudence which is being circumvented and violated through the MPP protocols.

My job is pro bono counsel, at the American Bar Association and I often train non-immigration attorneys in Immigration law. In fact sometimes I have Tax attorneys tell me this is very complicated law. The way I describe this law, particularly -- these specific statutory provisions which are being utilized to implement the "Remain in Mexico" Policy is as such, and please bear with me Representative.

Imagine Section 235 which is expedited removal statute is a mountain, all right, 240 proceedings which are full 240 proceedings, is another mountain directly -- across from it. There is a valley in between. To get out of summary removal proceedings and into full Immigration proceedings, 240 proceedings, there is a narrow bridge. What "Remain in Mexico" has done, is taking a small pebble of law in Section 235 and created a wrecking ball with it. And it has demolished this narrow bridge that included legal protections. The credible fear process has been -- interview process has been completely annihilated, and Mr. Knowles has testified to some of the challenges that the asylum officers are frequently raising.

Now 240 proceedings, I heard earlier, you know, the proceedings are expedited instead of -- several years it's -- it's -- it's months. Well what good is a proceeding if it's rendered virtually meaningless? There is no lawyer; 2 percent of MPP respondents have lawyers. One attorney utilized University of Texas data and analyzed that if MPP did not exist, the number of respondents in MPP that would have attorneys would be over 15,000 people, so there's no meaningful right to an attorney.

There's also no meaningful proceeding, at least in the tent court you can see the judge on a video but you can't understand the judge. You can't effectively communicate with the judge because the interpreter is not simultaneously translating the hearing. There are no legal service providers. In San Diego, I -- I observed an MPP hearing in the brick-and-mortar courts in San Diego and the judge ask the pro se respondents -- a father speaking on his behalf of his family, "Did you receive a notice from the Department of Homeland Security which includes a list of pro bono legal survivors?"

The father -- providers, excuse me, the father said, "Yes. I received that. However I called all the numbers and none of them will provide us services. None of us will represent us because we are in Mexico."

So there is effectively nobody who can help these individuals, to translate their applications into English, to make sure that they can file it with the courts.

And of course all the meanwhile, they're trying to go through these proceedings, they're subjected to -- horrendous conditions, dangerous conditions.

So Representative thank you for the question. I believe we are circumventing our international obligations which are -- which are codified in U.S. law. Thank you.

THOMPSON: Thank you.

I yield back Madam Chair.

RICE: Thank you, Mr. Chairman.

The chair now recognizes for five minutes, the gentleman from Alabama, Mr. Rogers.

ROGERS: Thank you, Madam Chairman.

Ms. Vela, is it your position that the entire country of Mexico is dangerous?

THORN VELA: For asylum seekers, yes.

ROGERS: The entire country?

THORN VELA: I would say that asylum seekers are at a very heightened risk for danger in...

ROGERS: Why is...

THORN VELA: ... Mexico (inaudible)...

ROGERS: ... that?

THORN VELA: ... because throughout the journey in Mexico, migrants are facing these same conditions that the U.S. is returning them to in MPP.

ROGERS: So if a migrant were to escape Honduras -- I think you gave an example of a gang member who -- or gang members who raped a young lady, if her husband didn't join a gang. Was that you that gave us...

THORN VELA: No. That was not me...

ROGERS: ... that's you?

THORN VELA: ... Congressman.

ROGERS: Well that example was given so let's say a migrant was escaping Honduras for that reason and they went to Mexico City. Your view is they would be danger -- in danger in Mexico City?

THORN VELA: I would say migrants, they are at a heightened risk, they're been targeted yes.

ROGERS: In Mexico City?

THORN VELA: I would say, yes.

ROGERS: OK. Well here's my concern. I understand that you've described the encampments on the northern border as being overcrowded and maybe not, as healthy as you'd like them to be but I find it impossible to believe that the entire country of Mexico is dangerous for migrants.

And the country of Mexico has offered asylum to all these asylum seekers who are escaping Guatemala, Honduras, Venezuela, whatever. You know, as well as I do, the overwhelming majority of the asylum seekers in the -- that reach United States are not approved, 87 percent are not approved; they're economic, they're seeking economic advantage. I don't blame them but they're not in danger and certainly once they get out of Honduras and are in Mexico, they are no longer in danger so we need to be recognizing that people are coming up here for economic opportunities and they have been overwhelming our system.

Mr. Knowles, you talked about the interview process. When will the last time you personally conducted an interview of an asylum seeker under the MPP Program?

KNOWLES: I -- it should be known that I am almost a full-time union Representative so I'm excused from my regular duties. I have not personally conducted MPP interviews although I am in daily contact with those who do...

ROGERS: But you have?

KNOWLES: ... it has been about four years since I have adjudicated personally asylum cases but I have adjudicated many in the almost 30 years that I've served.

ROGERS: In this crisis though you have not -- carried out any interviews in recent years to know the abuses that you described in your statement?

KNOWLES: I -- I'm sorry. Could you repeat that?

ROGERS: You described abuses in the process during your statement a little while ago.

KNOWLES: Yes.

ROGERS: And those are just being related to you through other individuals, you haven't personally...

KNOWLES: I haven't really...

ROGERS: ... conducted those interviews...

KNOWLES: ... No.

ROGERS: ... to see those...

KNOWLES: I have not personally...

ROGERS: ... That's my point.

KNOWLES: ... (inaudible)...

ROGERS: Mr. Homan, you described in your statement that MPP will help deter those who are seeking to exploit loopholes in our Immigration system. Can you describe for us some of the loopholes that you think are driving this train?

HOMAN: Well there's three loopholes that -- when I was still the ICE director, I worked with Secretary Nielsen, who -- trying to work with the Congress. The three loopholes are the Flores Settlement Agreement, in F.Y. '14/'15 under the Obama administration we detain families -- it took about 40 days to see a judge, 90 percent lost their cases, we provided an airplane to send them home and guess what? The numbers on the border drastically decreased.

But then the Ninth Circuit said you can only hold them for 20 days, they get released. We're asking Congress to look at that and let us detain families for like 40, 45 days so they can see a judge, in a family residential center, not a jail.

The second issue is the asylum process itself, where you know, practically (ph) 90 percent will pass the first fear interview because the thresholds are put lower and I understand why in the statute -- as you said when they get in front of the court -- 87 percent lose so there's too big of a delta, so that first interview, that threshold needs to be raised so it makes more sense with the judiciary threshold.

And the last thing would be the TVPRA, Trafficking Victims Protection Act because if you're a child from Mexico and you enter the country legally and it is ascertained you're not a victim of trafficking, you can be returned to Mexico immediately but if you're from Central America you can't be returned immediately, you've got a whole new immigration process that takes years, so we're asking the children from Central America be treated the same as children from Mexico.

TVPRA had a great intention so -- of identifying trafficking and preventing it but it is being exploited now by the cartels and the criminal groups.

ROGERS: Right.

Finally, Ms. Vela, do you know, how many immigrants who were allowed into this country, awaiting their hearings were removed this year alone in absentia?

THORN VELA: Not familiar with that...

ROGERS: Eighty-nine...

THORN VELA: ... statistic.

ROGERS: ... thousand, just this year. The overwhelming majority of people do not show up for these hearings once they get into this country. That's not a situation that we can continue to allow.

Madam Chairman, my time has expired. Thank you very much for your patience.

RICE: Thank you, Mr. Ranking Member.

The chair now recognizes the gentlewoman from New Mexico, Ms. Torres Small.

TORRES SMALL: Thank you, Madam Chair.

Ms. Vela you testified about the real harm that clients experienced while waiting to pursue their legal claims for asylum. I've spoken with a local pastor in the district that I represent, that's the Sister Church in Juarez, their church -- they provide shelter. They've been targeted and robberies and they don't have the resources to protect these individuals from being targeted by the cartels.

My question for you is whether you believe that "Remain in Mexico" or MPP can create a disincentive for migrants to legally present themselves at ports of entry to pursue their legal claims for asylum and instead attempt to cross undetected to the United States?

THORN VELA: Thank you, Congresswoman. Yes, I do believe that it creates an incentive for people to not get -- present themselves at the bridge to request asylum. I know many individuals at Matamoros who even before MPP was rolled out into Matamoros were -- presented themselves to the bridge and they were placed on the metering line that was there prior to the MPP rollout. Those people waited in line, followed the law, wanting to present their case there at the bridge, and then once MPP was rolled out into Matamoros, they ended up being placed in MPP. And so many individuals see this now that you know, they want to follow the law, they want to do this the right way and they end up getting placed right back in Matamoros.

TORRES SMALL: Thank you. I've also heard from CBP individuals that have seen -- that processed the -- numerous crossings back and forth for their proceedings in the United States and that's also added a strain just on our ports of entry. Have -- Ms. Vela have you -- do you believe that MPP has been cost effective or yielded a more efficient processing of asylum seekers?

THORN VELA: I don't believe that it's more efficient. The ports of entry are very busy places, many people cross every day, U.S. citizens, Mexican residents, and so it has really congested the ports of entries in the morning when -- they're lining asylum seekers up people are having to go very, very early in the morning, 4:00 a.m. for an 8:00 a.m. hearing and so it is really caused a lot of delay there at the ports of entry.

TORRES SMALL: Thank you, Ms. Vela.

Mr. Knowles, I appreciate your testimony and would like to hear based on your experience representing asylum officers. How has the broader mission and morale of asylum officers been impacted by "Remain in Mexico" or MPP?

KNOWLES: Well I'd like to say historically our morale has been extremely high because people are drawn to the protection work which is also protection of our country and we've done a very good job and we've received very high marks from every administration, except this one.



The morale under this administration has plummeted, not because of people's political views but because of the way that we've been treated and the way that we have been required to carry out very questionable programs; we have not been consulted either the Union or the workforce on the advisability of the various methodologies or procedures, we're just told to carry it out and if we don't like it we can go work somewhere else...

TORRES SMALL: Thank...

KNOWLES: ... so that...

TORRES SMALL: ... you.

KNOWLES: ... so that has a -- that has a big hit on morale.

TORRES SMALL: Thank you. And Mr. Knowles I've also heard from local Catholic charities, attorneys, that these fear hearings and the new rules and consequent training that's necessary for that can actually have a negative impact on the docket. What effect have you seen or the asylum officers you represent seen that the "Remain in Mexico" or MPP policy has had on their -- other EOR -- EOIR dockets?

KNOWLES: I'm -- I'm not sure I understand the question.

TORRES SMALL: So my question is, whether you think the increased number of fear hearings and back and forth as well as the constant changes in rules has impacted other cases, other than asylum cases in the EOIR dockets?

KNOWLES: I wouldn't be able to answer about the EOIR docket because I'm just representing people who do the asylum interviews here at USCIS.

TORRES SMALL: OK. Thank you.

I -- want to turn to Ms. Pena, and my last quick moment. You mentioned that only 13 percent of individuals who receive the fear screenings have received positive determinations. Do you feel that if there is meaningful access to legal representation this number would be different?

PENA: Yes (inaudible) -- excuse me, thank you for the question, Congresswoman. Yes, and we're seeing at least one federal judge has enjoined DHS from disallowing attorney's access to those non-refoulement interviews. So just in the past week or so attorneys have started having access, so we'll see how the numbers change with access to attorneys. I will say as a practical matter, it's very, very difficult because CBP often doesn't allow attorneys access, period to these -- areas.

TORRES SMALL: Thank you, Ms. Pena.

My time as expired.

RICE: The chair recognizes for five minutes the gentlewoman from Arizona, Ms. Lesko.

LESKO: Thank you, Madam Chair.

My first question is for Mr. Homan. You know, we have talked about these loopholes in previous hearings as well and you have eloquently talked about them just now. And I have said before and I will repeat again, I think these loopholes actually incentivize people to travel thousands of miles, pay cartels huge amounts of money, a lot of the women are getting raped. We've had evidence how children are being abused by the cartels and so changing some of these loopholes and clearing them I think is -- will help mitigate the entire problem.

I think all of us care about people that are being abused. If somebody is being raped by cartels, or children being abused by cartels, of course none of us up here would want to ignore that but the -- there's a difference in how we should mitigate the problem.

And so Mr. Homan, what -- I have six bills that have introduced and sponsored that would try to clean up these loopholes, to stop incentivizing people from coming here. And one of them is to raise the credible fear standard for asylum because as you said the initial standard is too low, as evidenced by the numbers, I mean like 85 to 90 percent of them pass the initial phase but then you know, a huge number, what is 86, 87 percent, when they finally go in front of a court don't.

So if we solved that problem with the loopholes, how would this affect this going back to Mexico, the MPP protocol, could we get rid of it? Do you think?

HOMAN: Well certainly, it will have an effect on it because if we had a meaningful asylum bar that people couldn't come up and just claim to say two or three key lines to get approval, they'd stop coming because look, the bottom line is the data of the Immigration Courts are clear that, 87 percent of these people do not qualify or fail to show up so if they know before they leave their home land, spend their life savings making this dangerous journey, that their chance of getting approved because they know they're not escaping fear and persecution from the government because of race, religion, political beliefs, they'll stop coming. And enforcement law has a meaningful effect. If you look at consequences, deterrence, it means something.

And couple of things I just want to add to this is, is I've heard a lot of testimony here today but you know, I'm hearing today that the people think the system is rigged against the immigrant now but the approval rates and the denial rates have not changed from that (ph) by '14, '15, to today so if there is a - - if there is a fix put in, the denial rates back in '14 and '15 under our first family detention center, we're still about 87, 90 percent, so the denial rate remains the same so I don't see -- I don't see the correlation on -- if there is a fix then.



And as far as representation, does representation make a difference? If you look at your old data, the approval rates anywhere from 10 percent, the high to 20 percent, and representation rate has not changed beyond 20 percent, even if they're represented by an attorney, and that's -- that's tracked in EOIR datasheet, so representation really doesn't make a difference because they don't qualify, and the representation is not going to change the facts of the case. So -- and this is all available on the Immigration Court database.

LESKO: Thank you, Mr. Homan. Another question I have for you Mr. Homan is, is it fair to say that right now the immigrants that are seeking asylum that are in Mexico waiting, are they able to say that, "Oh, I'm afraid to be in Mexico," and have you know, get a hearing on that? I think my data says that, yes, they are. Fear screenings are established part of the program and as of October 15th, 2019 USCIS completed over 7,400 screenings to assess the fear of return to Mexico so people that are in Mexico under this program can actually say I'm afraid, and go and...

HOMAN: Well the...

LESKO: ... kind of (inaudible).

HOMAN: ... the interviews in the beginning, when they enter United States, they've -- they cannot be returned to Mexico if they established a clear danger to return to Mexico, that danger -- they'd be -- they'd be at you know, in harm's way so that's -- that's an affront. They can't be sent back to Mexico without that interview occurring, that there is no fear to return to Mexico.

LESKO: I...

HOMAN: That's on the front end of that.

LESKO: ... All right. And...

HOMAN: And I want to add one thing?

LESKO: ... Sure.

HOMAN: I do think there are some in Central America that qualify for asylum, so I -- you know, I'm not painting with a broad stroke saying, it's all fraud but based on the data and the findings of the judges across this country, 80 percent -- 87 percent do not. There are certainly people who -- certainly do fear of return to their home land but the problem is when you've got 80 percent rate of denial and fraud, you're backing up the system for the people in this world that are really escaping fear and persecution from their home land such as some of the African nations and other nations around the world, who really do need our help. And the system is being -- it's -- so it's -- the asylum claims are up over you know, 2,000 percent last couple of years. It's troubling for the ones that really do need our help.

LESKO: I agree.

And I yield back.

RICE: Thank you.

I just want to -- take note that you know, there are a lot of numbers being thrown around, 87 percent of people don't show up for their first hearing. There's other DOJ information that says that that number is actually 85 percent of people who do show up.

If you look at our track which is the system that's housed at Syracuse University that more closely tracks EOIR Immigration Court proceedings, they note that DOJ is starting to limit the access to the database.

There was just a recent story in The Washington Post that did a long fact check -- and I know we can disagree about the accuracy of The Washington Post, and this is just for -- future discussion, The Washington Post did a long fact check story on the numbers that Republicans use when talking about this issue, the 90 percent no-show rate that is referred to consistently was -- that number was actually quoted by the former Acting Secretary McAleenan in a Senate Judiciary Hearing a few months ago, that he ultimately had to walk back. He was referring to a pilot program being used on only 7,000 cases.

So my point is that I think for us to have a real conversation about this, we have to get real numbers and I think Democrats and Republicans, especially on this committee, we should be able to agree with a -- an accurate number. And I think maybe we can -- I'm hoping the Ranking Member would agree that maybe we could kind of work on that as a project so that we don't have these -- back-and-forth numbers where we're saying -- you're saying 85, we're saying 80, and it's just back and forth and we're not really getting to any problem solving.

Thank you for that. I mean I thank myself for giving me two minutes to say that.

The chair now recognizes for five minutes, the gentleman from California, Mr. Correa.

CORREA: Thank you, Madam Chair. And I hope you don't take those two minutes off of my five.

RICE: I won't.

CORREA: Thank you very much.

Let me first of all thank the witnesses that are here today. I had a chance over the last year or so to visit some of the refugee camps in Tijuana, and there are some very good faith-based refugee camps providing excellent services. There, I saw a doctor from Colombia, and doctors from all over the world providing for those refugees.

And then I went later on when they close after 9:00 p.m., 10:00 p.m., saw a lot of people outside the faith-based refugee camps, there's just not enough room for the services. And so yes, some services but not enough and I know the mayor of Tijuana is screaming because he is overwhelmed and does not have the resources to address refugees, not just from Central America but from all over the world. That is the challenge at the southern border.

I also went and I visited, I talked to the person who is keeping a so-called list, not controlled by the U.S. but picture this, refugee comes to the border and they're turned away and he said -- and they say, "You have to sign up for a number so you can be heard."

"Well, where do I sign up?"

"With that person over there."

And I asked that person over there, "Who do you work for? The U.S. government?"

"No."

"Do you work for the Mexicans?"

"No."

"Who do you work for?"

Just a person that set up, he's giving out numbers.

"Return when your number is called. Give us your cell number."

A very questionable way of doing business but none the way that's awaits being taken care of.

And I also had the chance of going to Guadalajara, Mexico, a few months ago as well, driving down the street and I saw a homeless person, barefoot, and I happen to pull over and I asked him some questions.

He said, "Yes. I'm from Guatemala. This is as far as I've gotten. I have no food."

And my point to you is the refugee crisis is also hitting throughout all of Mexico, and not just the border area.

I'm going to make it very quick but Mr. Homan you talked a little bit about the work permits. You mentioned that these folks come to the U.S., whatever the percentage of people that show up, all that they want is a work permit, and waiting for the next amnesty. I don't think we've passed an amnesty in a very long time.

And I'm thinking also to that raid in Mississippi, in the chairman's region where it was 400 or 500 individuals were picked up. And I got a phone call from one of the representatives of that poultry plant, called me and saying, "We need to do something," he said, "Most of the workers here -- all the workers here are refugees, and they are taking jobs the locals will not take. They're taking jobs that the children of the refugees will not take. We need to have the jobs back."

And according to the chairman, I heard him speak -- oh, he's gone, darn it but the raid essentially disrupted the whole economy of the area, so my point to you Mr. Homan, would you support some kind of a -- not only changing loopholes which I would consider to be not loopholes but the law, but would you support some kind of a -- an adjustment to the law so that more folks can come to the U.S. and work legally because right now we have this grey market in this country of workers that are contributing to this economy, yet they're working in the grey area because they can't get an adjustment of status?

HOMAN: OK. To your first question, about the amnesty question, these family group started coming across in F.Y. '13 and '14, that was our first surge.

CORREA: OK.

HOMAN: That was on the heels of DACA, so these family units coming across now, that's your next DACA population because they're going to say, "These children were brought to the country and no-fault of their own."

Thirty-four years in the business...

CORREA: And to qualify for...

HOMAN: ... you're not...

CORREA: ... DACA you have to follow the law, you have to have a job, you have the-- essentially a clean record, correct?

HOMAN: ... when you -- when you -- when you throw out something like that, when you have -- for instance when you start talking about -- let's talk about an amnesty program, you're going to see the numbers on the border go up, it's an enticement, so these family groups coming across now, the 200,000 that came across the last two years -- I mean, what's going to happen with DACA or the Supreme Court but this is your next 200,000 people that will say, "How about us?" We can't -- that's what...

CORREA: Get to my question?

HOMAN: ... my point was...

CORREA: I've got 30 seconds, so would you...

HOMAN: ... And the second issue is sir...

CORREA: ... (inaudible)...

HOMAN: ... I do understand, if there's -- if there's a need for labor in this country, hide -- because unemployment rates is so low, then yes, I think Congress should legislate something.

As a matter of fact when I was ICE director, I try to get (inaudible)...

CORREA: Finally let me...

HOMAN: ... (inaudible)...

CORREA: ... just say...

HOMAN: ... (inaudible) program because (inaudible)...

CORREA: ... economic factors are a great motivator for people. They have been for the last 200 years.

Would you support some kind of a Marshall Plan for Central America, to stabilize that region and to address the needs of those folks?

HOMAN: ... I think the secretary, when I was ICE director, Secretary Kelly, I brought him into Miami, met with the leadership from Central America, along with American businesses and big banks trying to create opportunities for them in their -- in their homeland. I certainly will support creating opportunities for -- Central Americans in their own country.

Madam Chair, I'm out of time. Thank you very much.

RICE: Thank you.

The chair recognizes for five minutes, the gentleman from Mississippi, Mr. Guest.

GUEST: Thank you, Madam Chairman.

Well Mr. Homan, first I want to thank you for your 34 years of service to our country. In reading your testimony, the written statement that you prepare, from the first page you kind of talk a little bit about historically what we're seeing today versus what we've seen in years past. Could you expand on that just a little bit, please sir?

HOMAN: I think what we're seeing today could have been prevented, if Congress were to close loopholes, we've asked them to close.

I mean we proved back in F.Y. '14 and '15, when I worked for Secretary Jeh Johnson who I respect greatly. You know, he let us build family detention, the whole family units and the family residential center and allowed you to see a judge and it took about 40, 45 days. And most of them, 90 percent lost their cases and we sent them home and the numbers went down. It worked.

So we are asking Congress, look we've already proved this worked under the Obama administration, how come we're not doing it now? You know, I -- so I think Congress needs to fix this loopholes, letters detain families -- if they're really escaping fear and persecution and death, I don't see a problem in being in our family residential center with medical care, pediatricians, -- child psychologists on staff, three squares (ph) a day, six sets of new clothes, access to lawyers, access to families, these are -- these are -- these are open-air campus facilities. If it saves a life and that's what I've been testifying the last four times, this isn't just about securing our border, this isn't just about enforcing laws but saving lives. It's about 31 percent of women being raped, if we close these loopholes, we're going to save women from being sexually assaulted, we're going to save children from dying, and we're going to stop bankrolling criminal cartels who are making millions of dollars a day because of laziness of this country, not to fix the loopholes.

GUEST: And you quote or give several statistics there in your written testimony and I think that those are very important. And are those statistics that you gave, are they supported by your 34 years of service to our country?

HOMAN: Absolutely. And -- one caveat, as the chairwoman mentioned, the 87 percent. I did not say 87 percent did not show up at a hearing. I said 80 percent lost their case. There -- so that the in absentia rate varies but every number I quoted today in my testimony, and the numbers I just recently quoted, came off the Executive Office of the Immigration Review, the Immigration Court website, they're open to the public; I printed these up last night, so these are Immigration Courts' own data, these -- this is not my data. This is data coming from the immigration judges.

GUEST: And let me ask about couple of those statistics, that I pulled from your report and just tell me if they're accurate, to the best of your knowledge, 70 percent of illegal immigrants coming into the country now are family units. Is that -- is that accurate to the best of your recollection and the best of your knowledge?

HOMAN: Seventy to 72 percent, it varies every month.

GUEST: All right. And then it says here as I see that roughly 90 percent of all family units failed to show up for court proceedings?

HOMAN: That was -- that -- I quoted the Acting Secretary McAleenan when he made that statement. That number does vary depending on when you look at it and what city you look at. It can go anywhere from 90 percent not showing up, to 40 percent not showing up, it depends on what courts you look at so that number fluctuates so much so that 90 percent number I used, I quoted the -- secretary as the chairwoman mentioned a few minutes ago, in his testimony six months ago.

GUEST: And what about 85 to 90 percent don't qualify for those that do show up then 85 to -- or 85...

HOMAN: That's...



GUEST: ... to 90 percent don't qualify for asylum?

HOMAN: ... that's Immigration Court data. It shows -- that's anywhere from 13 percent -- 12 percent, 13 to 15 percent for the three central American countries that do not -- they get a meritorious claim, 13 to 15 percent, which means 87 to 85 percent lose their case.

GUEST: And then those that are ordered to be removed, less than 2 percent actually were removed or left the country, is that correct?

HOMAN: Actually it's closer to 1 percent but I was generous saying 2 percent. Is actually, it's -- it's -- it's 1.6 just recently but it's been 1.2 to 1.6, so it's -- it's, yes, most do not leave and that's another enticement, that's why more people keep coming because families in Central America even although they know most will lose their case, they're not going home.

GUEST: And there is -- as I understand from your reporting, an eight-hundred-thousand case backlog in the Immigration Court, is that correct?

HOMAN: It's not over a million, it's 800,000 but I went to the website last night and they're reporting a million.

GUEST: Would you agree that these figures are staggering, Mr. Homan?

HOMAN: Absolutely. I mean the -- they're -- when I was the ICE director the backlog was all -- already near 600,000 so what's happened in the last two years, the -- yes, it sounds right to me.

GUEST: And you say on Page 3 of your report, you say, "Illegal crossings are down consistent from the high in May but we are still at high numbers beyond last year." And then this is a sentence I want to highlight, "The significant gains made on this issue are because of our president and the men and women of CBP and ICE and not because of anyone in this room."

First of all, I want to apologize to you that Congress has failed the American people and I'd ask for you to deliver a message, and please tell the men and women of CBP, and the men and women of ICE, that we appreciate their hard work and what they do, and that there are still members of Congress who want to solve this problem.

Thank you, Madam Chairman. I yield back.

RICE: Well I would agree with that statement. And I think every person on this panel, on either side of the aisle, agrees that every CBP officer should be commended for the hard work. I don't think that's even an issue, and we all want to come to a solution, obviously.

The chair now recognizes for five minutes, the gentleman from New Jersey, Mr. Payne.

PAYNE JR.: Thank you, Madam Chair.

And I have some questions and I want an answer but I think I want to go to Ms. Vela in reference to the questions and the comments made by the Honorable Ranking Member. When we talk about torture and the incident of torture that you were privy to. I don't think that we can make light of just one. One is one too many. And normally if there's been one, there's been more than one. And it opens a can of worms and a prospect of that becoming a norm.

With respect to torture because I have a family, I have a -- triplets and a wife, and just the prospect of thinking they were subjected to that is horrific, so one is one too many.

Can you elaborate anymore on that area and issue?

THORN VELA: Certainly. Thank you, Congressman. Yes, it is very prolific and throughout the country of Mexico, particularly at the northern border that cartels will often kidnap individuals and extort family members for money. It is a practice that the U.S. government has also detailed in other years and so MPP is providing people -- very often people will be kidnapped and tortured on their way up, and then the U.S. government will return them south for them to be subjected to a second round of kidnapping and torture, and it is an extremely common occurrence and every person that I know at the camp has told me that they live in fear of that happening.

PAYNE JR.: Thank you.

And is it Dr. -- Schneberk, how in your view, does the "Remain in Mexico" place vulnerable individuals and families at risk of the type of harm your organization identified as commonly affecting immigrants?

SCHNEBERK: So what's the question again?

PAYNE JR.: How does the "Remain in Mexico" Policy place vulnerable individuals and families at risk of the type of harm your organization has identified, commonly affecting immigrants?

SCHNEBERK: Thank you for the question, Representative. So a number of ways, one, the safety, the issue of you know, these people who have been through so much are already at heightened risk of further mental health decline or mental health kinds of effects, hits they can take from being in an unsafe environment or having to live with that fear, has numerous sequela, both manifesting mentally as well as physically.

In addition to that, putting them in a situation where they are not able to feed themselves, house themselves, be able to access you know, things that make a person able to be healthy, is especially difficult and obviously has health effects.

There's just a litany of things we could talk about but one of the main things is really just how can they live being unsafe, considering what they've already gone through.

PAYNE JR.: OK. I lost my points. All right. And ideally what type of medical care, resources, will be most important for these people?



SCHNEBERK: So starting from a standpoint of putting them in a safe environment, where they can address their needs from the standpoint of just being able to speak about what's gone on, what's happened to them, the state they're in and their ability to answer questions from the standpoint of having PTSD, having depression anxiety, and really starting with that kind of base-line floor of kind of what they call in Trauma Informed Care, just a safe environment then moving on into you know, as far as mental health evaluations, mental health therapy, treatment, medication, as well as physical care, basic primary care, all the things that we hold dear in...

PAYNE JR.: Yes.

SCHNEBERK: ... public health and medicine to keep people safe...

PAYNE JR.: Look (ph)...

SCHNEBERK: ... and healthy.

PAYNE JR.: ... thank you. Thank you for your time.

And Madam Chair, I yield back.

RICE: Thank you.

The chair now recognizes for five minutes, the gentleman from Texas, Mr. Green.

GREEN: Thank you, Madam Chair. Thank you, Madam Chair. My microphone seems to be weak today but I trust that you can hear me.

I'd like to focus on something that has happened as of late. There's an organization styled "Save the Children." It's been around for a hundred years and it's been involved in the business -- it's been involved in the business of saving children -- thank you very much. This organization has indicated to us that since January of 2019, 13,000 children have been returned, that 400 of them are infants. This is about children. So I have a few questions.

The first is -- and I'd like for you to raise your hand if you agree with this policy, the first is, do you approve of family separation as a policy, if so, raise your hand?

Let the record reflect, that no one approves.

If you approve of holding children in cages, raise your hand?

Let the record reflect, that no one approves.

If you approve of defunding aid to the countries that migrants are fleeing, raise your hand?

Let the record reflect, that no one approves.

There was something called, "Wet Foot, Dry Foot (sic)," some of you may be familiar with "Wet Foot, Dry Foot." If you're familiar with what was called the "wet foot, dry foot (sic) policy" as it related Cubans, would you raise your hand please?

All of the members, let the record reflect, are familiar with wet foot, dry foot.

Wet foot, dry foot, required that a person emigrating from Cuba get one foot on dry land, and with one foot on dry land, you could walk right on into Florida usually, and you would be on a pathway to citizenship, with one foot on dry land.

I'm not saying that we have to have a wet foot, dry foot policy but I do believe that we have to have a humane policy, that respects children, that does not harm children. This is what Save the Children, is all about.

And I would just simply ask Mr. -- let me make sure that I have your name correct, sir. Mr. Homan, sir, what type of policy do you envision that will help children, children who are fleeing harm's way with their parents usually or some significant person in their lives, have the opportunity to be in a safe, secure, wholesome environment?

HOMAN: Well first of all if I can -- your question about raising your hands. If you were to say if I supported zero tolerance, I would have raised my hand, not family separation, zero tolerance. You seem to confuse those two issues.

GREEN: OK. Well if you would -- I'm going to ask that you kindly address my question but since you raised zero tolerance, I'm not sure what you mean by zero tolerance. Are you saying zero tolerance, no one ever coming to the United States, is that your Zero-Tolerance Policy?

HOMAN: No. You're referring to the family separations that have happened under numerous presidents, not just this president.

GREEN: So...

HOMAN: But zero tolerance, what you're referring to is family separations, zero tolerance that was -- that was put in place by Attorney General Jeff Sessions, it was zero tolerance to prosecute those who knowingly, intentionally, violate our laws.

GREEN: ... so and supporting that policy, you would support family separation, then?

HOMAN: Whenever someone gets arrested for a crime, they get booked into a jail. Their child can't go with them, just like if I got arrested tonight, my child couldn't go with me so it's not about family separation it's about...

GREEN: Well, the...

HOMAN: ... (inaudible)...

GREEN: ... interesting thing about your argument is that these people committed no crimes.

HOMAN: You're entering United States illegally, it's a crime.

GREEN: It's a...

HOMAN: It's 8 U.S.C....

GREEN: ... No. That...

HOMAN: ... 8 United States Code 1325, it's a crime to enter the United States illegally.

GREEN: ... It is -- it is not a crime, it's a civil offense.

HOMAN: No sir. It is not. It's -- it's a violation of the Criminal Code, Title 8, United States 13 -- United States Code 1325, you're illegally entering the United States, first offense a misdemeanor, second offense that you've been ordered removed and returned, it's a felony.

GREEN: I agree with that. I don't differ with you on that point.

But you would then separate the children?

HOMAN: If you had no option. If someone is being prosecuted, and get sent to U.S. Marshals custody or to the local jail, the child can't go with them.

GREEN: Well I had a...

HOMAN: It happens to U.S. families every day, across the country.

GREEN: ... All right. Let's have Mr. Knowles response, please?

KNOWLES: What would you like me to answer, sir?

GREEN: The separation of children based upon policy, that was in place?

KNOWLES: And you're asking the view of our members?

GREEN: Yes.

KNOWLES: I believe I said earlier that our members are trained asylum officers, we're -- we're not law enforcement but we believe that our mandate is to ensure that asylum seekers have due process and are treated humanely during the pendency of their claims and it is well known in the -- in the law and in the international conventions that an asylum seeker has the right to due process regardless of their manner of entry.

And they -- we do not believe that it is correct to separate families or to prosecute individuals who are seeking asylum; they ought to have their asylum cases heard and if they prevail, they should be allowed to remain. If they don't prevail then there are legal processes for their removal but we don't support the separation of families, under any circumstances.

GREEN: Is there anyone else who would like to respond, please?

RICE: But -- there's no time...

GREEN: May I?

RICE: ... I'm sorry. I'm sorry.

We have three other people. I'm so sorry.

GREEN: Thank you, Madam Chair.

RICE: Thank you.

The chair now recognizes for five minutes, the gentlewoman from Texas, Ms. Jackson Lee.

JACKSON LEE: Madam Chair, first of all I want to thank you for holding this hearing. And I echo your words which were, "we have to find a solution and a resolution." And I also echo your words, as someone who have served on this committee for very long time, and you've been here and others, that "we do not quarrel with the service of the men and women in this Department." What I do say is that they're being impacted by untoward policies which makes it very difficult to do, I think the duty under the values of this nation.

I've stated earlier on that this is a country of immigrants, and a country of laws. No one negates the idea of laws, so I'm going to raise these questions, and pose them to a number of witnesses.

The "Remain in Mexico" and the port courts are the latest legally questionable step in the Trump administration's anti-immigrant agenda, that is, the Muslim Ban, another untoward action I believe, as it relates to immigration policies. Rather than deter asylum seekers, these policies promote cruel and human rights violations.

And so I'd like to raise that question and my time is short, raise that question with Laura Pena, with the pro bono American Bar Association. Do these policies create cruelty and human rights violations?

PENA: Yes. Thank you for the question, Congresswoman. Particularly when it comes to issues regarding the tent courts that you raised. Attorneys have very limited, restricted access to these tent courts. Asylum seekers who are appearing in these tent courts do not have access to simultaneous interpretations so they quite often have no idea what is going on in these proceedings.

The ABA has long believed and promoted access to in-person interpreters for proceedings and especially when it pertains to non-citizens, and any videoconferencing for non-citizens should be done with their consent. Thank you.

JACKSON LEE: I thank you.

Ms. -- Vela, would you comment on the idea of creating cruel and human rights violations?

THORN VELA: Yes, Congresswoman. From everything that we see on the ground, we work in a two-thousand-person encampment at the foot of the Gateway Bridge that is across from Brownsville. There's not enough food. There's not running water. Until very recently immigrants had to get into the Rio Grande to wash their clothes and watch their children. We see this scam growing at an alarming rate. We've only had MPP since August, and it's grown three or fourfold.

JACKSON LEE: And you're not arguing against having a country that has immigration laws. What you're saying is the MPP program creates a -- atmosphere and in actuality of cruelty, is that correct?

THORN VELA: Yes, Congresswoman. There's no question that this particular policy has eroded everybody's access to asylum, access to a safe place to seek asylum, and safety while they -- while they await their court date.

JACKSON LEE: You can see this but I'm looking at a visual of squalor that is probably not even in the places where they've come from, and that is tents and tarps. Have you all seen this on the other side of the border?

THORN VELA: Yes, Congresswoman. That is -- I can't see the photo...

JACKSON LEE: Yes.

THORN VELA: ... but certainly...

JACKSON LEE: Yes.

THORN VELA: ... tents and tarps, for 2,000 and plus people is what we work with every day.

JACKSON LEE: And I see a person walking with a face mask, and I know you can't see it and clothes hanging over.

So let me quickly go to the doctor, by forcing asylum seekers to wait for months in Mexico border cities where cartels and other criminal groups are highly active, the Trump administration is subjecting men and women and children to a greater risk of kidnapping, assault, and extortion, which as a physician also impacts the quality of life of these individuals. Doctor, if you would?

Doctor, is -- or -- sorry, I'm calling you Doctor, yes, Doctor Dr. Schneberk? Did you hear the question?

SCHNEBERK: (AUDIO GAP)...

JACKSON LEE: OK.

Let me just go on.

Through -- DHS is providing asylum seekers with incomplete or inaccurate paperwork, including wrong addresses or dates for hearings which further complicates matters and could lead to peoples' claims being rejected through no-fault of their own. Could one of the lawyers answer that question.

Doctor, I was asking you if the squalid conditions generate -- that are creating -- risk for kidnapping, assault, and extortion, impact health but can you -- let me ask you the question about the inaccurate paperwork, if one of the lawyers will respond to that, and maybe you could respond to the other question.

Thank you.

PENA: Thank you, Congresswoman. The Notice to Appear, which are the charging documents issued by the Department of Homeland Security have several legal inefficiencies -- insufficiencies including the address so individuals cannot get proper service of their Notice to Appear because the address is incorrect. For -- the address is shelters that they've never even been to.

In addition the NTAs are incomplete, there are no boxes checked which are required, which establish how the individual entered the United States. Moreover there's -- manufactured charges so individuals who entered between ports of entry are being charged as removal -- removable as arriving aliens, that is a legal fiction that is being created on these Notices to Appear.

Moreover improper courts are being -- are being issued on these Notices to Appear. For example, where we -- where we practice in South Texas, the Harlingen Court is the court where individuals are supposed to appear, and that is -- it's actually incorrect, they appear in Brownsville. Thank you.

JACKSON LEE: Doctor?

SCHNEBERK: So yes, real, quick. I mean I participated in a forensic evaluation of a patient, just last week, that is -- she is in her house, she is fleeing abuse, rape, and she is afraid to leave that place she is renting, she will -- leaves maybe once a week, just to get groceries with her -- she sitting there with her two kids. Can you imagine the kind of psychological harm that's causing to her because she knows, through family, that have sent her a message that the perpetrators have sent somebody after her to Tijuana?

JACKSON LEE: I thank the chair.

And I thank you all.

I just want to put into the record, I ask unanimous consent, the conditions that are being -- the conditions that exist pursuant to the MPP Program on the other side of the border and the Doctor's comments of the fear of death because cartels are sending people after the people who are fleeing, evidences that they are being stalled on their asylum process.

RICE: They will...

JACKSON LEE: Thank you.

RICE: ... they will be received into the record.

The chair now recognizes the gentlewoman from California, for five minutes, Ms. Barragan.

BARRAGAN: Thank you, Madam Chair.

Let me start by I want to echoing some of the comments from my colleagues about the -- outrage that's happening over the return of migrants into dangerous places.



Ms. Thorn Vela, I understand that you have visited some of these facilities. Out of the six locations that have been implemented, the "Remain in Mexico" Policy, two of them are across from -- Tamaulipas, and area of Mexico that the State Department has designated as a, "Level 4: Do Not Travel" location. I understand you've been there, could you please describe the danger of violence and crime, migrants and those in the encampments near ports of entry, in this area, are at risk of being subjected to?

THORN VELA: Yes. The cities in Tamaulipas were the last cities to get rollout of MPP. A partner of ours that works in Ciudad Juarez told us that she was horrified when she heard that people would be removed to Tamaulipas, particularly in the city of Nuevo Laredo, I don't work there personally but advocates on the ground there, have told me that people have walked out of Mexican migration, and literally been kidnapped on the doorstep of Mexican migration offices.

Individuals in the early days were moved to the city of Reynosa before they decided to have tents courts in Matamoros which is about an hour away. There are people still today in Reynosa that are terrified to make the hour journey south to their court hearings. They don't know what to do. They've heard so many stories of people being kidnapped again, possible right out front of the door of a shelter that they stayed there, to try to work through their case; they have no way to get even an hour down the border. The state in -- of Tamaulipas asked the government to stop sending people to Reynosa because it had no way to get people to Matamoros.

BARRAGAN: It's really horrifying when you read some of the accounts of what's happening, and in some instances, where you have officials -- Mexican officials, turning over people to the cartels, and what is happening to them, and the danger is just outrageous. And it feels to me as though our government is saying, "Well as long as it doesn't happen on our land, as long as it doesn't happen here, it's OK. Let's go take them back to wherever we want to take them back to." And we're just ignoring the harms, when we have Secretary McAleenan come in, it was clear that the United States didn't bother to assess any type of the risk, and the harm that would be done to migrants, if they were a been sent back to these Level 4 places, which is equivalent of sending them back to Syria. I mean it's for -- outrageous.

Ms. Pena, I know that you provide -- you know, lawyers and are working to provide services to people. Can you tell us a little bit -- have you represented migrants in the Merits hearings?

PENA: Yes. Thank you for the question, Congresswoman. And I actually have a Merits scheduled for this Friday. If I may explain some of the challenges that I faced in representing individuals placed into MPP proceedings. To find my client first of all, I participated in a Volunteer Asylum Workshop, we're in the hot sun, and the plaza, just across the port of entry, volunteer attorneys conducted asylum -- workshops to screen applicants, that's how I met my client. It was in a volunteer capacity in Matamoros.

To get access to the tent court, I also filed a motion with the immigration judge, to ask him, please allow my client to come into this multimillion-dollar tent court, a couple of days before the hearing so we can prepare in a safe environment; that judge denied my motion based on a lack of jurisdiction because DHS controls the tent-court facility.

Although I had -- this will be my first Merits, local attorneys who have won cases, imagine winning your asylum case, and then having your client sent back to Mexico after winning. It will -- causes attorneys to go to extreme measures to protect their clients even after winning their proceedings, after having meritorious claims to not be sent back to dangerous situations, it's -- it's -- it's horrendous.

BARRAGAN: Well thank you. Well, as somebody who actually -- long ago when I practice law, represented a woman and a child on an asylum case, a lot of work goes into it, a lot of prep, and not having access to your client prevents you from doing that very necessary preparation. And we know, we've seen the statistics from people who have access to counsel and legal representation, having much higher ability to get a -- have a successful claim.

And so it feels as though this is just another attempt to make sure that people don't have that access, don't have that ability, so that they can see because this administration is doing everything, they can to end illegal immigration, and asylum is legal immigration.

Thank you all for your work in what you're doing. And we will continue to highlight the horrors of the "Remain in Mexico" Policy and the MPP program.

Thank you. I yield back.

RICE: Thank you, Ms. Barragan.

The chair now recognizes five minutes, the gentlewoman from Texas, Ms. Escobar.

ESCOBAR: Madam Chairwoman, thank you so much for having this hearing. This is so critical so that the American public understands what is happening at the hands of the American government. And thank you for allowing me the opportunity to address our panel and ask questions. And thank you for coming to the border, and coming to El Paso. You and many of your distinguished colleagues, our distinguished colleagues, have made the journey so that you can see for yourself what is happening through your own eyes, in order to help change what is an important policy.

To our panelists, thank you so much for being here today. I cannot tell you how profoundly moving your testimony was earlier and I can't imagine anyone listening to your testimony, listening to what is happening, at the hands of the American government, and believing that this policy should continue; this anti-American, deeply harmful, policy.



I know full well about MPP because I represent El Paso, Texas and our lawyers are advocates, our community members have unfortunately had to be a witness to what is happening at the hands of the American government, almost 20,000 vulnerable lives have been pushed back either through metering or through MPP.

What we have seen happen, I've described as a new ecosystem of criminal activity, created by this policy on the other side of our ports of entry, an ecosystem where the American government's policy is literally sending vulnerable migrants into the hands of cartels so that cartels can extort money, after they've kidnapped people.

We've had lawyers tell us about clients who've been raped multiple times we've had lawyers tell us about clients who have disappeared altogether; people who are in the legal asylum process these are people who have been denied due process and indeed have put -- have been put in danger.

Earlier one of our colleagues express concerned about the Department of Homeland Security personnel not being here today. I have Madam Chair, sat through hearings where we have DHS leadership at the highest levels, essentially deny, tell Congress that none of this is happening. And so it's important to hear from the people who are here to speak -- the truth and tell us what is happening.

Mr. Knowles, is there any way, that DHS leadership, at the highest levels, at the secretary level, is there any way that they would not know that these atrocities are happening in the Mexican cities where we are sending back migrants?

KNOWLES: I can't imagine how they could not know. Our own Agency, USCIS, has a country of condition, country of origin, Research Unit. They've produced many reports, documenting the conditions in the Northern Triangle, and in Mexico. I believe there was a -- there have been many investigations by the Department, of those conditions and certainly these things are well known.

ESCOBAR: Ms. Pena -- Thank you, sir.

Ms. Pena do you think there is -- and Ms. Vela, do you think there is any way that the secretary, the Department of Homeland Security, or anyone in leadership or in the White House could be unaware of these atrocities?

PENA: Thank you for the question. A number of organizations have come down to the border in South Texas and have escalated their request, for one example, for access to the tent court, and they have been denied that access -- at the highest levels. And so as we understand it, it is at the highest levels that these directives are coming from.

THORN VELA: Yes. And we work with our clients to present them to CBP officials at the bridge when people are erroneously placed in MPP or they have developed a condition that makes them you know, extremely vulnerable in Mexico and we have also raised that issue with Port directors and people higher up and you know, we -- there's very little chance that -- it doesn't get back.

ESCOBAR: Thank you.

This is why I've introduced H.R. 2662, the Asylum Seeker Protection Act, to defund MPP.

Madam Chair, I'd like to introduce -- I'd like to ask for unanimous consent to introduce three articles: an article by the L. A. Times, Vice News; and a series of stories on -- an NPR detailing the heinous occurrences happening at the hands of the American government.

RICE: They'll be accepted into the record.

ESCOBAR: And then just a final show of hands, there's been so much publicity around the atrocities of MPP. There's absolutely no way that the highest levels of DHS leadership could be unaware of what's happening. Since all of this has blown wide open, have you all seen any improvements to the lives of these vulnerable migrants, the government reversing any of what it's done?

A show of hands?

Let the record reflect, no one has seen any improvements since the publicizing of MPP.

Madam Chairman, thank you so much. I yield back.

RICE: Thank you, Ms. Escobar.

And I would like to recognize Mr. Green for a clarification.

GREEN: Thank you, Madam Chair. And I promise to be terse.

Madam Chair, Mr. Homan has brought us to the heart of the problem. And that is, this administration concludes that asylum -- seekers are criminals. They are not criminals. It is not a crime to seek asylum in the United States of America. And when you treat them as criminals, somehow you conclude that it's OK to lock their children up in cages. But they are not criminals.

We have a criminal mentality as it relates to the people who are coming to this country from south of the border, and that is what we have to confront. That's the gravamen of this circumstance, a criminal mentality for people who are seeking a lawful process, called asylum.

I thank you. And I yield back.

HOMAN: Can I respond?

RICE: That is just a clarification. Thank you, Mr. Green.

HOMAN: Well that clarification is inaccurate.

RICE: I believe the clarification the gentleman was making was that he was not claiming that -- claiming asylum was -- he -- what he was saying was not the crossing the border was not criminal but that claiming asylum was not criminal and that is the clarification that I believe the gentleman made.

I want to thank the witnesses for their valuable testimony.

And the members for their questions.

I ask unanimous consent to enter into the record, statements of support, from a number of relevant organizations including the American Immigration Lawyers Association, the American Immigration Council, the Children's Defense Fund, and Refugees International.

The members of this subcommittee may have additional questions for the witnesses, and we ask that you respond expeditiously, in writing, to those questions.

And I believe that the Ranking Member would like to say something.

HIGGINS: Thank you, Madam Chair.

I'd like to ask for unanimous consent to submit the DOJ statistics that Mr. Homan and Congresswoman Lesko referenced. I'd like to submit it for the record please?

And I have a brief follow-up question?

RICE: Yes. They will both be admitted into the record.

As will, a two-page document that I'm holding, which sort of contain -- it's a track, immigration document that contains the most recent information regarding appearances by people appearing at the border.

Yes, Mr. Ranking Member.

HIGGINS: Thank you, Madam Chairwoman.

Ms. Vela, you been asked many questions today. You've -- you've sat there with poise and dignity and answered to the best of your ability, and so I commend you on the panelists that join you today; my brother, the thin blue line (ph), thank you for being here today.

We all struggle as a nation to deal with the challenge of what we face at the southern border. It's good that our chairwoman was courageous in calling this hearing, and that testimony was offered based upon various opinions. It's our job to consider these opinions, with respect for each other, for the common goal of finding some righteous solution.

I would like to point out that, it's been stated several times, that the State Department has indicated that "too dangerous to travel" classification for some of the areas in northern Mexico, obviously these are some of the areas where these illegal immigrants are being sent -- for -- while they await processing through -- the -- their asylum claim.

Let me just state that, it's indicated that the alternative is to send them into the interior of the United States but Mr. Homan has clarified, you know, what happens there, you know, a lot of those folks just disappear and it -- they're -- they're going to stay here.

Let me share with American and with all of us that the following cities have something in common: St. Louis, Detroit, Memphis, Milwaukee, Baltimore, Oakland, Kansas City, all of these cities have something in common. The citizens therein are more -- or more likely to be subject to violent crime than the citizens of Mexico City. Crime stats from Mexico City is about the same as Washington, D.C., so it's intellectually unsound to indicate to the American people that just generally speaking, we're -- we're placing these immigrants in some greater harm's way by having them await their processing in Mexico.

Madam Chair, I just thank you so much for holding this hearing. I think we've received excellent testimony today.

And I yield back.

RICE: Mr. Ranking Member, thank you so much for that. And for your comments.

And what I can do is, assure everyone here, that we're going to continue to have hearings about what is going on at the border because we have to honor the people who are sitting here, all five of you, who are bearing witness to what is happening in there. And we have to hold true to our democratic values as to who we are as a country, and that's what these hearings are about, transparency and accountability.

I want to thank all of the witnesses so very much for their testimony here. It's a very long hearing. I think you can tell by the amount of members who showed up today, how important this issue is, and so I want to thank you all for participating.

Without objection this subcommittee record shall be kept open for 10 days.

Hearing no further business, the subcommittee stands adjourned.

END

Nov 20, 2019 14:35 ET .EOF

# EXHIBIT J

## Human Rights Fiasco: The Trump Administration's Dangerous Asylum Returns Continue

In January 2019, the Trump Administration started forcibly returning asylum seekers to Mexico under a new policy farcically dubbed the “Migrant Protection Protocols” (MPP). Waiting months in Mexico for their hearings, asylum-seeking men, women, and children from, among other countries, Cuba, El Salvador, Guatemala, Honduras, Nicaragua, and Venezuela face life-threatening dangers. Despite overwhelming evidence that this illegal policy is a human rights catastrophe, Trump Administration and Department of Homeland Security (DHS) officials continue to implement, defend, and expand it.

In October, DHS expanded MPP returns from Arizona and began forced returns through Eagle Pass, Texas to Piedras Negras, Mexico. There and in other dangerous border cities, including Tijuana, Mexicali, Ciudad Juárez, Nuevo Laredo, and Matamoros, asylum seekers and migrants returned under MPP face peril wherever they turn. They have been beaten, kidnapped, and raped in shelters, on the way to and from U.S. immigration court hearings, and on the street while looking for work, housing, and food.

Trump Administration and DHS officials are turning a blind eye to these human rights abuses, touting MPP as an alternative to family separation, a way to reduce “overcrowding” in detention facilities, and one of DHS’s “most successful initiatives,” which has “achieved operational effectiveness” by reducing the number of asylum seekers arriving at the southern border. These claims of “success” by DHS officials ignore the severe harms inflicted on the asylum seekers and migrants returned to Mexico under MPP. Mark Morgan, acting Commissioner of U.S. Customs and Border Protection (CBP), has even dismissed the hundreds of public reports of cases of torture, rape, kidnapping, and assault against people in the MPP program as “anecdotal stuff.”

MPP is not only immoral; it’s also illegal. Both U.S. law and treaties ratified by the United States prohibit the government from returning asylum seekers to persecution and torture. At the same time, the policy flouts asylum laws and due process protections Congress adopted for refugees seeking protection at the border.

The administration is using MPP in tandem with other illegal policies, including turn-backs and the third-country transit asylum ban, to subvert U.S. law. The result is effectively a near-ban on asylum. DHS has forced more than 60,000 asylum seekers and other migrants to wait in Mexico under MPP. In addition, some 21,000 are stranded in Mexico due to metering—the illegal policy of turning back asylum applicants at ports of entry. In November, the administration also began to take steps toward implementing asylum-seeker transfer agreements with Guatemala, Honduras, and El Salvador.

This report is based on interviews with asylum seekers stranded in Mexico, attorneys, court monitors, academic researchers, and Mexican government officials; field research in October and November in Ciudad Juárez, Nuevo Laredo, and Tijuana; observation of MPP immigration court hearings in November and December; and reports from human rights organizations, legal monitors, and the media. Human Rights First observed proceedings at the Laredo MPP tent court remotely from the San Antonio immigration court because CBP denied Human Rights First’s requests for access to the facility, just as it denied us access to the Brownsville tent court in September. This report builds on our March 2019, August 2019, and October 2019 reports. Human Rights First found:

- ☑ **Trump Administration and DHS officials continue to direct the forced return of men, women and children seeking refuge to some of the most dangerous areas of Mexico despite widespread reports that they are targeted for kidnapping, torture, rape, and other violent**

**attacks.** Those harmed include: a 9-year-old disabled girl and her mother kidnapped near the Tijuana port of entry and repeatedly raped; an asylum seeker kidnapped and raped in front of her three-year-old son after being sent by DHS to Matamoros; and a 7-year-old Honduran girl abducted from the Mexican migration office in Nuevo Laredo after an MPP tent court hearing. On hearing kidnappers threaten to murder migrants whose families failed to pay ransom, the girl said, “**Mommy, I don’t want to die.**” Instead of briefly passing through these dangerous regions to reach the U.S. border to request refugee protection, thousands of asylum seekers are stranded in peril for months. DHS now acknowledges that the wait is at least two to four months for an initial hearing, much longer for a final merits hearing.

- ☑ **There are now at least 636 public reports of rape, kidnapping, torture, and other violent attacks against asylum seekers and migrants returned to Mexico under MPP** – a sharp increase from October when Human Rights First identified 343 attacks. On November 13, U.S. Senator Ron Johnson entered Human Rights First’s prior report on MPP into the Congressional record apparently as proof, in his view, that only 343 of the thousands of returned asylum seekers had been targets of violence. But our count of kidnappings and violent assaults is only the tip of the iceberg. The overwhelming majority of returned individuals have not spoken with human rights investigators or journalists, so the actual number of attacks is certainly much higher. A recent study by the U.S. Immigration Policy Center at UC San Diego found that one in four people in MPP in Tijuana and Mexicali have been threatened with physical violence. The study did not include the extremely dangerous MPP return locations of Ciudad Juárez, Matamoros, or Nuevo Laredo.
- ☑ **Human Rights First’s tally of attacks includes at least 138 publicly reported cases of kidnapping or attempted kidnapping of children in the MPP program.** The extreme dangers children in MPP face while waiting months in Mexico have pushed some desperate parents to send them alone into the United States at ports of entry.
- ☑ **Despite claims by DHS officials that returned asylums seekers in MPP are safe in migrant shelters in Mexico, they are targeted for kidnapping, rape, robbery, and assault in these very shelters,** as well as: immediately after DHS returns them; as they go to and return from MPP hearings in the United States; and while they search for shelter, food, and work. They are attacked because of their race, gender, sexuality, nationality, and status as migrants.
- ☑ **The MPP screening process, which returns asylum seekers to wait in grave danger despite credible fears of persecution, appears to be increasingly cursory and adversarial.** Asylum officers, now potentially including border agents allowed by the Trump Administration to act as asylum officers, aggressively question victims of violence, including children, in an apparent effort to undermine their accounts. In other cases, interviews last only a few minutes and consist principally of yes-or-no questions. As a result, virtually everyone is sent back to Mexico regardless of the danger or the trauma they have faced. Returned asylum seekers include a sexual assault survivor who had bruises on her body and sobbing children who had been kidnapped. An investigation by U.S. Senator Jeff Merkley’s office found it “virtually impossible” for asylum seekers to pass MPP fear screenings.
- ☑ **DHS is returning and attempting to return some of the very few refugees who manage to receive asylum or other protection back to danger in Mexico with fake hearing notices.** In late November, the agency returned to notoriously dangerous Nuevo Laredo four Cuban and Venezuelan refugees granted asylum by U.S immigration judges where they remain at risk of kidnapping and attack, as of the date this report was published.



- In violation of its own policy, DHS returns vulnerable individuals, including those with serious medical issues, pregnant women including those with late-term pregnancies, LGBTQ persons, and Mexican nationals.** A pregnant asylum seeker suffered a miscarriage while trying to run away from persecutors after DHS returned her to Ciudad Juárez. An internal DHS report acknowledged that CBP has been illegally placing Mexican nationals into MPP.
- Refugees and other migrants are stranded in Mexico in often inhumane and horrific conditions.** As winter temperatures begin to drop, conditions for the many individuals stranded without proper shelter, particularly in Matamoros, have grown ever more desperate. Helen Perry, a nurse practitioner and Global Response Management's operations director, said: "Speaking from having seen other humanitarian crises in the world, this is one of the worst situations that I've seen. It's only going to get worse, and it's going to get worse rapidly." Despite claims by DHS that Mexico provides housing and humanitarian aid, shelters are minimal and dangerous.
- MPP and the tent courts are a due process charade** that effectively denies nearly all asylum seekers legal representation in immigration court removal proceedings. Ninety-eight percent of all returned individuals were unrepresented through September, according to data from the immigration courts. MPP endangers the safety not only of refugees, but also American lawyers and volunteers who are forced to cross into areas of Mexico plagued by kidnappings and other violence.
- Asylum seekers who miss MPP court hearings because of kidnappings are being ordered deported.** A pregnant Salvadoran woman in Laredo court told an immigration judge that her husband had gone missing in Mexico and couldn't attend court. The judge ordered him deported. A 9-year-old disabled girl and her mother missed their immigration court hearing while being held captive and raped. They were ordered removed by an immigration judge in San Diego.

Human Rights First urges the Trump Administration to:

- Cease MPP and all other policies and practices that violate U.S. asylum and immigration law and U.S. Refugee Protocol obligations,** including the third-country transit asylum ban, turn-backs and orchestrated reductions on asylum processing at ports of entry, and all attempts to send asylum seekers to countries, including El Salvador, Honduras, Guatemala, and Mexico, that do not meet the legal requirements for safe-third country agreements under U.S. law. Instead, the United States should employ effective and humane strategies that uphold U.S. laws and treaties.
- Direct CBP to restore timely and orderly asylum processing at ports of entry and ensure humane conditions for those held temporarily under CBP custody,** meeting all legal standards, including the Flores Settlement Agreement and DHS internal detention policies.

Human Rights First recommends that Congress:

- Withhold appropriations to DHS and the Department of Justice (DOJ) used to carry out MPP and other forced return programs;**
- Adopt the Refugee Protection Act;**
- Hold MPP oversight hearings; and**
- Conduct official visits to Mexican border towns, CBP facilities and Border Patrol stations on the southern border, and immigration courts including tent facilities to monitor the massive human rights violations caused by MPP.**





## At Least 636 Publicly Reported Cases of Rape, Kidnapping, and Assault

Instead of allowing asylum seekers to remain safely in the United States while their asylum claims are decided, as required by the U.S. Refugee Act and subsequent immigration law, the Trump Administration – through MPP – delivers asylum seekers and migrants to rape, kidnapping, torture, and other violent assaults in Mexico. **From the moment that asylum seekers are dumped in Mexico under MPP, they are forced to risk their lives daily to remain in Mexico waiting for U.S. immigration court hearings.** Vulnerable asylum seekers and migrants, including pregnant women, children, and people with disabilities, are kidnapped, raped, and assaulted in shelters, in taxis and buses, on the streets, on their way to U.S. immigration court, and even while seeking help from Mexican police and migration officers. There is virtually no escape from the violence: asylum seekers who flee border cities to wait elsewhere in Mexico for MPP hearings are attacked in those regions, on their journeys there, as well as on their way to and returning from immigration courts in the United States.

**During its most recent research, Human Rights First researchers identified an additional 201 previously unreported cases of individuals in the MPP program who were harmed in Mexico.** Although likely a gross underestimate of the harm to returned asylum seekers and migrants given the limited monitoring and investigation of the program to date, review of published media accounts, human rights reports, court filings, and other publicly available information reveal that **at least 636 individuals subject to MPP have been violently attacked or threatened in Mexico** – a sharp increase from early October when Human Rights First identified 343 publicly reported attacks against individuals in MPP.

There are certainly well over 636 cases of kidnappings, rape, torture, and assault as the vast majority of asylum seekers and migrants returned under MPP have not been interviewed by reporters or human rights organizations. This count is only the tip of the iceberg. For example, a recent study by the U.S. Immigration Policy Center at UC

San Diego found that one in four people in MPP in Tijuana and Mexicali have been threatened with physical violence while waiting for court hearings. The study did not include the extremely dangerous MPP return locations of Ciudad Juárez, Matamoros, or Nuevo Laredo. Human Rights First will continue to periodically update the number of reports of kidnappings and assaults it has tracked on [www.deliveredtodanger.org](http://www.deliveredtodanger.org), a new initiative launched in collaboration with the American Immigration Lawyers Association, Instituto para las Mujeres en la Migración, Latin America Working Group, Physicians for Human Rights, Refugees International, Washington Office on Latin America, and Women's Refugee Commission.

## Children Kidnapped and Vulnerable Individuals in Grave Danger

**Children have not been spared from the kidnappings, sexual assault, and other violent attacks on asylum seekers and migrants DHS returns to Mexico through MPP.** Among the overall number of attacks, **Human Rights First has tracked at least 138 children in the MPP program who were kidnapped, or subjected to kidnapping attempts, in Mexico to date.** Given the limited monitoring of MPP returnees, the number of children targeted as they wait in danger in Mexico is certainly much larger. Over 16,000 children have been returned to Mexico under MPP, as [Reuters](#) reported in October. Children kidnapped or otherwise harmed in MPP include:

- **A disabled nine-year-old girl was twice kidnapped and repeatedly sexually assaulted** after DHS sent the child and her asylum-seeking mother, Lucia, to Tijuana, according to a statement submitted by the American Immigration Council (AIC) to Congress. Lucia said that the men who kidnapped them the second time “tied my daughter up in a sheet so she could not move. They beat us repeatedly. They took off all of our clothes, touched us sexually, raped us, and masturbated in front of us.”
- **A two-year-old boy was kidnapped in September from a house in Ciudad Juárez while his mother was doing chores in another room**, according to Tania Guerrero of Catholic Legal Immigration Network's (CLINIC) Estamos Unidos Project. DHS had sent the family to Mexico under MPP.
- **A Honduran boy and his asylum-seeking father were abducted the same day DHS returned them to Nuevo Laredo by kidnappers who threatened to take the boy's kidneys**, according to an account first published by [Vice News](#) and recently included on an episode of [This American Life](#).
- **Seven and ten year-old-girls were threatened with rape by kidnappers** who also abducted their brother and father, an asylum seeker from Honduras, after DHS returned the family to Nuevo Laredo.
- **A three year-old-boy was kidnapped along with his mother, who was raped in front of him**, when DHS sent the family to Matamoros.
- **A 12-year-old Salvadoran girl was nearly abducted from her mother in Monterrey** after they were sent by DHS to Nuevo Laredo under MPP then dumped by Mexican authorities in Monterrey. Armed men chased the family and grabbed the girl, but her mother managed to wrestle her back and escape.
- A seven-year-old Honduran girl returned by DHS to Nuevo Laredo told her asylum-seeking mother **“Mommy, I don't want to die”** after overhearing the men who kidnapped them discussing murdering migrants who could not pay ransom.
- Some parents are so terrified for the safety of their children that some have begun to send them alone to ports of entry to be treated as unaccompanied minors and taken to shelters in the United States. Government data reported by [CNN](#) indicates that at least 135 children who were returned to Mexico under MPP are now in the care of the U.S. Department of Health and Human Services, the agency

charged with the care of unaccompanied minors. Taylor Levy, an immigration attorney representing asylum seekers returned to Ciudad Juárez under MPP, said that since at least July she has been fielding inquiries from parents desperate to protect their children by sending them into the United States alone.

**DHS continues to return vulnerable asylum seekers and migrants to Mexico in violation of internal MPP policy.** DHS claims “individuals from vulnerable populations may be excluded on a case-by-case basis;” yet, the agency returns vulnerable individuals including those with “known physical/mental health issues,” LGBTQ persons, and Mexican nationals who are not eligible for MPP. Those returned in violation of the policy include:

- A disabled nine-year-old girl who was subsequently kidnapped with her mother and repeatedly raped and a 16-year-old Cuban boy diagnosed with lupus and heart and kidney disorders;
- **LGBT asylum seekers**, including a 20-year-old gay Honduran man who is HIV+ and was separated from other asylum-seeking family members and returned to Nuevo Laredo, an LGBT Cuban woman who had been robbed and threatened in Nuevo Laredo while waiting on the metering list, and a gay asylum seeker from Cuba who was robbed and threatened in Mexico but subsequently returned to Matamoros;
- **Pregnant women**, including several with late-term pregnancies, such as a pregnant Honduran asylum seeker under MPP suffered a miscarriage when she fell while trying to escape from persecutors who had followed her from Honduras, a Venezuelan asylum seeker who suffered serious post-natal complications after giving birth to twins in Mexico who DHS had returned in late September to Nuevo Laredo while eight months pregnant, a Salvadoran woman whose husband had gone missing months earlier who was returned again to Mexico after an MPP hearing in early November while eight-and-a-half months pregnant, and a 28-week pregnant Nicaraguan woman with a six-year-old child who told the judge she was afraid to be in Mexico but was not referred for a non-refoulement interview;
- **Indigenous asylum seekers** particularly from Guatemala who are not native-speakers of or fluent in Spanish, including Rosalía, a native Mam speaker sent by DHS to Mexicali; and
- At least 57 **Mexican nationals**, according to immigration court data analyzed by Syracuse University’s Transactional Records Access Clearinghouse (TRAC) – in clear violation of MPP, which explicitly exempts “citizens or nationals of Mexico.” An internal DHS review reportedly found CBP places some Mexican nationals in MPP and acknowledged the need to “address situations where families are placed in MPP and returned to Mexico despite having at least one immediate family member who is Mexican.”

## Asylum Seekers Risk Their Lives to Appear in U.S. MPP Courts

**Asylum seekers in MPP are at great risk of kidnapping while going to and from U.S. ports of entry to attend immigration court hearings because they are easily identifiable as migrants.** Asylum seekers, many of whom spend months waiting on metering lists at ports of entry are forced to wait months more to attend MPP hearings. Wait times for initial hearings are far longer than the 45 days that DHS had initially claimed, with the agency now acknowledging that asylum seekers are waiting between two and four months just for a first hearing. Government data analyzed by TRAC shows that 25 percent of asylum seekers in MPP whose cases were filed with the immigration court in May (1,204 out of 5,080) were still waiting for an initial hearing – four months later – in September. Forty-eight percent of MPP cases filed in June (2,854 out of 5,973) had already been waiting three months for an initial hearing, as of the end of September. Some asylum seekers have already been in Mexico under MPP for nine months waiting for final merits hearings. In early December 2019, asylum seekers appearing in the Laredo MPP tent court, who had already been waiting in Mexico for months due to metering and months

more for their initial hearings, were scheduled for final merits hearings in March 2020 – another three months away. Asylum seekers who have been attacked before or after appearing for MPP hearings include.

- **Lucia and her disabled nine-year-old daughter**, as discussed above, **were returned by DHS to Tijuana following an MPP hearing in San Diego, they were kidnapped just blocks from the port of entry, held for nearly two weeks and repeatedly raped.**
- **A Honduran asylum seeker and his two children, a 12-year-old boy and a 16-year-old girl, were kidnapped while returning from a Laredo MPP tent court hearing in September.** During another hearing in November, observed by a Human Rights First researcher, the family begged not to be sent to Mexico. The girl, sobbing, said that when they return to court “bad people” approach them. The boy said to the judge, “I hope you can help us, please. I don’t want to return to Mexico. We run a lot of risk.”
- In late October, **a Venezuelan asylum seeker was kidnapped while returning to Nuevo Laredo for an MPP hearing at the port of entry tent court in Laredo.** Immediately after getting off of a bus from Monterrey five men approached him and a Guatemalan asylum seeker traveling with him. The two were taken from the bus station in separate vehicles. “I started to cry in the truck. One guy told me to calm down and shut up or he would beat me.” The man was taken to two different houses where the cartel held a dozen other migrants including a Colombian man with a toddler and Nicaraguan family with a nine-month-old baby. The kidnapers punched the Nicaraguan mother in the neck, as they forced her to call family members to beg for a ransom to be paid. The kidnapers released the man after several days of captivity. He fears returning to Nuevo Laredo for his next hearing in December, as his abductors recorded his details from his passport into a notebook and took a photograph of him.
- A 13-year-old boy and his mother were nearly kidnapped in Nuevo Laredo while walking from the bus station toward the port of entry to attend an MPP hearing in Laredo in late September. An armed man and woman approached the family, took photos of them and tried to force them into a waiting vehicle. They escaped on foot to the office of the Instituto Nacional de Migración (National Migration Institute – INM) but so feared leaving that they missed the hearing. A Mexican migration officer eventually ordered the family to get out, saying “it wasn’t [INM’s] problem.” A local pastor, who happened to arrive, hid the family in the back of a passenger van and spirited them from the parking lot of INM building to a shelter.
- A Venezuelan refugee returned by DHS to Mexico after an immigration judge granted him withholding of removal at the Laredo MPP tent court was nearly kidnapped in November while returning to the port of entry to request to be allowed to enter the United States. At the Nuevo Laredo bus station, a group of around ten men surrounded the Venezuelan man. He managed to push his way through, jump into a waiting taxi, and immediately walk onto the international bridge to Laredo, Texas, to escape.
- In mid-October, a Honduran asylum seeker and her daughter told an immigration judge at the Laredo MPP tent court that they had been kidnapped and assaulted in Nuevo Laredo. According to a court monitor attending the hearing from San Antonio, the woman said that if she didn’t return for her next court hearing, “[i]t’s because something happened to me in Nuevo Laredo.”

## Asylum Seekers Targeted at Shelters

**Asylum seekers returned by DHS to Mexico under MPP are under serious threat of kidnapping and assault, even inside of migrant shelters, which overwhelmingly lack protection from Mexican authorities.** Further asylum seekers in MPP are attacked outside of migrant shelters when the very limited beds in these facilities are full as well as when asylum seekers go out in search of work, food, and other necessities.

Despite widely available evidence of the dangers facing asylum seekers forced to wait in Mexico, acting CBP Commissioner Morgan claimed that migrant shelters in Mexico have “persistent law enforcement present” and that “safety was okay.” Yet since August, at least three individuals who reportedly attempted to prevent organized criminal groups from kidnapping or assaulting migrants in Nuevo Laredo shelters, including pastors Aaron Mendez and Ricardo Alcaraz, were abducted and remain missing. Attacks against migrant shelters in Guadalajara and Tlaxcala have also recently taken place. Many incidents go unreported because of fears of reprisal, as in the case of pastor Alcaraz whose family received threats after they publicly denounced his kidnapping. In Ciudad Juárez, Uber and taxi drivers reportedly refuse to pick up migrants at shelters because of the danger that kidnapers and extortionists will target them and their passengers.

- Despite claims by DHS of “persistent law enforcement” presence, **only one of the 14 shelters with MPP returnees visited by Human Rights First researchers in Tijuana, Mexicali, Ciudad Juárez, Piedras Negras, and Nuevo Laredo had government-provided security.**
- In Nuevo Laredo, **asylum seekers returned by DHS under MPP described attacks and/or threats against at least five migrant shelters since MPP began there.**
  - Human Rights First reviewed several reports that armed cartel members opened fire outside of a church-based shelter that they later entered, threatening to kidnap migrants. A Venezuelan asylum seeker returned by DHS to Nuevo Laredo reported that cartel members threatened a pastor at the same shelter.
  - Asylum seekers in MPP at a Nuevo Laredo church-run shelter housing some 70 individuals, including many children, told Human Rights First researchers in November that armed cartel members had recently broken in, terrifying those at the shelter.
  - A Cuban asylum seeker returned by DHS to Mexico stated that in August cartel members had robbed him inside of a church offering shelter to migrants in Nuevo Laredo.
  - MPP returnees at another religiously affiliated shelter in Nuevo Laredo visited by researchers said that cartel members were frequently outside and that they were to go outside fearing abduction. Even though the shelter is near the port of entry, the pastor drives asylum seekers there to attend MPP immigration court hearings to reduce the risk of kidnapping. An asylum seeker in MPP at a shelter run by a Catholic priest reported that he had seen men he believed were cartel lookouts circling the building.
  - Another pastor was threatened by cartel members while transporting migrants to a shelter in Nuevo Laredo.
  - A 25-year-old Honduran woman and her three young children – all under 5 – who crossed the border near Piedras Negras were kidnapped upon exiting a taxi in front of a shelter in Nuevo Laredo after DHS returned them there in mid-October. Men in white vans intercepted the family, held them captive for five days, and demanded money from family members, according to an academic researcher who spoke with the relatives.
- Migrant shelters in Ciudad Juárez have also been targeted. In September, armed, masked men attacked a church-based shelter in Ciudad Juárez housing mainly Cuban migrants, according to a Cuban asylum seeker who was sleeping in the shelter with his partner and nine-year-old daughter at the time. The men shouted: “asshole Cubans, open up,” as they forced their way into the shelter. The armed men threatened to “kill one of these asshole Cubans” and fired their weapons indiscriminately, nearly hitting the Cuban man. At another shelter on the outskirts of Ciudad Juárez, a Honduran asylum seeker who DHS had



returned under MPP was nearly abducted by four masked men in a black van who repeatedly came to the shelter where she was staying and interrogated other migrants about her whereabouts.

- A Honduran asylum seeker returned by DHS to Nuevo Laredo with her 10-year-old daughter was forced to flee a church shelter in Monterrey in September because cartel members had demanded that the church make an extortion payment for each Honduran migrant staying in its facility.

**Asylum seekers in MPP who cannot find space in or avoid migrant shelters, which have been targets of attacks, are also at risk of kidnapping and assault in migrant hotels and other accommodation.**

- **A disabled nine-year-old girl was sexually assaulted after she and her mother, Lucia, were placed in MPP by DHS and sent to Tijuana,** according to AIC. The family were forced from a migrant shelter demanding payment and had moved into the house of a local man in exchange for Lucia doing domestic work. The man, who turned out to work for a cartel, locked them in the house, forced Lucia to work without pay, and sexually assaulted the girl.
- **A 12-year-old Salvadoran girl was nearly raped after she, her father, and younger brother were returned by DHS to Ciudad Juárez under MPP.** After the Casa Migrante told the family that they could not extend their stay due to limited capacity at the shelter, the family rented a room in a local home. While the girl's father was out purchasing food, the husband of the house's owner tried to rape the girl. The man threatened to have the girl's father arrested and deported, if she reported him to the police.
- In early July, armed cartel members attacked a home where several Cubans were renting rooms while waiting for permission to approach the port of entry at Laredo to request asylum. The cartel members announced they were searching for "foreigners," roughed up the elderly Mexican couple renting out the home, beat several of the men and placed rifles to their heads, robbed the group, took their photos and ordered them to leave the city. **DHS returned these asylum seekers to Nuevo Laredo through MPP, telling one man that his fear of the cartel was "outside their [CBP's] jurisdiction."**
- While waiting on CBP's metering list at the Laredo port of entry, **a Venezuelan asylum-seeking family with a 7-year-old daughter reported that armed men kidnapped numerous individuals from the migrant hotel where they were staying in July.** In the early hours of the morning, a group of men abducted migrants from the rooms on either side of theirs, firing guns into the air outside. The family fled to a shelter but did not remain there long because the pastor running the shelter was kidnapped.
- An asylum-seeking Venezuelan family with 16- and 11-year-old girls and 10- and 3-year-old boys were robbed in a migrant hotel after DHS returned them to Nuevo Laredo. A hotel manager said he was powerless to stop the cartel from entering the hotel. Men had previously tried to kidnap one of the girls, as the family passed through the Nuevo Laredo bus station.

**Returned asylum seekers forced to venture onto the streets or take public transportation to purchase food or in search of work to support themselves and hire attorneys to represent them are also targets of attack because of their nationality, race, gender, and status as migrants.**

- **Nicole, a pregnant asylum seeker from Honduras suffered a miscarriage after she fell while escaping from her persecutors** who had tracked her and her husband to where the family was attempting to hide while waiting for their MPP hearing in El Paso, according to Tania Guerrero, an attorney with CLINIC.
- A 28-year-old Salvadoran asylum seeker sent to Nuevo Laredo by DHS under MPP went missing in September after leaving a shelter in Nuevo Laredo to work for the day. The man was still missing at the

time his 8-year-old son and wife, who was due to give birth in mid-November, appeared at their master calendar hearing in early November at the Laredo MPP tent court.

- In November, a Salvadoran asylum seeker and her two young children, who DHS returned to Matamoros, were abducted in a taxi while trying to reach a nearby store to purchase food. The taxi driver handed the family over to kidnapers who held them for seven days while attempting to extort the woman's relatives, according to Charlene D'Cruz, an immigration attorney heading the Lawyers for Good Government project at the Matamoros tent encampment. **D'Cruz said that abductions are so common in Matamoros that "most people expect that they're going to be kidnapped at some point."**
- A Cuban asylum-seeking couple were robbed and pushed to the ground while walking to a store in Mexicali, where the pair had moved after DHS returned them to Nuevo Laredo. The couple had previously been abducted, robbed, and threatened in Reynosa. Another couple seeking asylum from Cuba were abducted from the street in Mexicali in August, according to their attorney Margaret Cargioli from the Immigrant Defenders Law Center. The family is afraid to venture outside now because the kidnapers took their phones and recorded their biographical information.
- A 51-year-old member of a Cuban opposition party said that he and his adult sons, who were returned to Nuevo Laredo by DHS, have been repeatedly targeted because of their nationality. In one incident, men shouted at them on the street: "asshole Cubans, you're fucked." Then **in late October, a group of men cornered the family in the street, beating the older man with a board.**
- Lizbeth, a Salvadoran asylum seeker who was returned by DHS to Mexico through MPP, was savagely beaten in the street by two men with a belt while returning from a convenience store to the home where she had found accommodation on the outskirts of Tijuana, according to her attorney Siobhan Waldron.
- After being returned to Ciudad Juárez by DHS, a Venezuelan asylum seeker was robbed while walking in downtown Juárez. The assailant used the woman's stolen phone to threaten and extort her family members in the United States claiming he knew where the woman lived. When the woman's family stopped answering the calls, a man with a photo of the woman appeared near her home in Juárez asking about her. She reported the incident to authorities, but the police did not conduct any investigation.
- Armed men cut a 33-year-old Venezuelan asylum seeker with a knife as he was searching for a migrant shelter in Nuevo Laredo when the man refused to get in their truck. DHS later returned the man under MPP despite the attack. A former police officer, the man stated that fears going outside the shelter where he is staying. "You cannot understand how bad it is," he said.
- In November, a female asylum seeker from Honduras returned by DHS to Matamoros was kidnapped near the tent camp just feet from the local INM office and the building where Lawyers for Good Government is assisting MPP returnees with asylum applications, according to attorney Charlene D'Cruz.
- In September, the 18-year-old son of a Venezuelan asylum seeker returned by DHS to Nuevo Laredo was nearly kidnapped while working at a fruit and vegetable stand where he and his mother had found work. A passerby intervened to stop five men from kidnapping the young man when they began interrogating him about whether he was a foreigner. The young man had previously received a graze wound on his neck during a shooting near the stand.
- **Kidnappings of asylum seekers in MPP from the bus station in Nuevo Laredo are common**, including: a family seeking asylum from Venezuela with daughters ages seven and two; two Honduran asylum-seeking sisters and their three children held captive for five days and threatened with death if their

family did not pay ransom; and, a Guatemalan family with two boys who were kidnapped from the station while waiting for a bus to Monterrey while on the port of entry asylum metering list.

**Individuals and families who attempt to relocate away from the border region are still kidnapped and attacked – sometimes in transit to these regions or on return to MPP hearings, as well as in cities like Monterrey, where Mexican authorities dump returned asylum seekers without assistance.**

- A 4-year-old Honduran boy and his 23-year-old asylum seeker mother were kidnapped in Monterrey after being bused there following their return to Nuevo Laredo by DHS. On the second night of their captivity, one of the kidnapers began to sexually assault the woman but was interrupted by another of the kidnapers who set the family free.
- A 3-year-old Salvadoran boy and his mother were kidnapped while attempting to reach Monterrey after DHS returned them to Nuevo Laredo. Family members were forced to pay a ransom to secure their release. The family went into hiding in the house of Good Samaritan who is providing them with food because they fear going outside.
- A group of men stopped and threatened a Venezuelan asylum seeker traveling from Nuevo Laredo, where she had been returned by DHS under MPP, to Toluca. The men asked whether the woman was Venezuela or Cuban and gave a “first warning” to the minister traveling with the woman at the time.
- An asylum seeker from Ecuador was abducted in September while traveling to Monterrey after being returned to Nuevo Laredo by DHS. The kidnapers removed her from a car and took her to a series of houses where they demanded money for her release.
- A group of men beat and robbed a Salvadoran asylum seeker returned by DHS to Nuevo Laredo in July when he stepped out of the migrant shelter in Monterrey to purchase food for himself and his daughter.
- A Venezuelan asylum seeker in MPP, who was later granted withholding of removal at the Laredo tent court facility, was beaten by a group of men with sticks in Monterrey. On another occasion armed men in a vehicle nearly kidnapped him while he was traveling in a taxi in Monterrey.
- Cartel members in Monterrey sent extortion demands and threatening messages to a Cuban asylum seeker placed in MPP by DHS and returned to Nuevo Laredo in July. The man was forced to relocate again to another part of Mexico. He had previously been assaulted three times while in Reynosa.
- Another Cuban asylum seeker sent by DHS to Nuevo Laredo who had moved to Monterrey was kidnapped there and released only after he and his family paid a significant ransom.

## Mexican Authorities Complicit

Mexican migration and police officers are responsible for and/or complicit in the kidnapping, rape, assault, and extortion of asylum seekers and migrants returned by DHS to Mexico under MPP. Some attacks have been carried out inside of Mexican migration installations and police stations, as discussed below. In fact, the U.S. Department of State reported in its 2018 assessment of human rights in Mexico that migrants are victimized by police, immigration officers, and customs officials. Mexican authorities also consistently fail to investigate or prosecute reported crimes against migrants.

Trump Administration officials when questioned about the dangers facing those returned to Mexico by DHS have repeatedly asserted that Mexico shelters and ensures humanitarian assistance for asylum seekers in MPP



(though no written agreement with Mexico detailing specific responsibilities – including for safety and security in notoriously dangerous areas – has been publicly released). But the mere assertion that Mexico is responsible does not relieve the United States of its responsibility to protect refugees seeking asylum at and within its borders. This attempt to evade and shift responsibility for refugee protection to Mexico is particularly disingenuous given the documented history of kidnappings, killings, and disappearances in Mexico and along the border, the targeting of refugees and migrants in Mexico, and the extensive documentation of corruption among Mexican authorities – including migration officials. The Mexican government should and must do more, but the United States must uphold its asylum laws and treaty commitments and stop refouling asylum seekers and migrants to places where they face persecution, torture, and other human rights abuses. Some example of Mexican officials' complicity and collaboration in these attacks, include:

- In mid-September, **cartel members openly kidnapped returned asylum seekers inside the INM building in Nuevo Laredo** following U.S. immigration court hearings, including the seven-year-old Honduran girl and her mother mentioned above. The woman overheard a Mexican migration officer tell the kidnappers the number of migrants returned from court that day and the men counting victims to abduct. The family tried to escape in the car of local pastor, but cartel members forced the vehicle to stop a few blocks away, abducted them, and held them in a house with some 20 other kidnapped migrants. A cartel member threatened to kill the woman if she reported the kidnapping to the police and **bragged “the man from migration gave you to us.”**
- In late July, **a woman with a baby girl in her arms, who DHS had just returned to Mexico under MPP, were abducted from the parking lot behind the INM building in Nuevo Laredo.** According to a Venezuelan asylum seeker returned the same day, armed men entered the parking lot, which is enclosed by a concrete wall and metal fencing, and forced the family into their vehicle. INM officials and a patrol of Mexican soldiers who passed by shortly afterwards did nothing to investigate or respond to the abduction.
- DHS returned a Salvadoran asylum seeker, her husband, and three young children to Mexico in October even though they had been kidnapped and threatened by Mexican federal police in Ciudad Juárez. **The officers brought the family to what appeared to be a police station, demanded ransom from the woman’s family in the United States saying that they “would never see them again,” if they failed to pay, and even threatened to take away the woman’s children and put them up for adoption.**
- **In Ciudad Juárez, Mexican police attacked a Salvadoran asylum seeker, throwing him to the ground, kicking and robbed him in front of his two children as they approached the port of entry to attend an MPP court hearing in August.** The man was walking with his children in the early morning hours to report to CBP at the port of entry by 4:30 am for their hearing. When the man was able to show the police his MPP court documents, they released him but stole his money.
- Mexican migration agents in Nuevo Laredo also appear to have been involved in the near kidnapping of a Honduran asylum seeker, her husband, and son in late September after DHS sent them to Nuevo Laredo. As the family and other migrants were walking from the INM building after Mexican migration told them to leave or get on a bus for the southern Mexican border, men in vans abducted more than a dozen migrants, including the Honduran woman. Her husband and son managed to run back to the INM office. **Mexican immigration officers were either directly participating in or permitting the men to kidnap asylum seekers from the INM building because the kidnappers showed the woman a photo of her family crying inside the building to pressure her to convince them to come out.** The family managed to escape with a pastor who spirited them to a shelter in Monterrey, according to an academic researcher who interviewed migrant families in Monterrey in mid-October.

- In mid-October, a **Venezuelan asylum-seeking family of five including two girls ages eight and ten were nearly kidnapped at the Nuevo Laredo airport while returning for an MPP hearing**. The family had moved to another Mexican city after nearly being kidnapped outside of a shelter in Nuevo Laredo. As they passed through internal migration controls, a Mexican migration official took photos of the family and their documents with what appeared to be her personal cell phone. When the family challenged the official, they were allowed to proceed. However, upon exiting the terminal a group of men immediately approached them and tried to force the family into a waiting vehicle – indicating to the family that the migration official had sent their photos to the kidnappers. The family narrowly managed to escape abduction by pushing their way back into the terminal.
- **Mexican police asked for a bribe when a former judge seeking asylum from Cuba and her husband attempted to report an assault against the man in southern Mexico**, according to their immigration attorney Natalie Cadwalader-Schultheis of Justice for Our Neighbors. The couple refused to pay and the police failed to investigate the attack even though it had been captured on a film by a nearby security camera. The couple were also robbed and threatened at gunpoint with other Cuban asylum seekers in Reynosa, but DHS returned them to Matamoros under MPP nonetheless.
- **Mexican police have repeatedly threatened, wrongfully detained, and extorted the clients of Constance Wannamaker**, an immigration attorney representing asylum seekers returned to Ciudad Juárez under MPP. Police there threatened to beat a Honduran asylum-seeking client and demanded money from him. Two Cuban asylum-seeking clients, one of whom was pregnant, were also repeatedly detained and extorted by Mexican police in Juárez and in Tapachula in southern Mexico.
- Lisa Knox, an immigration attorney who represents asylum seekers in MPP said she had been alerted by her clients to **multiple instances of physical assault and abuse by Mexican police in Tijuana against returned asylum seekers**. One Honduran asylum seeker told her that he been attacked in Tijuana, and in another incident, Mexican police had detained him and called him a “dirty Honduran.”
- A Cuban asylum-seeking client of Kenna Giffen, an immigration attorney working with asylum seekers returned to Matamoros, told Giffen that **Mexican police had entered a church in Reynosa sheltering migrants and demanded money**. The police detained those who refused to pay from the church.

## U.S. Officials Continue MPP Returns Despite Widespread Human Rights Abuses

Despite extensive reports of attacks on asylum seekers in Mexico, Trump Administration officials continue to deny the massive human rights fiasco that has resulted from MPP. In November, CBP’s acting Commissioner Morgan referred to the hundreds of reports of violence against asylum seekers from human rights organizations, academic researchers, and journalists, as “**anecdotal stuff**.” In late October, outgoing acting DHS Secretary McAleenan denied hearing any “verified incident” of Mexican authorities handing migrants to cartels nor of the widely reported abduction in August of Pastor Mendez, who was reportedly attempting to protect migrants in his shelter from cartels.

Public denials by DHS officials of the grave harms suffered by asylum seekers in Mexico fly in the face of warnings and evidence from the U.S. Department of State of the deadly dangers in the regions where DHS is returning individuals through MPP. The Tamaulipas region, which encompasses Nuevo Laredo and Matamoros, is designated as a Level Four threat, the same level threat assigned to Afghanistan, Iran, Libya, and Syria. In mid-

November, as cartel violence in the region spiked while the Trump Administration continued to expand its dangerous forced return policy, the U.S. Consulate in Nuevo Laredo issued a travel warning advising U.S. citizens and personnel to avoid public places. The State Department has also indicated that Mexican police officers and security forces have been implicated in kidnappings, rape, and other human rights abuses against migrants.

In the past two years, violence across Mexico has reached renewed highs. This year has seen some 90 murders daily, many linked to drug cartels, which places the country on track to repeat the record high of nearly 36,000 homicides in 2018. That year a quarter of all murders were concentrated in five cities, including Tijuana and Ciudad Juárez, where DHS is forcibly returning asylum seekers under MPP. In November, gang warfare in Ciudad Juárez escalated with pitched gun battles in the city's streets. Overall, federal crimes in Mexico, including kidnapping, increased by 18 percent in 2018. In September of this year, there were 65 reported kidnappings in Nuevo Laredo, likely a small fraction of the total given factors that deter reporting, including the ineffectiveness of the Mexican police and their complicity in human rights abuses.

Refugee protection professionals implementing MPP have warned that the policy delivers asylum seekers to death, kidnapping, and rape. An asylum officer who resigned in protest condemned MPP, writing that by participating in sham fear-screening interviews he was “**literally sending people back to be raped and killed.**” Michael Knowles, president of a union representing employees of the U.S. Citizenship and Immigration Services (USCIS) and a longtime asylum officer, testified before Congress that MPP is an “**unmitigated disaster**” and stated that “[t]hese policies are . . . the basis for human rights abuses on behalf of our nation.” He said: “**I don’t know a single asylum officer in this country who believes [MPP] is a good policy.**” Asylum officers and government officials reportedly told the L.A. Times that asylum officers across the country are requesting transfers, retiring early, and quitting to avoid enforcing inhumane immigration policies, including MPP.

**Notwithstanding extensive, publicly available information (including from U.S. government sources) of the extreme danger migrants in Mexico face, there is no publicly available information showing that the Trump Administration assessed the potential level of harm to asylum seekers before initiating forced returns to Mexico under MPP.** Over the last two months, DHS officials have continued to expand these returns, yet have declined when asked by members of Congress to say whether they are reviewing the forced return program in light of these extensive reports of harm. When asked by Representative Nanette Barragán at an October 30 hearing whether DHS had assessed harms asylum seekers might suffer under MPP, then acting DHS Secretary McAleenan dodged the question ultimately offering only that, “[a]ssessments were done on Mexicans’ ability to manage this program jointly with the United States.” A DHS “assessment” of MPP dated October 28 fails to even mention the extensive reports of kidnappings and assaults in MPP, or any assessment of harms suffered by asylum seekers. The document absurdly claims that MPP is an “indispensable tool in . . . restoring integrity to the immigration system.” In contrast, a November report by Senator Merkley found that “[t]he administration’s MPP program put[s] thousands at risk as they await their asylum hearings in dangerous Mexican border towns.”

At a November 13 Senate Homeland Security and Governmental Affairs hearing, Senator Gary C. Peters asked acting CBP Commissioner Morgan whether DHS was considering revisiting its use of MPP in light of the very troubling reports of kidnappings, sexual assaults, and other harms to asylum seekers. In response, Morgan did not indicate that DHS officials would reconsider their use of MPP, instead testifying that “those things” are not happening when people stay in shelters, but only when they leave shelters. Taylor Levy, an El Paso based immigration attorney who has represented asylum seekers in Ciudad Juárez, reported that she had informed Morgan’s staff of the violence and kidnappings right outside of a Juárez shelter they were visiting – including that people had been raped and beaten in front of their children. Many asylum seekers, as detailed in this report and other accounts, have been attacked at shelters in Mexico, and while traveling back and forth to shelters to attend MPP hearings, buy food or conduct other essential activities. Morgan also attempted to dismiss reports of

kidnappings, assaults, and other attacks by stating that “the data is not substantiated by the Mexican military or national guard.” However, efforts to pretend these attacks are not happening – on the grounds that Mexican authorities have not provided data on them to DHS – is both disingenuous and absurd given the well-documented failures of Mexican officials to protect migrants and refugees, their complicity in attacks against migrants and refugees, and the extensive criminal activities of cartels more broadly in border and other regions of Mexico.

## Sham Protection Interviews Increasingly Cursory and Adversarial

DHS’s MPP screenings appear rigged against asylum seekers at every stage. Screening interviews have become increasingly cursory, farcical, and hostile. DHS officials overrule some asylum officers’ decisions that MPP returnees face serious danger in Mexico. In addition, CBP officers also continue to fail to refer individuals who express fear of return for fear-screening interviews, and immigration judges routinely do not ask asylum seekers if they are afraid to return to Mexico and sometimes do not refer them for screenings. Some asylum seekers even report being restrained in handcuffs during MPP fear-screening interviews. As a result, very few asylum seekers have been removed from MPP, even when they suffer serious harms and/or threats in Mexico.

The MPP screening process is a sham that lacks the basic safeguards Congress created to prevent the deportation of asylum seekers to persecution through the credible fear screening process and other safeguards to assure access to asylum hearings. In an amicus brief submitted in the suit challenging MPP, the U.N. Refugee Agency made clear that MPP fear-screening procedures “lack key safeguards required by international law” as “applicants do not have access to counsel in the screening procedure; a decision is not appealable by the applicant; and applicants cannot meaningfully prepare their refugee status determination claims by meeting with lawyers and/or receive notice of upcoming court dates, or otherwise be assured of due process in their full asylum hearings.” An amicus brief by the union for asylum officers from USCIS, who conduct these screenings, states that “MPP fails to provide even the basic procedural protections available to asylum applicants subject to [expedited removal].” The design and implementation of the MPP screenings makes clear that they are not intended to protect asylum seekers and migrants at risk in Mexico but to expedite their return despite these risks.

DHS has publicly defended the small percentage of individuals who pass MPP fear screenings by audaciously suggesting that asylum seekers – who are fleeing violence in their home countries are unlikely to harbor legitimate fears of return to Mexico because they “voluntarily entered Mexico en route to the United States” – disingenuously ignoring the difference between passing through a dangerous area with the much greater risk faced by those placed in MPP who are forced to remain in a highly dangerous area for many months.

**Fear-screening interviews conducted by asylum officers have become increasingly farcical, cursory, adversarial, and seemingly rigged against asylum seekers.**

- **Some MPP fear interviews last just minutes, consist of yes-or-no questions, and/or focus on issues not relevant to fear of Mexico.** Credible fear interviews conducted by trained asylum officers generally take several hours to complete. Yet two unrepresented asylum seekers from Honduras and Venezuela returned to Tijuana told attorney Lisa Knox in late November that their MPP fear interviews lasted about five minutes. An Ecuadoran asylum seeker kidnapped in September in Nuevo Laredo with her daughter, told her attorney Esmeralda Sosa, that she was asked only a few questions even though she had presented evidence in the form of text messages from the kidnappers during an MPP screening. Sosa was not permitted to attend or monitor. A Salvadoran asylum seeker, who had nearly been kidnapped in Nuevo Laredo, indicated that the officer conducting her 15-minute-long interview principally asked about the route she and her children took to the United States and “why they had come illegally.”

The aggressive questioning made her afraid to fully recount what had happened, in part, because she feared her responses might be shared with Mexican migration officials who she had seen speaking to one of the men who tried to kidnap her.

- A former asylum who resigned in protest over MPP decried the fear interview process as “practically ensur[ing]” the violation of international law. He wrote, “[t]he current **process places on the applicants the highest burden of proof in civil proceedings in the lowest quality hearing available . . .** we are conducting the interviews telephonically, often with poor telephone connections, while at the same time denying applicants any time to rest, gather evidence, present witnesses, and, most egregious of all, denying them access to legal representation.” Another asylum officer speaking to Vox reportedly stated that the standard for fear of Mexico screenings is “all but impossible to meet.”
- **DHS continues to generally refuse access to attorneys during MPP screening interviews even where it has the physical capacity to do so.** Several attorneys representing asylum seekers at the Laredo and Brownsville MPP facilities told Human Rights First that CBP had not permitted them to be present with their clients during MPP fear-screening interviews; only two attorneys reported that after repeated requests to the Houston Asylum Office and local CBP officers that they were permitted to sit in on interviews conducted at the Brownsville tent facility. DHS has generally maintained that it cannot provide access to counsel during fear screenings because of “limited capacity and resources at ports-of-entry and Border Patrol stations.” But this inadequate claim does not explain why attorneys are excluded from monitoring interviews telephonically and does not account for why the agency chose to conduct MPP fear-screening interviews in CBP facilities where attorneys are routinely barred. In November, a **federal district court issued a temporary restraining order** in a suit brought by Jewish Family Services and the ACLU of San Diego and Imperial Counties, **finding that the Administrative Procedure Act “provides a right of access to retained counsel for [MPP] interviews”** and requiring DHS to grant the plaintiffs, a family of Guatemalan asylum seekers returned to Tijuana under MPP, access to their lawyers before and during MPP fear-screening interviews while in CBP custody.
- **Although asylum seekers frequently report being told by DHS that they cannot pass MPP fear screenings without corroborating evidence, which is often difficult for many to secure at that stage, even those who have evidence are blocked from presenting it, as DHS lacks processes to allow individuals or their attorneys to submit evidence.** Attorney Kenna Giffin reported that DHS would not allow her to submit medical and other documentary evidence of behalf of a Cuban asylum seeker who had been sexually assaulted in Mexico because she had made the request for interview in court and they would not accept a same-day submission of evidence. An attorney representing a Cuban asylum seeker who was gang raped in Mexico and returned to Nuevo Laredo was told by an asylum officer that medical evidence regarding the assault was “not needed.” The officer conducting the interview telephonically was uncertain as to how to receive documents at the time of the interview from an MPP tent court. Neither woman passed the MPP screening interview. In early December, a lawyer representing an asylum seeker in the Laredo MPP court requested during the hearing an MPP fear interview for her client and inquired as to where she could send documentary evidence. Neither the immigration judge nor the DHS attorney could explain how to submit evidence for the telephonic MPP screening interview.
- **The percentage of individuals who pass DHS’s farcical fear of Mexico screenings remains very low.** Figures from DHS published in late October indicate that fewer than 1,000 people were found by asylum officers to meet the unduly high Mexico fear standards – 13 percent of the 7,400 individuals actually provided MPP fear screenings. It is also unclear how many of the asylum seekers referred for fear-screening interviews were referred by an immigration judge, or whether the passage rate has shifted



over time as MPP has expanded. But the overall percentage of individuals removed from MPP with genuine fears of remaining in Mexico is likely much lower than the 13 percent calculated by DHS given CBP's widespread failure to refer the majority of individuals who indicate a fear of return, as the UC San Diego [study](#) found, and efforts by CBP to dissuade or punish asylum seekers who request such interviews, likely many asylum seekers who fear return to Mexico have not been referred for interview at all. For instance:

- A Venezuelan asylum seeker said that after a negative MPP fear-screening decision a CBP officer at the Laredo port of entry told him to not bother requesting another interview because “they’re not taking anyone out” of MPP.
  - Another Venezuelan asylum seeker told attorney Lisa Knox that she was held in isolation for two days in a CBP cell in San Ysidro without access to drinking water after requesting a fear interview.
  - One immigration attorney, who represents clients returned to Matamoros, reported that she does not request MPP fear screenings for some clients with legitimate fears of returning to Mexico because those returned after interview, which the vast majority do not pass, are often released at night, heightening the dangers they face.
- [TRAC](#) data shows that as of September only **one percent** of individuals (659 out of 47,313) scheduled for MPP immigration court hearings had been removed from the program (this figure includes those who were removed at the discretion of CBP for reasons other than passing the MPP fear screening).

**DHS officials have overturned positive MPP fear-screening determinations and pressured USCIS asylum officers to determine that asylum seekers and migrants do not meet the MPP fear-screening standard.**

- The Merkley [report](#) on MPP found that **DHS political appointees interfere in MPP fear screenings, overturning decisions by professional asylum officers** that individuals have met the high screening threshold. According to the report's findings, “decisions that migrants should remain in the U.S. for their safety were forwarded on to supervisors, and in some cases all the way up to headquarters,” where they were frequently reversed. One whistleblower said getting final approval to remove asylum seekers who face harm in Mexico from the MPP program requires “Herculean efforts.”
- The internal DHS [review](#) of MPP reported on by BuzzFeed reportedly concluded that “**some CBP officials pressure USCIS to arrive at negative outcomes when interviewing migrants on their claim of fear of persecution or torture**” in Mexico under MPP.

**The vast majority of individuals have been returned after MPP screening interviews even when they have been previously targeted in Mexico.** Indeed, the Merkley report concluded that is “**virtually impossible for any asylum-seeker—regardless of the actual danger they face—to be granted permission to leave Mexico.**”

Some of those returned by DHS after screening despite having suffered serious harms in Mexico include:

- DHS returned [a nine-year-old disabled girl and her mother](#) after failing an MPP fear screening even though they had been held against their will, subject to labor exploitation, and the girl sexually assaulted. After failing the screening, the girl and her mother were abducted blocks from port of entry in Tijuana by armed men, who repeatedly raped them over the course of nearly two weeks in captivity.
- In mid-November, an asylum-seeking woman who had been raped in front of her three-year-old son was returned to Matamoros after she did not pass an MPP fear-screening interview, according to attorney Jennifer Harbury. The woman and her son had previously been kidnapped in Reynosa and returned to Mexico under MPP without being referred for a fear screening.

- A Cuban woman kidnapped and gang raped in Nuevo Laredo when she first arrived there to seek asylum at the port of entry did not pass an MPP fear-screening interview. The attackers said, “this is what we do to Cubans here.” After DHS initially returned her to Nuevo Laredo, the woman lived in hiding, only leaving to receive treatment for her trauma and to attend an MPP court hearing. During a fear-screening interview in November after that hearing, an asylum officer asked the woman for proof that “the attackers believed they were targeting [her] because [she is] Cuban” and concluded that despite the serious harm she suffered in Mexico that her fear of return to Mexico was insufficient to justify removing her from MPP.
- A Guatemalan man and his nine-year-old son, who were twice nearly kidnapped in Mexico, did not pass an MPP fear screening after aggressive questioning of the boy by an asylum officer. The officer questioned the nine-year-old child about details of the kidnapping attempts, one of which occurred just a day after the family was returned to Mexico, resulting in the nine-year-old becoming confused, overwhelmed, and crying, according to an attorney who spoke with Human Rights First.
- An asylum seeker from El Salvador and his six-year-old son who were kidnapped, robbed, and extorted multiple times, including by Mexican police, were returned by DHS to Mexico after failing to pass an MPP fear screening, according to their attorney Constance Wannamaker. Though the family’s account was deemed credible, as indicated by the interview worksheet, the asylum officer found that they did not meet the standard to establish a more likely than not probability of harm in Mexico.
- A Cuban asylum seeker, who was the victim of two kidnappings in Reynosa and who was physically abused and sexually assaulted after being returned under MPP, did not pass a fear screening in November, according to her attorney Kenna Giffen. The woman who was referred for interview following a hearing in the Brownsville tent court fainted in terror of being returned to Mexico and was put into a wheelchair. DHS did not permit the woman to be represented by counsel during the interview.
- A Honduran asylum seeker who did not pass an MPP fear screening had been repeatedly stripped and searched for money by men in Mexican police uniforms who threatened to kidnap her older son and had been followed and threatened by men in Mexicali. The woman was found not credible and the family returned to Mexico. The woman reported to her attorney Troy Elder of Immigrant Defenders Law Center, who DHS did not allow to be present during the interview, that the asylum officer interviewing her and her sons questioned the boys about whether they “like” Mexico in what appeared to her to be an attempt to contradict her fear of remaining there.

**CBP officers continue to routinely fail to even refer asylum seekers and migrants for fear screenings, even if they affirmatively express a fear of return to Mexico.** In a survey of individuals returned by DHS to Tijuana and Mexicali, the [U.S. Immigration Policy Center](#) at UC San Diego found in a report published in an October 2019 that 60 percent of those who expressed a fear of return to Mexico to a CBP officer were not referred for a fear screening with an asylum officer. An internal DHS [report](#) by senior officials charged with reviewing the implementation of MPP found – according to a November 14 BuzzFeed article – that CBP officers fail to refer asylum seekers for fear screenings and that asylum officers. Asylum seekers returned to Mexico without screenings include:

- **An asylum-seeking woman was not referred by CBP for an MPP fear interview before being sent to Matamoros even though she was kidnapped and raped in front of her three-year-old son.** The woman was still bleeding days after the attack and in need of additional medical attention when she met with attorney Jennifer Harbury in November. Before being returned to Mexico, the woman had tried to explain that she and her son had been kidnapped in Reynosa before crossing into the United States to seek asylum, but CBP sent them back without referring them to an asylum officer for an MPP screening.

- **CBP officers in Laredo failed to refer a Guatemalan family with two children for a fear-screening interview even though they explained that they had been kidnapped from the Nuevo Laredo bus station, held for days, and threatened that they would have to pay to remain in the city.** The CBP officer processing the family when they were allowed to enter the port of entry after waiting on a metering list said kidnapping was immaterial to fear of Mexico unless the person was raped or seriously injured.
- Immigration attorney Lisa Knox reported that **CBP officers refused to refer her asylum-seeking client from Honduras for an MPP fear-screening interview after he had been attacked and robbed in Mexicali by men with machetes.** The man also informed the private security guards transporting him back to Mexico from the immigration court that he feared return but was not referred for an MPP fear interview. Similarly, a Salvadoran asylum seeker who had been kidnapped in Ciudad Juárez and escaped by climbing out of a window after DHS sent her to Juárez under MPP was not referred for a fear-screening interview even though she specifically requested one.
- **CBP officers accused a 32-year-old Nicaraguan woman fleeing political persecution of lying about having been kidnapped and raped by cartel members** in Nuevo Laredo after DHS returned her there in July. After a ransom was paid, the cartel had forced her to cross the river. When she attempted to express her fear of return to Mexico, a CBP officer accused her of lying and sent her to Nuevo Laredo.
- A Salvadoran asylum seeker abducted with her three children in Monterrey was not referred by CBP for an MPP screening despite the woman describing her fear of being returned to Mexico. A CBP officer told the woman that, “everyone has to go back.” After being returned by DHS to Tijuana in October, the woman received a death threat in November from men involved in her family’s kidnapping.
- **A teenage Venezuelan girl was returned with her father and brother to Ciudad Juárez even though she had been the victim of an attempted sexual assault in Mexico,** which has left her symptoms of continued trauma, according to attorney Tania Guerrero of CLINIC. Despite explaining their fear of return to Mexico, CBP sent them to Ciudad Juárez in September.
- An asylum-seeking woman from Cuba reported that CBP refused to listen when she recounted having been kidnapped with her husband in Nuevo Laredo and held with other migrants who were being beaten by cartel members. After being forced to wait on the metering wait list at the Laredo port of entry, **a CBP officer told the woman in response to her fear of Mexico: “I don’t want to hear it. You can tell it to the judge at your hearing.”**

**Immigration judges often fail to ask asylum seekers if they are afraid to return to Mexico during hearings and sometimes fail to refer them for an MPP screenings even when they express fear of return:**

- During MPP hearings in November and December at the San Antonio immigration court, where immigration judges conduct remote proceedings for asylum seekers returned to the notoriously dangerous city of Nuevo Laredo, **Human Rights First observed only one judge in November affirmatively ask whether asylum seekers in court feared return to Mexico.** However, that judge was not inquiring about fear of return to Mexico in December hearings. Researchers monitored the hearings of 185 individuals before seven different immigration judges. Some asylum seekers may be reluctant to raise their fear of return for fear that they will be asked to share details of violence and threats they have suffered in front of their children and to do so via video-teleconference from a remote courtroom where they cannot see who may be listening to their statements in the judge’s courtroom.
- **DHS attorneys offer specious legal arguments in an attempt to block non-refoulement interviews and return asylum seekers to danger.** For example, a family of three asylum seekers from El Salvador,



who had previously failed an MPP fear screening, told an immigration judge from the Laredo MPP tent court that they had received new threats and feared return to Mexico. The DHS trial attorney argued that new threats were not a “changed circumstance” warranting another non-refoulement interview, as they had been threatened on prior occasions.

■ **Some immigration judges fail to refer asylum seekers for non-refoulement interviews despite expressed fears of harm.**

- A 28-week pregnant Nicaraguan asylum seeker with a six-year-old child in the Laredo MPP court in November told an immigration judge that she feared remaining in Mexico. Because she had not passed a prior MPP screening, the judge did not request that DHS refer her for interview.
- An asylum seeker from Honduras with a toddler in her arms told an immigration judge during her MPP hearing in November that she was afraid to be returned again to Nuevo Laredo, but the judge merely asked the woman when she would prefer her next hearing and did not ask DHS to ensure she received an MPP fear screening.
- A woman kidnapped from the Nuevo Laredo INM office in mid-September after being returned to Mexico following an earlier MPP hearing reported that she was not referred for a fear interview even after explaining to an immigration judge in October that she had been kidnapped. She recalled that the judge told her, “this happens and there’s nothing we can do.”
- A Honduran asylum seeker with a seven-year-old daughter told an immigration judge during a Laredo MPP hearing in December monitored by Human Rights First that she feared return to Mexico. The judge disregarded her fear and scheduled another hearing. Only after the asylum seeker repeated that she was afraid of going back to Mexico did the judge refer her for an MPP screening.

## Third-Country Transit Ban Blocks MPP Asylum Seekers

In July, the Trump Administration issued as an [interim final rule](#) that bars individuals seeking protection at the southern U.S. border on or after July 16, 2019, from receiving asylum if they have [transited through third countries](#) en route to the United States. Given the rule’s extremely narrow and essentially insurmountable exceptions, the vast majority of asylum seekers, including many of those in the MPP program are barred from receiving asylum in the United States if they did not apply for asylum in a transit country – even if they would have been in danger and at risk of return to persecution. This new regulatory asylum bar is an attempt to contravene the law established by Congress that merely passing through a third country is not a basis to deny asylum. U.S. immigration law bars refugees who transit through other countries from asylum only if they “firmly resettled” in the transit country, or if the United States has a formal return agreement with a country where refugees are both safe from persecution and would have access to a full and fair procedure to seek asylum.

With the third country transit asylum ban in place, even if an immigration judge finds that a refugee subject to the transit ban has a well-founded fear of persecution (the standard for asylum), that refugee will be ordered deported unless they meet the much more stringent requirements for withholding of removal or protection under the Convention against Torture (CAT). In [FY 2017](#), only about seven percent of withholding and five percent of CAT applications were granted. Effectively cut off from attorneys in the United States by MPP, few will meet the excessively high requirements to receive these protections. Refugees who are granted these [highly deficient](#) forms of protection face barriers to a stable life in the United States, have no pathway to legal permanent

residence or citizenship, and are often left separated from their families, as these limited deportation protections do not allow the refugee's children or spouse to be brought to, or remain in, safety in the United States. For example:

- A Venezuelan refugee was denied asylum at the Laredo MPP tent court in October solely because he entered the United States to apply for asylum days after the third-country transit ban was implemented. An immigration judge ruled the man, a former police officer who refused to comply with an order to arrest opposition protestors, was a refugee entitled to withholding of removal – a form of relief from deportation that will leave him permanently separated from his three children in Venezuela who remain at risk.
- A Venezuela woman was granted withholding of removal and CAT protection in late November at the Laredo MPP tent court by an immigration judge. Determining the woman was a refugee entitled to protection, the immigration judge would have granted the woman asylum but for the third-country transit asylum ban, according to her attorney David Robledo. The woman had sought asylum based on political persecution in Venezuela in late July just after the ban went into effect.

DHS was initially applying the third country transit asylum ban even to asylum seekers who arrived at the U.S. border to seek protection prior to July 16 who had been turned away by CBP officers or forced to place their names on waiting lists at a U.S. port of entry. However, in mid-November, a federal district court hearing a challenge to the government's practice of metering asylum seekers at the southern border entered a preliminary injunction, prohibiting the government from applying the asylum ban to those who tried to seek asylum at ports of entry before the rule went into effect. The Executive Office for Immigration Review, the office within DOJ in charge of the immigration courts issued guidance to immigration judges several days later. Nonetheless, some immigration judges appear unaware of the district court ruling and continue to deny asylum to those who should be covered by the injunction. For asylum seekers in MPP, 98 percent of whom are unrepresented, there is a particularly high risk of erroneous denials of asylum given that these individuals are unlikely to be aware of the evidence they must provide to demonstrate that they attempted to request asylum prior to July 16.

- At the Laredo MPP tent court in early December, a Cuban woman and her one-year-old son were determined by an immigration judge to be refugees were denied asylum on account of the third-country transit ban even though they had attempted to apply for asylum before July 16. The immigration judge, who appeared confused about the scope of third-country asylum transit ban and incorrectly stated that the ban applies to asylum *applications* filed on or after July 16 (rather than considering the date of the asylum seeker attempted seek protection at southern U.S. border), granted the family withholding of removal instead of asylum. The government attorney reserved the right to appeal the judge's decision and the family was transferred to a family detention center in Texas.
- During another Laredo MPP hearing in December the same immigration judge denied asylum to an unrepresented Cuban refugee and her two sons because of the third-country asylum transit ban. Although the family had gone to request asylum at the Laredo port of entry in late June and had been told by an official to register on the metering list, the immigration judge found the family ineligible for asylum under the mistaken understanding that the third-country transit asylum ban depends on the date an asylum seeker files their asylum application in court. This refugee family was denied asylum and given only the limited relief of withholding of removal as a result.
- In Laredo MPP master calendar hearings observed by a Human Rights First court monitor in December, an immigration judge advised all asylum seekers present that they were ineligible for asylum under the transit ban without inquiring whether they had attempted to request asylum prior to July 16, thus entirely disregarding the preliminary injunction.

## Stranded in Appalling Conditions

Under the Trump Administration's MPP policy, DHS dumps asylum seekers in Mexico to wait for months even though they do not have access to adequate shelter, food, healthcare, or other humanitarian necessities. Acting CBP Commissioner Morgan has stated that the U.S. government does not track what happens to individuals the agency returns to Mexico under MPP. A recent study by the U.S. Immigration Policy Center at UC San Diego found that one out of every three people in MPP have been homeless after being returned to Tijuana and Mexicali while waiting for MPP hearings. The governor of Baja California recently scrapped plans to open a government-supported shelter in Mexicali after protests by local residents. An internal report by DHS reportedly concluded that some asylum seekers lose their space at shelters when they travel to MPP court hearings, leaving even more stranded and in danger. Wait times for initial hearings are far longer than the 45 days that DHS had initially claimed, with the agency now acknowledging that asylum seekers are waiting between two and four months for a first hearing. The lack of safe shelter leaves thousands homeless and exacerbates the already high risk of kidnapping, extortion, assault, and exploitation in border areas in Mexico.

- In Matamoros, the tent encampment visited by Human Rights First in October has grown to an estimated 1,500 to 2,000 people sleeping in hundreds of tents in the port of entry plaza and surrounding sidewalks. Some tents are patched together with garbage bags. Asylum seekers live in unsanitary and deteriorating conditions. According to a November article from the Associated Press, “near the wooden toilets, the air smells like feces. Flies buzz around toilet paper discarded on the ground. A volunteer uses a shovel to remove waste that has pooled in front of a set of toilets.” Asylum seekers and migrants in the tent camp lack access to adequate, safe drinking water, and are forced to bathe and wash clothes in the Rio Grande, which is contaminated with bacteria. In mid-November temperatures dropped to near freezing, making conditions in the tent camp even worse. Helen Perry, a nurse practitioner and Global Response Management's operations director, said: “[H]aving seen other humanitarian crises in the world, this is one of the worst situations that I've seen. It's only going to get worse, and it's going to get worse rapidly.”
- Many children have fallen sick as a result of the conditions in the Matamoros tent camp. A Nicaraguan asylum seeker living in a damaged tent with her eight-year-old daughter told the Associated Press that her daughter had been diagnosed with pneumonia but was running out of antibiotics. In November, a gravely ill two-year-old toddler diagnosed with possible sepsis by a volunteer doctor in Matamoros and was left by CBP outside in the cold rain for hours because the Brownsville port of entry refused to remove the child and her parents from MPP to enter the United States to seek emergency medical care. Only after the intervention of five attorneys, an additional medical evaluation by a CBP nurse practitioner, and coverage by the media did CBP relent.
- Despite these conditions, many asylum seekers prefer to remain in the plaza camp near the port of entry, which they believe is safer than venturing into Matamoros, where many have been kidnapped, according to attorney Charlene D'Cruz who works with unrepresented asylum seekers there. They also fear moving away from an area where attorneys from the United States can cross into in order to provide legal counsel without venturing into even more dangerous areas. Trust in local authorities among returned asylum seekers is low, particularly after an incident in early November when a video of a Mexican child welfare officer threatening to separate children from families in the camp circulated widely. While some asylum seekers have relocated to a municipal shelter recently opened in Matamoros, with capacity of just 300 it is reportedly already full, according to the Washington Post.

- The Mexican government has also bused asylum seekers in MPP from Matamoros and Ciudad Juárez among other MPP return locations to southern Mexico – with some abandoning their requests for asylum given the dangers in Mexico, while others are unaware that these one-way tickets will likely prevent them from returning for MPP hearings.

## MPP and Tent Court Due Process Farce Continues

The Trump Administration is eviscerating asylum protections for refugees at the southern U.S. border with its MPP policy, port of entry asylum turnbacks, the third-country transit asylum ban, and the implementation of asylum seeker transfer agreements with El Salvador, Guatemala, and Honduras.

MPP is a due process charade that restricts access to counsel, legal information, and the ability of asylum seekers to attend and participate in immigration hearings. Immigration judges have ordered asylum seekers deported when they have missed court because they were kidnapped in Mexico. DHS even returns some asylum seekers to Mexico *after* immigration judges grant them asylum or other protection in the United States. Refugees with legitimate protection needs are giving up on their cases because of the grave dangers they face in Mexico and risking further persecution and torture by returning to their home countries. With immigration courts instructed by DOJ to speed up MPP cases, immigration judges are under pressure to make rapid rulings. One frustrated immigration judge in San Antonio was overheard by a Human Rights First researcher in November telling a courtroom assistant: “You’re going to hear me scream every day that I can’t get through these dockets.” Another judge with 92 people on his docket in early December conducted a group master calendar hearing for 12 people simultaneously, raising concerns about their ability to understand the removal proceedings against them.

In yet another attack on U.S. due process, DHS continues to use secretive tent courts in Laredo and Brownsville, Texas, for MPP hearings. Referring to these tent courts, immigration judge Ashley Tabaddor, president of the National Association of Immigration Judges, said: “We don’t do stuff behind closed doors. That is not what America is about. . . . **we are moving closer and closer to a model that doesn’t resemble anything in the American judicial system.**”

**Stranding asylum seekers in Mexico creates fundamental barriers to attend U.S. immigration court hearings that can result in asylum seekers being ordered deported and terrifies some asylum seekers into abandoning their asylum claims.** Some asylum seekers are being ordered removed *in absentia* because they were kidnapped at the time of hearings or were otherwise unable to arrive at the port of entry at the precise time designated by CBP. Other asylum seekers, having been kidnapped, assaulted, or otherwise terrorized in Mexico, are withdrawing their claims for asylum and risking their lives to return to their home countries.

- **Immigration judges have publicly stated that they are under pressure from DOJ to order asylum seekers deported who do not appear for hearings.** According to reports from immigration court staff to Human Rights First, some immigration judges are even instructing court clerks to pre-print *in absentia* removal orders for all of their MPP cases in anticipation of ordering the vast majority deported. Those ordered removed after missing court include:
  - Asylum-seeker Elizabeth, missed an MPP hearing in El Paso and was ordered removed *in absentia* because she was searching for her two-year-old son who had been kidnapped.
  - Rosalía and her two-year-old daughter, who were returned to Mexicali, missed court in San Diego in October because they arrived a few minutes after 3:30 in the morning – the time CBP had

- instructed them to present at the port of entry. CBP officers refused to transport them to the immigration court and the family was ordered removed in absentia.
- The children and mother of a Colombian asylum seeker who did not appear at the Laredo MPP court with her for their hearing in December were ordered removed *in absentia*. The woman explained that she could not afford to bring her family from Guadalajara because she had to hire an attorney to file charges against a man who had sexually abused her daughter and that she could not even afford to see a doctor for cancer treatment.
  - At a Laredo MPP hearing in December an immigration judge informed a Guatemalan asylum seeker that her daughter's *in absentia* removal order was unlikely to be reopened on the basis that her daughter was afraid to traveling through the border region to attend her MPP hearing in Brownsville. The judge told her, "to be blunt, being afraid is probably not going to cut it."
- **Even individuals who have been reported to immigration judges as having been kidnapped at the time of their hearings are being given *in absentia* removal orders.** In early November, an eight-and-a-half-month pregnant Salvadoran woman appeared in the Laredo MPP tent court with her eight-year-old son. While crying, she told the judge that her husband was supposed to appear in court as well but he had gone missing in Mexico in September and she hadn't seen him since. DHS asked for him to be deported *in absentia*, claiming that they were asking for a deportation order because it would not be possible to give notice to the husband regardless. The husband was subsequently ordered deported.
- **The extreme dangers faced in Mexico push some asylum seekers to risk persecution and torture in their home countries.**
- Two Venezuelan men – who were kidnapped as they attempted to approach the Laredo port of entry to seek asylum, beaten, ransomed, forced across the border by their abductors, and again threatened with kidnapping by the same men on the bridge just after DHS returned them to Nuevo Laredo – are so afraid for their lives that they have been forced to abandon their U.S. asylum claims. According to immigration attorney David Robledo who unsuccessfully requested that DHS provide the men a remote MPP fear screening, the men have relocated to another city in the interior of Mexico but are too afraid to return to the border region to attend MPP court.
  - A 36-year-old Venezuelan woman seeking asylum said she is so afraid to remain in Mexico under MPP that she wants to formally withdraw her asylum application and leave as soon as possible. However, the woman fears risking the safety of her 11- and 13-year-old sons to pass through Nuevo Laredo, after previously having been threatened with kidnapping. Given the dangers, she was uncertain if she would attend their MPP immigration court hearing to inform the court of her decision.
  - In November, a Honduran woman with a two-year-old boy, who DHS returned to Nuevo Laredo under MPP, told an immigration judge during a hearing monitored by a Human Rights First researcher that she had been kidnapped with her baby, and said, "If I am to be deported, I would like to be deported to my own country, not Mexico."
  - Another Honduran woman appearing in the Laredo MPP tent court with her two-year-old daughter in November, burst into tears, and asked an immigration judge for voluntary departure because she "never imagined the road would be difficult." The government attorney asked for a removal order instead, which the immigration judge ultimately entered.

**MPP seriously interferes with the right, guaranteed under Section 292 of the Immigration and Nationality Act, to be represented by a lawyer.**

- **Nearly 98 percent of MPP returnees did not have lawyers, as of the end of September, according to immigration court data analyzed by TRAC.** Only 939 out of 46,654 individuals in MPP court proceedings have legal counsel registered with the immigration court.
- Very few asylum seekers appearing at the Laredo tent court were represented by an attorney during the first week of November and the first week of December when Human Rights First observed MPP hearings from the San Antonio immigration court. Only 42 of the 185 individuals who attended court had a lawyer.
- At two shelters Human Rights First visited in Nuevo Laredo in November only three individuals out of more than 30 returned under MPP were represented by counsel. At another makeshift shelter researchers visited in Nuevo Laredo, a pastor working with the shelter said that to his knowledge none of the approximately 70 MPP returnees in the shelter, many of them Central Americans, had a lawyer.

**These abysmal representation rates are the predictable consequence of a policy that effectively prevents asylum seekers from searching for attorneys in the United States as well as the acute safety concerns that prevent many U.S.-based legal services organizations and individual immigration attorneys from representing asylum seekers returned to Mexico.** In December, an immigration judge hearing cases at the Laredo MPP tent court acknowledged to an unrepresented asylum seeker that MPP “makes it difficult for attorneys to represent people.”

- U.S.-based attorneys attempting to represent asylum seekers in MPP face severe dangers to travel to regions where DHS returns asylum seekers including Nuevo Laredo and Matamoros in Tamaulipas. In mid-November, as cartel violence in the region spiked, the U.S. Consulate in Nuevo Laredo issued a travel warning advising U.S. citizens and personnel to avoid public places.
- The few lawyers willing to enter dangerous regions in Mexico to meet with clients risk their lives to do so. A shooting half a block from the port of entry in Ciudad Juárez prevented a Cuban asylum seeker returned to Mexico through MPP from reaching the international bridge where her immigration attorney, Constance Wannamaker, had arranged to meet. The client later told her attorney that a dead body had been dumped from a car directly in front of her house. John Anthony Balli, an attorney representing a Cuban client in Nuevo Laredo in MPP reported that because of escalating violence there in November, neither he nor his staff could risk visiting the city to obtain crucial evidence needed for a merits hearing scheduled only two weeks away.
- Asylum seekers appearing for hearings in the Laredo MPP tent court in November told immigration judges that efforts to search for attorneys were fruitless. A woman with two sons told an immigration judge that from the list of phone numbers for legal services providers distributed by CBP only one attorney had answered her many calls but had told her he could not accept her case because she was in Mexico. Another asylum seeker noted that, “no one will take our cases.” When asked if he wanted more time to find representation, the man said that after a month and a half of searching he had concluded that finding a lawyer willing to represent him in Mexico was impossible. **“I’ve run out of time. I’m exhausted. Whatever happens to me should happen now,”** he said.
- **The terror of remaining in Mexico pushes some unrepresented asylum seekers to ask for earlier hearings rather than accept additional time to find an attorney or prepare evidence in support of their asylum claims.** During hearings monitored by a Human Rights First researcher, an unrepresented Venezuelan asylum seeker said he wanted the next available hearing even though an immigration judge



offered him time to gather documents in support of his case. An unrepresented Honduran asylum seeker with a toddler told an immigration judge she feared remaining in Nuevo Laredo and asked for an earlier hearing to get out of Mexico, rejecting the judge's offer of additional time to search for an attorney.

**MPP immigration court proceedings implemented by DHS and DOJ create fundamental barriers to due process.** Restrictions by DHS and the immigration courts on access to attorneys, who could help prepare asylum applications, collect and submit evidence, and represent them in court, as well as the use of tent court hearings undermine asylum seekers' right to legal representation and to understand and participate in their own removal proceedings. The failure of DHS and DOJ to provide proper notice of immigration hearings to asylum seekers returned to Mexico can result in immigration judges issuing removal orders or terminating proceedings where asylum seekers miss hearings. As a result, few returned asylum seekers are likely to win their cases, despite many having valid claims.

- **DHS restrictions at MPP courts severely limit access to counsel for asylum seekers.** Then acting DHS Secretary McAleenan claimed in September that the agency “built space for aliens to meet with their attorneys to protect [the] right [to counsel]” at the MPP tent courts in Brownsville and Laredo. However, the very few attorneys representing clients in MPP hearings at these facilities said that DHS allows at most one hour for client meetings before hearings, even when attorneys represent multiple individuals with hearings on the same day and frequently denies requests to meet with clients after hearings, citing capacity constraints. An attorney representing an MPP client before the San Diego immigration court said lawyers often have only around twenty minutes to meet with clients before hearings because of delays in processing the individuals appearing for MPP hearings. This time is completely insufficient to consult with clients and prepare their asylum applications. Human Rights Watch found in September that the El Paso immigration court had prevented lawyers from meeting with clients prior to MPP hearings.
- **None of the MPP courts permit legal services providers and volunteer attorneys to offer legal information or meet with unrepresented individuals to assess their cases for representation.** For many asylum seekers forced to wait in Mexico, these immigration court hearings are the only opportunity to meet in person with attorneys, as many lawyers cannot travel to Mexico because of safety and other concerns. By barring legal presentations and consultations at these initial MPP hearings, DHS officials are further limiting the ability of unrepresented asylum seekers to secure legal representation and legal assistance.
- In MPP hearings observed by Human Rights First and other court monitors, **unrepresented asylum seekers struggle to understand how to complete asylum applications in English and submit certified English translations of evidence in support of their cases.** For instance, an immigration judge hearing cases for the Laredo MPP court refused in December to accept evidence that an asylum seeker had tried to request asylum prior to the July implementation of the third-country transit ban because it had not been translated to English. In November, a judge presiding in a case at the Laredo MPP tent court told a family: “These [asylum] applications are in English, and neither of you read or write English. And you’re in a country where most people speak Spanish. So all I can tell you is to do your best.” Another judge hearing cases for the Brownsville tent court encouraged asylum seekers to reach out to family or friends for help. Given the lack of access to legal representation and translation help, many have no choice but to have asylum applications and documents translated by individuals who will understandably make many mistakes – mistakes which government attorneys may subsequently cite as evidence of “inconsistencies” or a lack of credibility.
- While stranded in Mexico, **asylum seekers also face barriers to gather and submit evidence to support their asylum applications.** For instance, during an MPP hearing observed by Human Rights

First, an immigration judge told an asylum seeker with a video in support of his case that he had to submit a translated transcript of the video and still shots. For unrepresented asylum seekers sleeping in makeshift tents on the streets, gathering evidence, translating it, and printing it is often an insurmountable obstacle. Even immigration judges hearing MPP cases are aware of the difficulty asylum seekers face in submitting evidence to the court when they are required by DHS to remain in Mexico. An immigration judge in San Antonio in November explained that she was not requiring a Cuban asylum seeker to submit evidence in advance of his next hearing because she recognized it would be almost impossible for him to access the MPP tent court prior to his hearing in order to submit it.

- **DHS issues faulty immigration documents to asylum seekers in MPP with erroneous hearing dates and/or without an address, which may cause some asylum seekers to miss their hearings.** In November, Human Rights First observed an immigration judge in San Antonio tell an asylum seeker who had attempted to appear at the Laredo MPP tent court on the date DHS had instructed to return the next day because the hearing date in DHS and DOJ's records did not correspond. For asylum seekers in MPP, many of whom are sleeping in shelters, living on the streets, or moving from place to place due to threats and attacks, DHS has been listing the addresses of shelters, even shelters where they have never been, as well as using "Facebook" as an address and claiming to contact asylum seekers through social media. Other documents list no address at all. An internal DHS report that Buzzfeed reported on in November reportedly found that some people are forced to give up their space in their shelters when they travel to the United States for court hearings, leaving them with no address to receive important notices from the immigration court. Asylum seekers returned to Mexico under MPP who miss hearings because of faulty notices may be ordered removed *in absentia* and are physically prevented by DHS from going to court later (because they are not allowed to enter the United States from Mexico) to explain their absence and request to re-open their cases. While some immigration judges in San Diego appear to be terminating proceedings in cases with faulty DHS hearing notices, this practice can leave asylum seekers stuck in Mexico and in legal limbo, unable to pursue their asylum applications.
- **Requests by some asylum seekers for additional time to consult with an attorney were denied** during Laredo MPP hearings observed by Human Rights First in December. One judge forced asylum seekers to respond to the removal charges lodged by the government against them despite their requests for more time to find a lawyer, undermining asylum seekers' due process rights.
- **The use of video conferencing (VTC) for immigration hearings threaten the due process rights of asylum seekers.** All hearings conducted in the tent courts in Laredo and Brownsville are conducted remotely with immigration judges in permanent courthouse facilities. Already human rights monitors and journalists watching these hearings via VTC have reported flaws in translations and interruptions in video feeds. A 2017 report commissioned by the immigration courts found that VTC may be so disruptive that "due process issues may arise." Judges reported that it is difficult to interpret body language and nonverbal communication, which some judges consider in making credibility determinations.

**DHS is returning some asylum seekers to danger in Mexico even after they win their cases – typically issuing false hearing notice documents.** Since August, when DHS attempted to return to Mexico the first person granted asylum under MPP – an Evangelical Christian church leader from Honduras and Human Rights First client – the agency has returned numerous individuals *after* they have won asylum or other protection in U.S. immigration court, including:

- A Cuban asylum seeker and three Venezuelan asylum seekers granted asylum at the Laredo MPP tent court in late November were returned by CBP to notoriously dangerous Nuevo Laredo. Their attorneys were told that CBP policy is now to return to Mexico all individuals who win asylum pending appeal.



- A Venezuelan asylum seeker ruled by a U.S. immigration judge to be a refugee entitled to withholding of removal in October was returned by CBP to Nuevo Laredo despite this favorable ruling. When he attempted to return to the U.S. port of entry in early November to request that CBP allow him to enter the United States through the Laredo port of entry he was nearly kidnapped at the Nuevo Laredo bus station.
- A Guatemalan woman who was granted asylum without an attorney by an immigration judge in San Diego in September was returned by CBP to Tijuana along with her 6-year-old son.

An article in the San Diego Union Tribune previously reported that DHS had returned to Mexico at least 14 others whose immigration proceedings had already concluded. Those returned to Mexico have typically been issued MPP hearing notices purporting to schedule them for additional proceedings in immigration court even though no such hearing is set to take place. The agency appears to issue these fake notices to convince Mexican officials at ports of entry that these individuals have active MPP cases, as the Mexican Foreign Affairs Ministry has said Mexico will only accept individuals through MPP with upcoming hearing dates. CBP has acknowledged that the date on these documents does not correspond to an additional hearing but claims that these notices are issued to allow individuals returned to Mexico to check whether the government has appealed the decision of the immigration judge. However, these claims fail to explain why the document CBP is issuing is titled “subsequent hearings information,” states “[a]t your last court appearance, the immigration judge ordered you return to court for another hearing,” and fails to mention an appeal status check-in. Moreover, individuals determined by an immigration judge to be refugees entitled to protection under U.S. law should NOT be returned to Mexico by CBP but instead should be released into the United States, even if their cases should go on to appeal.

**DHS’ categorical denial of public and press access to MPP tent courts in Brownsville and Laredo interferes with court monitoring efforts to ensure that hearings are conducted fairly and consistently.**

- Immigration court regulations provide that “[a]ll hearings . . . shall be open to the public” except in limited circumstances as determined by the presiding immigration judge. Yet CBP is denying public and press access to hearings at the tent courts in Laredo and Brownsville. In late October, a CBP public liaison officer informed Human Rights First via email that “these [tent court] facilities are not be in-person public access at this time” and that “[i]n upcoming weeks . . . we will explore opportunities to allow for NGOs to request access to view the space outside of hearing hours.” To date, the agency has not granted Human Rights First, despite repeated requests, access to the facilities, let alone to monitor immigration hearings inside the Laredo and Brownsville tent courts.
- While hearings at these facilities may be observed from the courtroom of the judge presiding via VTC, the schedule of hearings and judges assigned to them has not been made public, making it difficult for court monitors and journalists to determine from where to watch MPP proceedings. For instance, in November, immigration court personnel at times declined to provide a Human Rights First researcher the names and courtroom locations of the immigration judges hearing MPP cases at one of two San Antonio immigration court locations. Other court monitors have reported arriving late to hearing observations because they have needed to check both locations for MPP hearings.
- It is crucial that the public and human rights monitors have access to the tent courts. Observing hearings remotely is not equivalent to monitoring in the physical courtroom with the asylum seekers and migrants. Given the size and angle of the television screens linked to the remote hearing location, as well as the distance to the observation area, it can be difficult for observers to see how many people are attending the hearing and to gather other crucial information.

**ON HUMAN RIGHTS**, the United States must be a beacon. Activists fighting for freedom around the globe continue to look to us for inspiration and count on us for support. Upholding human rights is not only a moral obligation; it's a vital national interest. America is strongest when our policies and actions match our values.

Human Rights First is an independent advocacy and action organization that challenges America to live up to its ideals. We believe American leadership is essential in the struggle for human rights so we press the U.S. government and private companies to respect human rights and the rule of law. When they don't, we step in to demand reform, accountability, and justice. Around the world, we work where we can best harness American influence to secure core freedoms.

We know that it is not enough to expose and protest injustice, so we create the political environment and policy solutions necessary to ensure consistent respect for human rights. Whether we are protecting refugees, combating torture, or defending persecuted minorities, we focus not on making a point, but on making a difference. For over 30 years, we've built bipartisan coalitions and teamed up with frontline activists and lawyers to tackle issues that demand American leadership.

*Human Rights First is a nonprofit, nonpartisan international human rights organization based in Houston, Los Angeles, New York, and Washington D.C.*

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# EXHIBIT K

## Orders from Above: Massive Human Rights Abuses Under Trump Administration Return to Mexico Policy

In September 2019, the Trump Administration’s policy of returning asylum seekers to Mexico, which it farcically refers to as the “Migrant Protection Protocols” (MPP), entered a new phase. The Department of Homeland Security (DHS) expanded this flawed program, sending men, women and children from Cuba, El Salvador, Guatemala, Honduras, Nicaragua, Venezuela, and other countries to wait in the notoriously dangerous Mexican border state of Tamaulipas and opened secretive tent courts in Laredo and Brownsville, Texas, for MPP hearings.

This policy delivers children, their families, and other asylum seekers to areas so plagued by violence that the U.S. State Department has designated the state of Tamaulipas a Level 4 threat risk—the same warning as Afghanistan, Iraq, Syria, Somalia, North Korea, and Yemen. Yet the administration cynically touts this dangerous and illegal policy as an “effective” alternative to family separation and family detention that brings “integrity” to the immigration system – asserting that it keeps “families together and not in custody.” But the reality is that the Trump Administration has refused to implement humane, effective, and fiscally prudent strategies to manage refugee arrivals in ways that uphold U.S. law and treaty commitments.

MPP works in tandem with other illegal administration policies (including turn-backs, the third-country transit asylum ban, which went into full effect in September, and, once implemented, asylum-seeker transfer agreements with El Salvador, Guatemala, and Honduras) to ban, block, and terrify refugees from seeking protection in the United States. The forced return policy violates legal prohibitions in U.S. law and international obligations on returning people seeking U.S. protection to persecution and torture, and blatantly flouts the asylum laws and due process protections Congress adopted for refugees seeking protection at the border.

Since the start of MPP in January, DHS has forced nearly 50,000 asylum seekers and migrants to wait in danger in Mexico. In addition, some 26,000 are stranded in Mexico due to metering—the illegal policy of turning back asylum applicants at ports of entry.

This report is based on interviews with asylum seekers stranded in Mexico, attorneys, humanitarian volunteers, and Mexican government officials; continuing field research, including in Matamoros, Mexico; observation of MPP immigration court hearings; and reports from human rights organizations, legal monitors, and the media. Human Rights First observed immigration court proceedings at the Brownsville tent court remotely from the Harlingen immigration court because U.S. Customs and Border Protection (CBP) denied Human Rights First’s request for access to the facility. This report is an update to our March 2019 and August 2019 reports. Human Rights First found:

- ☑ **The Trump Administration is delivering men, women and children seeking refuge from Cuba, El Salvador, Honduras, Nicaragua, Venezuela, and other countries to some of the most dangerous areas of Mexico.** DHS continues these dangerous forced returns despite widely reported media, academic, and NGO reports that organized criminal groups and corrupt Mexican law enforcement officials, among others, target asylum seekers for kidnapping, torture, rape, and other violent attacks. For example, after DHS returned them to Nuevo Laredo, a Guatemalan family with two young children, five Cuban asylum seekers, and four Venezuelan women and a girl were among those kidnapped and held captive in multiple separate incidents. Two other young women were kidnapped as they slept on the street after DHS returned a group of asylum seekers to Nuevo Laredo

following a Laredo tent court hearing. Instead of briefly passing through these dangerous regions to reach the U.S. border to request refugee protection, tens of thousands of asylum seekers are now stranded in peril for months.

- ☑ **There are already over 340 public reports of rape, kidnapping, torture, and other violent attacks against asylum seekers returned to Mexico under MPP** – a sharp increase from August when Human Rights First identified 110 publicly reported attacks against returned individuals. But these kidnappings and assaults are still likely vastly underreported as the overwhelming majority of returned individuals have not spoken with journalists or human rights investigators. These human rights abuses are the predictable result of the Trump Administration and DHS decision to send families and other asylum seekers to wait in dangerous areas, where they are targeted because of their race, gender, sexuality, nationality, and status as migrants.
- ☑ **The MPP fear screening process is a farce that returns asylum seekers to grave danger.** CBP continues to fail to refer asylum seekers for these deeply flawed fear-screening interviews, which appear to be increasingly cursory and perfunctory. DHS has returned individuals to Mexico under MPP who were previously targeted there, including a transgender woman from El Salvador, who had been kidnapped and raped, and a Nicaraguan political activist, who was kidnapped for ransom and who witnessed his abductors torturing another man captive who had tried to escape. A woman kidnapped in Mexico with her three children was told by a CBP officer, “we have orders from above to return all;” a CBP officer told a man kidnapped with his son in Mexico that if he insisted on claiming a fear of return there, he would be separated from his son.
- ☑ **In violation of its own policy, DHS returns Mexican nationals and vulnerable individuals, including those with serious medical issues, pregnant women, and LGBTQ persons.**
- ☑ **Refugees and migrants are stranded in Mexico in often inhumane and horrific conditions.** More than one thousand children, families, and adults are sleeping on the streets in front of the Matamoros port of entry without adequate access to water or proper sanitation, too afraid to enter the city because of the extreme violence there. An American nurse, visiting as a volunteer, told Human Rights First researchers that many of the children were suffering from diarrhea and dehydration.
- ☑ **MPP is a due process charade** that effectively makes it impossible for the vast majority to be represented by counsel in their immigration court removal proceedings. Nearly 99 percent of all returned asylum seekers were unrepresented through August, according to the latest available data from the immigration courts. Not only does MPP endanger the safety of refugees, but it also threatens the safety of American lawyers and volunteers whom DHS is essentially pushing to cross into areas of Mexico plagued by kidnappings and deadly violence to attempt to provide some assistance.

Despite widely reported attacks on returned asylum seekers under MPP, CBP Acting Commissioner Mark Morgan stated in September that he didn't believe accounts of kidnappings, dismissing them as “anecdotal allegations.” Morgan cited a lack of information from the Mexican government “corroborating or verifying these allegations” but failed to acknowledge that attacks against migrants often go unreported to Mexican law enforcement, in part because some Mexican police officers and security forces have been implicated in kidnappings, rape, and other human rights abuses against migrants. In late August, Human Rights First filed a complaint with the DHS Office of Inspector General (OIG) and Office of Civil Rights and Civil Liberties with information on the rape, kidnapping, and assault of dozens of returned asylum seekers in Mexico.

Human Rights First urges the Trump Administration to:

- ☑ **Cease MPP and all other policies and practices that violate U.S. asylum and immigration law and U.S. Refugee Protocol obligations**, including the third-country transit asylum ban, turn-backs and orchestrated reductions on asylum processing at ports of entry, and all attempts to send asylum seekers to countries, including El Salvador, Honduras, Guatemala and Mexico, that do not meet the legal requirements for safe-third country agreements under U.S. law. Instead, the United States should employ effective and humane strategies that uphold U.S. laws and treaties.
- ☑ **Direct U.S. Customs and Border Protection (CBP) to restore timely and orderly asylum processing at ports of entry and ensure humane conditions for those held temporarily under CBP custody**, meeting all legal standards, including the Flores Settlement Agreement and DHS internal detention policies.

Human Rights First recommends that Congress:

- ☑ **Withhold appropriations to DHS and the Department of Justice used to carry out MPP; hold MPP oversight hearings** (including the legally dubious transfer of funds for disaster preparation to fund the construction of MPP tent courts); and **conduct official visits to Mexican border towns, CBP facilities and Border Patrol stations on the southern border, and immigration courts including tent facilities to monitor the massive human rights violations caused by MPP.**



## Hundreds of Publicly Reported Cases of Rape, Kidnapping, and Assault

Instead of allowing asylum seekers to remain safely in the United States while their asylum claims are decided, as required by the U.S. Refugee Act and subsequent immigration law, the Trump Administration – through MPP – delivers asylum seekers and migrants to rape, kidnapping, torture, and other violent assaults in Mexico. Some



returned asylum seekers have been targeted outside of Mexican migration offices and in transiting to and from U.S. ports of entry to attend immigration court. **During its most recent research, Human Rights First researchers identified an additional 55 unreported cases of individuals returned under MPP who were harmed in Mexico.** Although likely a gross underestimate of the harm to returned asylum seekers given the limited monitoring and investigations of the program to date, review of published media accounts, human rights reports, legal monitor findings, court filings, and other publicly available information reveal that **at least 343 individuals subject to MPP have been violently attacked or threatened in Mexico**<sup>1</sup> – already more than triple the 110 incidents Human Rights First identified in our August 2019 [report](#).

**In Nuevo Laredo and Matamoros, Tamaulipas, thousands of asylum seekers face acute dangers.** DHS returns more than 1,000 asylum seekers there each week despite the U.S. Department of State Travel Advisory designating the area as a Level 4 risk – the “highest advisory level due to greater likelihood of life-threatening risks” and the same threat assessment level as Afghanistan, Iraq, Syria, Somalia, North Korea, and Yemen. The travel advisory warns U.S. citizens not to travel to Tamaulipas due to “violent crime, such as murder, armed robbery, carjacking, kidnapping, extortion, and sexual assault,” as well as widespread gang activity and abductions by armed groups who demand ransom payments. According to the advisory, Mexican “federal and state security forces have limited capability to respond to violence in many parts of” Tamaulipas. But despite the State Department warnings, the Trump Administration sends asylum seekers to face these extreme dangers for months as they await immigration hearings in the United States.

**Through MPP, DHS effectively delivers families, children and other individual asylum seekers to cartels, criminal groups, and corrupt Mexican law enforcement officials who routinely kidnap, torture, rape, and extort returned asylum seekers.** Some kidnappings take place immediately after DHS dumps asylum seekers in Mexico, often from outside of the offices of the Instituto Nacional de Migración (Mexican Migration Institute or INM). Asylum seekers are also at high risk of abduction as they travel to and from U.S. ports of entry for immigration hearings. CBP sometimes requires individuals in MPP to appear at 4:30 in the morning for processing before immigration hearings, forcing them to travel through dangerous areas in the middle of the night – yet another reflection of the total lack of concern for the safety of asylum seekers returned to Mexico.

For example, **in Nuevo Laredo, organized criminal syndicates target returned asylum seekers.** Not even migrant shelters there are safe. On August 3, Pastor [Aarón Méndez](#), director of a migrant shelter in Nuevo Laredo, was kidnapped after reportedly protecting Cuban asylum seekers from being abducted. He remains missing. A Honduran migrant [told](#) the Texas Observer that cartel members had threatened a woman who had provided her and other migrants with shelter in Nuevo Laredo and, as a result, the woman had forced all the migrants to leave. A few of the dozens of kidnappings of asylum seekers returned by DHS to Nuevo Laredo include:

- A three-year-old boy from Honduras and his parents were kidnapped after DHS returned them to Nuevo Laredo. The boy’s parents were separated, and the woman reported hearing the kidnapers beat and electrocute her husband. When she last saw him lying on the ground, beaten and bleeding, he told her, “Love, they’re going to kill us.” The woman and her three-year-old son were released but she does not know if her husband is alive.
- Two young women were abducted in Nuevo Laredo from a group of asylum seekers who had just been returned there by DHS following an immigration court hearing in late September at the Laredo tent court. An asylum seeker in the group reported that they had been forced to sleep on the street because no transportation had been provided to return asylum seekers to Monterrey, where they had previously been

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<sup>1</sup> A list of these incidents is on file with Human Rights First.

bused by the Mexican government. During the night unknown men kidnapped the young women while the others managed to escape.

- Five Cuban asylum seekers returned by DHS to Nuevo Laredo were kidnapped there, as reported by an attorney representing clients in Nuevo Laredo. Even after they were released, the Cubans continued to receive threats from individuals they suspect are related to the cartels that control the area.
- Four Venezuelan women and a girl were abducted just outside the INM offices in Nuevo Laredo in July, according to a declaration provided to Human Rights First from a Cuban asylum seeker who reported witnessing the kidnappings. He reported that a group of men stopped a taxi that an INM employee had arranged to take the four Venezuelan women and girl to a local shelter and kidnapped them.
- The men who kidnapped a Guatemalan asylum-seeking family, including children ages 4 and 6, in Nuevo Laredo specifically targeted them because they had been expelled by DHS under MPP. The family was released after several days in captivity but told they could be kidnapped again at any time and that they would be required to pay extortion calculated based on the number of days they were in Nuevo Laredo. The kidnappers reviewed the family's MPP court documents to determine the date they had been returned by DHS and the date of their upcoming court hearing. They are living in terror waiting for their next hearing, afraid they could easily be kidnapped again while going to or returning from court.
- In late September, a Honduran asylum seeker was kidnapped while travelling from Monterrey to Nuevo Laredo to attend an MPP hearing at the Laredo tent court with his 16-year-old son. Another asylum-seeking family brought the boy to the port, where CBP processed him as an unaccompanied child given his father's disappearance. According to attorneys familiar with the case, the man remains missing.
- A child and his father were kidnapped the same day DHS returned them to Nuevo Laredo and the kidnappers threatened to take the child's kidneys. They were held with dozens of abducted women and children, and around twenty men. The kidnappers separated the women from the men and beat the men who tried to see what was happening to the women. One man who tried to escape was shot and killed. "One of the kidnappers told me that the kidneys of my [child] were good for removal," the father sobbed, recounting his ordeal to Vice News. "I can't sleep thinking about it. Every night, I dream about everything that has happened to us." After this trauma, **the father said his child "has stopped talking altogether."**
- After DHS expelled a six-year-old boy and his mother to Nuevo Laredo under MPP, they were abducted at the bus station and held for three weeks in a succession of different houses. "It's dangerous here. Lots of things can happen," the mother said.
- An 18-year-old young woman who DHS separated from her sister was returned to Nuevo Laredo, where she was reportedly kidnapped and raped.
- A seven-year-old girl and her mother, a Honduran asylum seeker, were kidnapped along with four other migrants just days after they were returned to Nuevo Laredo in July, according to the Los Angeles Times.

Asylum seekers returned by DHS under MPP have been kidnapped and harmed in other parts of the Mexican border region as well, including:

- A Central American family with three children were abducted by men wearing Mexican police uniforms after being returned by DHS to Ciudad Juárez in August. An attorney assisting the family reported that photos sent with ransom demands to the family's relatives in the United States showed the family in what appeared to be a government office.



- A Guatemalan family with two children were kidnapped for ransom by men in Mexican federal police uniforms after DHS returned them to Ciudad Juárez in July. The family told an immigration attorney that the kidnappers tortured some of the migrants held with them, duct-taping plastic bags over their heads to suffocate them. They and others managed to escape when their abductors unexpectedly left. However, the family later saw the same men who had kidnapped them near the shelter where they were hiding.
- In Tijuana, a woman and her child were kidnapped after DHS returned them to Mexico under MPP. A family member in the United States contacted Margaret Cargioli, an attorney at the Immigrant Defenders Law Center, concerned that the family would be ordered removed if they were not released in time for their upcoming immigration court hearing in San Diego.
- A Honduran asylum seeker, who had previously been kidnapped in Mexico with his son, was kidnapped again after DHS returned them to Matamoros. He told his attorney, Veronica Walther, that the armed men who abducted him "burned me with lit cigarettes" because he could not meet their extortion demands.
- A 3-month-old baby and her asylum-seeking mother from Honduras were nearly kidnapped in Matamoros after being returned there by DHS. The woman told researchers from Human Rights First in September that men had attempted to force the family into a car but were prevented from abducting them by the owner of a nearby laundromat who intervened.

**In addition to harm suffered during abductions, numerous asylum seekers have been assaulted or threatened in Mexico after being returned there by DHS.** Some recent attacks include:

- On September 3, three armed men burst into a Ciudad Juárez shelter, where they assaulted and robbed a group of Cuban asylum seekers returned there under MPP. Several individuals were transported to a local hospital for treatment.
- An asylum seeker from Honduras sent by DHS to Matamoros in July was assaulted and threatened with rape, targeted for being a lesbian and a migrant. In an interview recorded by the Texas Civil Rights Project and shared with Human Rights First, the woman said that a few blocks from the makeshift tent camp in Matamoros attackers who discovered she was a lesbian hit her in the face, leaving her with a busted lip. In September, men at the camp told her they would "teach us [lesbians] to like men," a statement she understood to be a threat to rape her.
- In late September, a young woman and her brother seeking asylum from Cuba who had been returned by DHS to Matamoros under MPP were attacked in the street, beaten, and robbed, according to their legal representative.
- A Salvadoran asylum seeker returned by DHS to Tijuana was attacked, threatened, and abused with slurs calling Salvadorans "trash" and "leeches." The incident exacerbated the woman's already precarious mental state. A therapist evaluating the woman found her to be acutely suicidal, according to her attorney.
- A gay Cuban asylum seeker, returned by DHS to Matamoros in July after he spent months waiting on the metering list at the port of entry, said police officers had extorted him in Matamoros. In an interview conducted by the Texas Civil Rights Project and shared with Human Rights First, the man reported that police frequently attempt to enter the apartment building in Matamoros where he has found shelter and demand money from the approximately 60 to 70 migrants crammed into six or seven units there.
- A Cuban woman who was seeking asylum, but turned back to Matamoros by DHS, told Human Rights First researchers that she had been threatened and assaulted during the nearly five months she had already been waiting in Matamoros. She said that other Cuban women returned to Matamoros had been raped, but women have "only two options, you are quiet, or they kill you."

- A teenage Guatemalan asylum seeker was attacked and beaten in the street in Mexicali, according to attorneys from a legal services organization that visited Mexicali in September. On the day prior to Human Rights First's visit to Mexicali in June, forty men attacked residents of a migrant hostel with metal bars and pipes, severely injuring several individuals including a Central American asylum seeker

**DHS continues to expel asylum seekers under MPP who were previously targeted in Mexico** despite their vulnerability to additional harms on account of their status as migrants, nationality, gender, and/or other protected characteristics. Examples include:

- An attorney who attempted to interview a Central American asylum seeker who had been raped in Ciudad Juárez, but was returned there by DHS nonetheless, said that the woman "was so traumatized she couldn't write her name on a pad of paper. **She trembled so much it was just scribbles.**" The attorney told Human Rights First that the woman is pregnant as a result of the assault.
- A Venezuelan asylum seeker who was kidnapped in Reynosa and expelled by DHS to Nuevo Laredo under MPP told reporters from Voices of America, **"I thought this would be, as they say, the American dream. But for me, it's only been an American nightmare."**
- Three children, all under the age of ten, and their mother sought asylum in the United States but were sent by DHS to Matamoros. They were returned to Mexico even though they had previously been abducted in Villahermosa. The family was held by kidnappers for nearly a month and only managed to escape when other migrants held with them helped the family to escape when the woman's youngest daughter became gravely ill. When the mother told CBP about the kidnapping and her fears her family would be harmed if returned to Mexico, the officer told her that "we have orders from above to return all."
- DHS sent Eduardo Águila, a 33-year-old Nicaraguan asylum seeker, back to Mexico under MPP even though he had been repeatedly stabbed and kidnapped there, according to a report in the Texas Observer. During the kidnapping, his abductors tied his hands with a cable, beat and burned him. After he escaped to Tijuana, men slashed his arm with a knife. When Mr. Águila requested asylum, CBP officers sent him to the hospital for treatment but then returned him to Tijuana with paperwork noting that "he sustained laceration to right elbow during entry."
- DHS returned Edwin, a Cuban asylum seeker, to Mexico even though he had been extorted by corrupt police officers and robbed at gunpoint in Reynosa. Afraid to remain there on the metering list at the port of entry, Edwin had crossed the river to seek asylum. CBP officers returned him to Nuevo Laredo without explaining that he could request a fear interview. Edwin traveled to Monterrey in search of safer accommodation but remained in danger there and was pursued by two men in the street late one night as he left a job washing dishes.
- Mario Rodríguez, a 27-year-old asylum seeker from Nicaragua, was returned to Matamoros by DHS even though CBP agents were personally aware that he had been brutally attacked there while forced to wait on an illegal metering list. In late July, a man who identified Mr. Rodríguez as a migrant hit him in the head with a wrench. With blood pouring down his face, Mr. Rodríguez unsuccessfully begged CBP officials on the international bridge that links Matamoros and Brownsville to allow him to seek asylum. Weeks later, when he was finally allowed to approach the Brownsville port of entry, CBP returned him to Matamoros under MPP, despite his efforts to tell CBP officers about his fear of remaining in Mexico. Mr. Rodríguez told the Texas Observer that he was considering returning to Nicaragua because he'd heard that with the cost of repatriating a body, it would be cheaper for his family if he died in Nicaragua rather than in Mexico.

- A 12-year-old girl and her father, asylum seekers from Honduras, were kidnapped in southern Mexico, an experience that further traumatized the girl who had already been traumatized by a brutal attack on her family in Honduras. When her father told CBP about the kidnapping, a CBP officer said that he did not believe the man because he had not filed a police report.

It is often fruitless, however, and at times dangerous, to report crimes to the Mexican police, who have themselves been implicated in human rights abuses against migrants and who consistently fail to investigate or prosecute reported crimes. Human Rights Watch has reported that Mexican officials have, for instance, “acknowledged that corruption among Ciudad Juárez police officers [is] commonplace.”

**DHS returns asylum seekers and migrants to Mexico in violation of internal MPP policy.** DHS claims that “individuals from vulnerable populations may be excluded on a case-by-case basis;” yet, the agency returns vulnerable individuals including those with “known physical/mental health issues” and LGBTQ persons, as well as Mexican nationals, who are not eligible for MPP. Those returned in violation of the policy include:

- Approximately a dozen LGBTQ asylum seekers from Cuba, El Salvador and Honduras returned by DHS to Matamoros and at least one gay Honduran asylum seeker was sent to Nuevo Laredo, despite persecution of LGBTQ people in Mexico. At least one report had indicated that CBP does not return LGBTQ asylum seekers to Mexico under MPP, yet these vulnerable asylum seekers were returned to highly dangerous areas;
- A Honduran asylum seeker who suffers from severe seizures after he was kidnapped and beaten in Ciudad Juárez;
- A boy with Down syndrome and a deaf, mute woman returned by DHS to Matamoros;
- A child who suffers brain seizures and needs medical care his father said he could not secure in Mexico;
- Multiple pregnant women, including a woman experiencing contractions and another woman who ultimately gave birth in a tent in Matamoros, according to a complaint filed with the DHS OIG by the ACLU of Texas and the ACLU Border Rights Center; and
- Over 50 Mexican nationals, according to immigration court data analyzed by Syracuse University Transactional Records Access Clearinghouse (TRAC) – a clear violation of the policy, which explicitly exempts “citizens or nationals of Mexico” from MPP.

## Screening Sham

DHS’s MPP screening process is a sham that lacks the basic safeguards Congress created to prevent the deportation of asylum seekers to persecution through the credible fear screening process and other safeguards to assure access to asylum hearings. But the design and implementation of the MPP screenings makes clear that they are not intended to protect asylum seekers and migrants at risk in Mexico but to expedite their return there despite these risks. The amicus brief submitted in the suit challenging MPP by the union for the asylum officers from the U.S. Citizenship and Immigration Services (USCIS), who conduct these screenings, stated that “MPP fails to provide even the basic procedural protections available to asylum applicants subject to [expedited removal].” Indeed, the MPP screening process is rigged against asylum seekers at every stage:

**CBP officers continue to routinely fail to even refer asylum seekers and migrants for fear screenings, even if they affirmatively express a fear of return to Mexico.** Individuals returned without screening include:

- A Honduran asylum seeker and his 9-year-old son were expelled to Matamoros without a fear screening even though the man explained to CBP officers that he and his son had been kidnapped and that he was subsequently tortured by Mexican law enforcement officers in Tamaulipas who burned him with lit cigarettes. The man showed Human Rights First researchers several small circular scars on his stomach that appeared consistent with his account. **He said a CBP officer threatened to separate him from his son if he persisted in insisting that he feared return to Mexico.**
- CBP officers returned a Nicaraguan political activist seeking asylum in the United States to Mexico even though corrupt Mexican police officers in Reynosa had handed him over to kidnapers in mid-August. He was held along with a group of about 24 other migrants – including about ten non-Spanish speaking black migrants, several other Central American migrants, and a Russian man who had been tortured by the abductors after apparently attempting to escape.
- CBP returned Yerson, a Cuban asylum seeker, to Mexico where he had been repeatedly robbed in Reynosa in the days before he crossed the border to seek asylum. Yerson was returned to Mexico without a fear screening: “I told [the CBP officer processing him for MPP] that I had been robbed three times in Reynosa, but he didn’t pay attention to me. . . . He only told me that I was going to be brought to the bridge in Nuevo Laredo.”
- Border Patrol agents failed to refer for screening L.E.L.P., a pregnant 18-year-old Ecuadoran asylum seeker who had been kidnapped in Nuevo Laredo after she was returned there under MPP. Despite advocates’ repeated attempts to request that she be removed from MPP, L.E.L.P. was again returned to Nuevo Laredo in late September, according to the OIG complaint filed by the ACLU of Texas and the ACLU Border Rights Center.

**Fear screening interviews conducted by asylum officers have become increasingly farcical.** DHS continues to deny asylum seekers basic due process protections. In an amicus brief submitted in the suit challenging MPP, the U.N. Refugee Agency made clear that fear screening procedures, like those employed by DHS in MPP, “lack key safeguards required by international law” as “applicants do not have access to counsel in the screening procedure; a decision is not appealable by the applicant; and applicants cannot meaningfully prepare their refugee status determination claims by meeting with lawyers and/or receive notice of upcoming court dates, or otherwise be assured of due process in their full asylum hearings.” An asylum officer speaking to Vox reportedly stated that the standard for fear of Mexico screenings is “all but impossible to meet.”

- **DHS refuses to allow access to attorneys during MPP screening interviews even where it has the physical capacity to do so.** For instance, an attorney who represents asylum seekers at the Laredo tent court facility told Human Rights First in September that CBP has not permitted him to be present with clients during MPP fear-screening interviews even though they take place at the same facility and in the same interview rooms used for attorney visits. From the start of MPP, DHS has claimed that it cannot provide access to counsel during fear screenings because of “limited capacity and resources at ports-of-entry and Border Patrol stations.” However, this inadequate claim does not explain why attorneys are excluded from monitoring interviews telephonically, as was initially permitted in a small handful of cases, and does not account for why the agency chose to conduct MPP fear-screening interviews in CBP facilities where attorneys are routinely barred. In contrast, credible fear interviews are regularly conducted at immigration detention facilities where attorneys can be present or can participate by telephone.
- Jodi Goodwin, one of the few attorneys representing asylum seekers returned to Matamoros, reported that MPP **fear screening interviews, which ordinarily require several hours, are now being conducted in ten minutes or less and consist only of yes-or-no questions.** An attorney representing

asylum seekers returned to Nuevo Laredo told Human Rights First researchers that MPP fear screening interviews last less than half an hour there. The attorneys said that their clients have been processed by CBP and returned to Mexico within two hours of being referred by immigration judges for MPP fear-screening interviews.

- A lesbian asylum seeker from Cuba who requested an MPP fear interview at the Brownsville port of entry in September reported to a Human Rights First researcher that **a CBP officer entered the room during her telephonic fear screening, spoke to the asylum officer conducting the interview, and appeared to instruct the asylum officer to alter the line of questioning.** The woman did not pass the fear screening and was returned to Mexico.
- **The percentage of individuals who pass DHS's farcical fear of Mexico screenings remains microscopic.** Data from TRAC shows that as of August only one percent of individuals in MPP (460 out of 38,291) were removed from the program (which includes those who did not pass a fear screening but were removed at the discretion of CBP for other reasons).

**The vast majority of individuals have been returned after MPP screening interviews even when they have been previously targeted in attacks in Mexico:**

- In Matamoros, six LGBTQ individuals – including a transgender Salvadoran woman who had been kidnapped in Mexico at gunpoint and raped – were again expelled to Matamoros under MPP after requesting and failing to pass MPP fear screening interviews at the Brownsville port of entry in early September. A young gay Honduran asylum seeker was returned to Nuevo Laredo after the interviewing DHS officer decided that he did not meet the high screening standard despite the documented harms suffered by gay men in Mexico.
- An asylum-seeking couple from Cuba who had been kidnapped in Mexicali was returned there by DHS after failing an MPP fear-screening interview. The pair, who later spotted one of the men who abducted them in Mexicali, were “so traumatized after being kidnapped they spoke in a whisper” during a consultation in September with lawyers from the Immigrant Defenders Law Center visiting Mexicali.
- Eduardo Águila, the Nicaraguan asylum seeker who was repeatedly stabbed and kidnapped in Mexico, was again returned to Tijuana by DHS after he did not pass an MPP fear screening. Although he had police reports of the attacks against him, he was not allowed to present this evidence during the interview.
- DHS returned a Guatemalan asylum seeker to Ciudad Juárez in late September after an MPP fear screening even though the men who had kidnapped her continued to stalk and threaten her. According to Christina Brown, an attorney who spoke with the woman, the kidnappers sent her threatening messages and one tracked her to and entered the migrant shelter where she was sleeping at the time. The woman fears she could be kidnapped again when she goes to the port for her next immigration court hearing, as the kidnappers took her MPP documents that contain the hearing date and time. Despite this evident danger, USCIS found the woman had not established a sufficient likelihood of harm if returned to Mexico.
- An asylum-seeking woman who was kidnapped in Mexico with her son, repeatedly raped, and pursued by the kidnapper to Tijuana, did not pass an MPP fear screening. Even though the woman had a video sent to her by the kidnapper proving that he was in the same city as her and had reported the kidnapping, rape and threats to local police, she and her son were returned to Tijuana, according to the attorneys representing the family.

## Stranded in Desperate Straits

**Under the Trump Administration’s MPP policy, DHS dumps asylum seekers in Mexico to wait for months even though they do not have access to adequate shelter, food, healthcare, or other humanitarian needs.**

A CBP officer falsely told a Nicaraguan family returned to Matamoros that they were being sent to a shelter with food and clothing, and another officer told a Honduran father that he and his young son would be “protected” in Mexico. Acting CBP Commissioner Morgan has stated that the U.S. government does not track what happens to individuals the agency returns to Mexico under MPP. The lack of safe shelter, particularly in Nuevo Laredo and Matamoros where DHS began returns in July, leaves thousands of asylum seekers homeless and exacerbates the already high risk of kidnapping, extortion, assault, and exploitation in border areas in Mexico.

- In Matamoros, in late September, Human Rights First researchers observed an estimated 1,200 to 1,500 asylum seekers, including hundreds of children and several breast-feeding infants, sleeping in some 300 tents in a plaza abutting the port of entry and in an adjoining park, as well as without any cover on the pavement and sidewalks. An nurse visiting the camp told Human Rights First that about 1,500 people were sleeping in the plaza, a number that aligned with Human Rights First’s count of tents and other observations; a Mexican migration officer told Human Rights First that about 400 migrants were staying in the camp. Some asylum seekers have been at the makeshift camp for nearly six months, as they initially waited under the Trump Administration’s metering policy, only to be turned back to Mexico under MPP.
- Asylum seekers sleeping in the Matamoros port of entry plaza reported they are afraid to venture further into the city. Two asylum seekers from Cuba waiting to seek asylum said they were robbed at knifepoint blocks from the plaza. Other returned individuals stated that they travel in groups for safety to buy food and water at nearby convenience stores and take turns staying up at night to guard children and families sleeping in the plaza because unknown men have been seen peeking into their tents at night. Single mothers were fearful their children might be kidnapped and trafficked, and a couple from Nicaragua, as well as others, reported rumors that children might be abducted for organ trafficking.
- On September 24, a group of over 16 Mexican marines appeared at the encampment in the evening in flak jackets and helmets, and carrying rifles. One of the marines told Human Rights First researchers that the unit was conducting a community patrol of the encampment and described the area as “dangerous” and “controlled by cartels.”
- Sanitation is extremely limited at the Matamoros encampment. Volunteers visiting the camp raised concerns about the lack of sufficient toilets. At the time of Human Rights First’s visit, two months after returns there began, the park next to the camp was strewn with human feces, and additional portable toilets had just been installed. Many complained about the lack of running water for bathing and washing clothing, explaining that they were forced to wash in the swift waters of the Rio Grande River. In September, a teenage migrant girl bathing in the river nearly drowned. On September 23, Human Rights First researchers observed Mexican authorities recover a decomposing body from the area of the river where children were bathing. A volunteer nurse reported that many children were suffering diarrhea and skin infections.
- Many at the camp reported that there was insufficient drinking water. Returned individuals said that free water supplies were very limited and inadequate given the extreme heat, which was in excess of 90 degrees. A nurse visiting the camp noted that many of the children and adults were dehydrated.

Stranded in dangerous regions of the border and facing squalid living conditions, asylum seekers must choose between remaining in the area in hopes of obtaining an attorney and pursuing their asylum claims or being bused



to distant parts of Mexico where they will be far from the already exceedingly limited legal services along the border and unable to return for their hearings.

- In Matamoros, an INM official said that, as of late September, DHS had sent approximately 10,000 asylum seekers and migrants to the city under MPP. He claimed that on the day prior to Human Rights First's visit over 120 returned individuals in three busloads had journeyed to Tapachula in southern Mexico intending to return to their countries of origin. The INM officer estimated that half of those sent to Matamoros under MPP had returned to their home countries. From what asylum seekers told Human Rights First, some were leaving given the dangers in Matamoros, the lack of safe shelter in the city, and poor conditions in the plaza's tent encampment. While the decision to be bused to the southern Mexican border was purportedly voluntarily, MPP presents asylum seekers with the impossible choice of risking their lives – and those of their children – by trying to survive for months in a dangerous area in unsanitary conditions or risking their lives by returning to danger in their home countries. A Honduran woman sent to Matamoros by DHS during Human Rights First's research there in late September reported that her first immigration court hearing was scheduled for January 2020. She said that she and three young children, including a 1-year-old baby, had nowhere to sleep for the night and that she did not know how they would even survive for the next four months until the first of likely several hearings.
- Desperation also leads some asylum seekers and migrants to attempt dangerous border crossings between ports of entry. In September, a Honduran mother and her two-year-old toddler, who had been returned by DHS to Matamoros under MPP, drowned while attempting to swim across the Rio Grande.

The Trump Administration has repeatedly asserted that Mexico will ensure humanitarian assistance for returned asylum seekers. But that claim does not relieve the United States of its responsibility to protect refugees seeking asylum at and within its borders. The administration's attempt to evade and shift responsibility is particularly disingenuous given the documented history of kidnappings, killings, and disappearances along the border, the targeting of refugees and migrants in Mexico, and corruption among Mexican authorities – including migration officials. The Mexican government should and must do more, but the United States must uphold its asylum laws and treaty commitments, and stop refouling asylum seekers and migrants to places where they face persecution, torture, and other human rights abuses.

## MPP and Tent Courts are a Due Process Farce

The Trump Administration now effectively blocks refugee protection for the vast majority of asylum seekers at the southern border with its MPP policy, port of entry asylum turn backs, the third-country transit asylum ban, and the potential implementation of asylum seeker transfer agreements with El Salvador, Guatemala, and Honduras.

MPP is a due process charade—restricting access to counsel, legal information, and the ability to attend and participate in immigration hearings. In yet another attack on U.S. due process, DHS began to use secretive tent courts in Laredo and Brownsville, Texas, for MPP hearings in September and also plans to build a tent court in Eagle Pass, Texas. In July, the administration had notified Congress that it would move \$155 million from the Federal Emergency Management Agency disaster relief fund to fund construction of the tent courts. These facilities are closed to media, public observers, as well as legal service providers offering legal information sessions and screenings for potential legal representation. Referring to the MPP tent courts, immigration judge Ashley Tabaddor, president of the National Association of Immigration Judges, said: “We don't do stuff behind closed doors. That is not what America is about. . . . **we are moving closer and closer to a model that doesn't resemble anything in the American judicial system.**”

Refugees subject to the third-country transit asylum ban (those who applied for asylum at a port of entry or otherwise entered the United States along the southern border on or after July 16) are permitted to apply only for withholding of removal and Convention Against Torture protection. Effectively cut off from attorneys in the United States by MPP, few will meet the excessively high requirements to receive these highly deficient forms of protection. As a result, asylum seekers in MPP, even those with well-founded fears of persecution, are likely to be denied asylum and other forms of protection and be deported to countries where they fear persecution.

**MPP seriously interferes with the right, guaranteed under Section 292 of the Immigration and Nationality Act, to be represented by a lawyer.**

- **Nearly 99 percent of MPP returnees did not have lawyers, as of the end of August, according to immigration court data analyzed by TRAC.** Only 476 out of 37,831 individuals in MPP court proceedings have legal counsel registered with the immigration court.
- Cuban, Honduran, and other asylum seekers appearing in the Brownsville tent court were overwhelmingly unrepresented at immigration court in late September. At one hearing docket observed by a Human Rights First court monitor, only one of the 23 immigrants appearing at the master calendar hearing had legal representation. At another docket, only one Cuban woman and one Honduran family of three had legal representation. The rest of the 20 individuals who appeared at the court did not have lawyers.
- At the Laredo tent court, very few of the asylum seekers and migrants appearing for court were represented, according to legal observers. A monitor from Refugees International reported that only four of 26 individuals in court on September 16 were represented by counsel. On September 18, Amnesty International monitors observed only 6 individuals with attorneys out of the 46 who appeared in court for MPP hearings.

**These abysmal representation rates are the predictable consequence of a policy that effectively prevents asylum seekers from searching for attorneys in the United States as well as the acute safety concerns that prevent many U.S.-based legal services organizations and individual immigration attorneys from representing asylum seekers returned to Mexico.**

- U.S.-based attorneys attempting to represent asylum seekers placed in MPP and returned to Mexico face severe dangers to travel to regions where DHS has returned asylum seekers, including Nuevo Laredo and Matamoros in Tamaulipas. The U.S. State Department recommends that U.S. citizens do not travel to Tamaulipas, which is designated as a level 4 security risk – the same applied to Afghanistan, Iraq, Syria, Somalia, North Korea, and Yemen.
- Amnesty International observers reported that asylum seekers in Brownsville MPP hearings in September were so desperate to escape the deadly dangers in Mexico that they all asked to schedule their asylum hearings rather than request more time to find an attorney.
- The Trump Administration failed to secure any guarantees from Mexico about whether U.S.-licensed lawyers would require work visas to visit clients in person or might face sanctions for the unlicensed practice of law in Mexico. Indeed, U.S.-based attorneys have reported that Mexican government officials have threatened to arrest American lawyers for practicing law in Mexico without a license.
- Human Rights First researchers spoke with over 100 asylum seekers and migrants in Matamoros; none had a lawyer. A human rights advocate from Nicaragua, who has been waiting already for three months in the dangerous and squalid conditions in Matamoros, told Human Rights First researchers that he was going to present his case on his own.



- In addition, Mexican immigration officials are busing some returned individuals into the interior of Mexico, effectively cutting them off from any opportunity to meet with U.S.-based lawyers operating in the border region. INM officials in Matamoros told Human Rights First researchers in late September that the agency was regularly organizing buses transporting dozens of migrants daily to Tapachula, over 1,100 miles away on the southern Mexico-Guatemala border.

**Restrictions by DHS and the immigration courts on access to counsel and the use of tent court hearings undermine asylum seekers' right to legal representation and to understand and participate in their own removal proceedings.**

- DHS restrictions at the Laredo and Brownsville tent courts severely limit access to counsel for asylum seekers attending immigration hearings in the United States. Acting DHS Secretary McAleenan claimed that the agency “built space for aliens to meet with their attorneys to protect [the] right [to counsel]” at the tent court facilities, but the very few attorneys representing clients in MPP hearings at these facilities said that CBP allows at most one hour for client meetings in advance of hearings, even when attorneys are representing multiple individuals scheduled for hearings on the same day and frequently denies requests to meet with clients after hearings, citing capacity constraints. This time is insufficient to consult with clients and prepare their asylum applications. For asylum seekers forced to wait in Mexico, these immigration court hearings are sometimes the only opportunity to meet in person with their attorneys, as many lawyers are unable to travel to Mexico because of security and other concerns.
- Immigration courts in San Diego and El Paso are also restricting access to lawyers and legal information. Human Rights Watch found that the El Paso immigration court prevents lawyers from meeting with clients prior to MPP hearings. The El Paso and San Diego courts continue to prohibit legal services providers and volunteer attorneys from offering legal information or meeting with unrepresented individuals to assess their cases for representation, according to attorneys representing clients in MPP hearings.
- The use of video conferencing (VTC) for immigration hearings threaten the due process rights of asylum seekers. All hearings conducted in the tent courts in Laredo and Brownsville are conducted remotely with immigration judges in regular courthouse facilities. Already human rights monitors and journalists watching these hearings via VTC have reported flaws in translations and interruptions in video feeds. A 2017 report commissioned by the immigration courts found that VTC may be so disruptive that “due process issues may arise.” Judges reported that it is difficult to interpret body language and nonverbal communication, which some judges consider in making credibility determinations.
- U.S. asylum law is highly complex; yet, MPP leaves asylum seekers who do not speak English and are not trained lawyers to answer complicated questions without legal representation. One Cuban asylum seeker, at a hearing attended by Human Rights First in late September, kept trying to explain to the immigration judge that he had come legally to apply for asylum at the official border post on the bridge to the United States. Non-asylum seekers also struggle in MPP without legal representation. In hearings observed by Human Rights First, one woman, whose boyfriend was in the United States and planned to marry her, was essentially left asking the immigration judge and DHS attorney whether she should pursue or abandon her immigration court hearing. A Cuban woman who had a U.S. citizen parent was unrepresented, while the judge and trial attorney tried to navigate the challenge of handling the proceeding without legally advising her of a potential claim to U.S. citizenship.

**Stranding asylum seekers in Mexico creates fundamental barriers to attend court hearings and cuts them off from attorneys in the United States who could help prepare asylum applications, collect evidence, and represent them in court.** As a result, very few returned asylum seekers are likely to win their cases, despite

many having valid claims. Some may be ordered removed *in absentia* because CBP provides inaccurate notices for hearings that are often scheduled many months away.

- Asylum seekers miss hearings because they have been kidnapped or are otherwise unable to make dangerous journey to the port of entry. As noted above, a Honduran man was kidnapped while traveling between Monterrey and Nuevo Laredo to attend court at the Laredo tent court facility in September. In Ciudad Juárez, Uber and taxi drivers reportedly refuse to pick up migrants at shelters because of the danger that kidnappers and extortionists will target their passengers.
- In MPP hearings observed by Human Rights First and other court monitors, asylum seekers struggled to understand how to fulfill the requirements of completing asylum applications in English, submitting English translations of all evidence in support of their asylum cases, and providing certifications of translation. An immigration judge hearing cases for the Laredo MPP tent court told one family: “These [asylum] applications are in English, and neither of you read or write English. And you’re in a country where most people speak Spanish. So all I can tell you is to do your best.” Another judge hearing cases for the Brownsville tent court encouraged asylum seekers to reach out to family or friends for help. Given the lack of access to legal representation, many will have no choice but to have asylum applications and documents translated by individuals who will understandably make many mistakes – mistakes which government attorneys may subsequently cite as evidence of “inconsistencies” or a lack of credibility.
- DHS continues to issue immigration documents to asylum seekers in MPP that fail to list an address where they can receive crucial hearing notices and other important documents. For asylum seekers in MPP, many of whom are sleeping in shelters, living on the streets, or moving from place to place due to threats and attacks, DHS has been listing the addresses of shelters, even shelters where they have never been, as well as using “Facebook” as an address and claiming to contact asylum seekers through social media. Other documents list no address at all. At one hearing observed by Human Rights First, the one individual with an attorney was the only to challenge the fake address CBP had placed on the notice to appear. Immigration judges may order asylum seekers who miss hearings removed *in absentia*.

**DHS’ denial of public and press access to MPP tent courts interferes with court monitoring efforts to ensure that immigration hearings are conducted fairly and consistently.**

- Immigration court regulations provide that “[a]ll hearings . . . shall be open to the public” except in limited circumstances as determined by the presiding immigration judge. Yet CBP is denying public and press access to hearings at the tent courts in Laredo and Brownsville. While hearings at these facilities may be observed from the courtroom of the judge presiding via VTC, the schedule of hearings and judges assigned to them has not been made public, making it extremely difficult for court monitors and journalists to determine from where to watch MPP proceedings. For instance, in an email dated September 24, a CBP official denied Human Rights First’s request to view hearings in-person at the Brownsville tent court but indicated that researchers could “observe hearings in-person, by visiting the San Antonio, Harlingen, and Port Isabel . . . immigration courts.”
- Observing hearings remotely is not equivalent to monitoring in the physical courtroom with the asylum seekers and migrants. Given the size and angle of the television screens linked to the remote hearing location, as well as the distance to the observation area, it can be difficult for observers to see how many people are attending the hearing and to gather other crucial information.

**ON HUMAN RIGHTS**, the United States must be a beacon. Activists fighting for freedom around the globe continue to look to us for inspiration and count on us for support. Upholding human rights is not only a moral obligation; it's a vital national interest. America is strongest when our policies and actions match our values.

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*Human Rights First is a nonprofit, nonpartisan international human rights organization based in Houston, Los Angeles, New York, and Washington D.C.*

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# EXHIBIT L

## Trump Administration Delivers Asylum Seekers to Grave Danger in Mexico: 200+ Publicly Reported Cases of Rape, Kidnapping, and Assault Just the Tip of the Iceberg

Since January 2019, the Trump Administration has expelled **45,000** asylum seekers and migrants, including Cubans, Venezuelans, Nicaraguans and Central Americans, to Mexico under the so-called “Migrant Protection Protocols” (MPP, but better known as the “Remain in Mexico” scheme). An estimated additional **26,000** asylum seekers are stranded in Mexico due to “metering”—the illegal policy of turning back asylum applicants at ports of entry. In September, the administration’s **illegal third-country transit asylum bar** went into effect **banning virtually all refugees entering the United States via the southern border, including those in MPP, from receiving asylum**. These policies put asylum seekers in grave danger and make a mockery of U.S. due process.

### Rape, Kidnapping, Assault of Expelled Asylum Seekers in Mexico

The Trump Administration is delivering asylum seekers to rape, kidnapping, and violent assault in Mexico, where they are targeted based on characteristics that mark them as foreign—their accent, skin color, and appearance—as well as their gender and sexual orientation. There are now **over 241 publicly reported cases of rape, kidnapping, assault and other violent attacks against asylum seekers expelled to Mexico under this illegal scheme**. This figure likely represents only the tip of the iceberg, as the vast majority of returned asylum seekers have not been interviewed by researchers or journalists. Those returned by DHS to danger in Mexico include:

- Multiple female asylum seekers from Cuba and elsewhere who were kidnapped and raped in Ciudad Juárez, as Human Rights First documented in an August 2019 report “[Delivered to Danger](#).”
- Dozens of **Cuban** and other asylum seekers, including families and young children, who were **kidnapped** in Nuevo Laredo. The men who kidnapped **David** and his child shot a man who tried to escape from the house where they were being held with other migrants held for ransom. They threatened to remove and sell the kidneys of David’s child. Because of this ordeal, David’s “young child has stopped talking altogether.”
- **LGBTQ asylum seekers** expelled by DHS to Matamoros, including a Salvadoran trans woman who was previously kidnapped and raped at gunpoint in Mexico while attempting to reach the United States to seek asylum.

### Tent “Courts” Are Further Due Process Charade

The use of secretive tent courts to hold immigration hearings for asylum seekers placed in MPP is yet another attack on U.S. due process, along with the sham MPP screenings, asylum turn-backs, and asylum bans. These tent courts have been **closed** to media, public observers, as well as legal service providers offering legal information sessions and screenings for potential legal representation. As a result of these restrictions on access to counsel at U.S. immigration court houses, as well the enormous barriers for returned asylum seekers to find and meet with U.S. attorneys while stranded in Mexico, **99 percent of people in MPP do not have an attorney according to immigration court data analyzed by Syracuse University’s TRAC**.

# EXHIBIT M



SEPTEMBER 25, 2019 12:01AM EDT

## US Move Puts More Asylum Seekers at Risk

Expanded 'Remain in Mexico' Program Undermines Due Process

(Ciudad Juarez, Mexico) –The Trump administration has drastically expanded its “Remain in Mexico” program while undercutting the rights of asylum seekers at the [United States](#) southern border, Human Rights Watch said today. Under the [Migrant Protection Protocols \(MPP\)](#) – known as the “Remain in Mexico” program – asylum seekers in the US are returned to cities in Mexico where there is a shortage of shelter and high crime rates while awaiting asylum hearings in US immigration court.

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Migrants applying for asylum in the United States go through a processing area at a new tent courtroom at the Migration Protection Protocols Immigration Hearing Facility, September 17, 2019, in Laredo, Texas.

© 2019 AP Photo/Eric Gay

Human Rights Watch found that asylum seekers face new or increased barriers to obtaining and communicating with legal counsel; increased closure of MPP court hearings to the public; and threats of kidnapping, extortion, and other violence while in Mexico.

“The inherently inhumane ‘Remain in Mexico’ program is getting more abusive by the day,” said [Ariana Sawyer](#), assistant US Program researcher at Human Rights Watch. “The program’s rapid growth in recent months has put even more people and families in danger in Mexico while they await an increasingly unfair legal process in the US.”

The United States will begin sending all Central American asylum-seeking families to Mexico beginning the week of September 29, 2019 as part of the most recent expansion of the “Remain in Mexico” program, the Department of Homeland Security acting secretary, Kevin [McAleenan](#), [announced](#) on September 23.

Human Rights Watch concluded [in a July 2019 report](#) that the MPP program has had serious rights consequences for asylum seekers, including high – if not insurmountable – barriers to due process on their asylum claims in the United States and threats and physical violence in Mexico. Human Rights Watch recently spoke to seven asylum seekers, as well as 26 attorneys, migrant shelter operators, Mexican government officials, immigration court workers, journalists, and advocates. Human Rights Watch also observed court hearings for 71 asylum seekers in August and analyzed court filings, declarations, photographs, and media reports.

“The [MPP] rules, which are never published, are constantly changing without advance notice,” said John Moore, an asylum attorney. “And so far, every change has had the effect of further restricting the already limited access we attorneys have with our clients.”

Beyond the expanded program, which began in January, the US State Department has also begun funding a [“voluntary return” program](#) carried out by the United Nations-affiliated International Organization for Migration (IOM). The organization facilitates the transportation of asylum seekers forced to wait in Mexico back to their country of origin but does not notify US immigration judges. This most likely results in negative judgments against asylum seekers for not appearing in court, possibly resulting in a ban of up to 10 years on entering the US again, when they could have withdrawn their cases without penalty.

Since July, the number of people being placed in the MPP program has almost tripled, from 15,079 as of June 24, to 40,033 [as of September 7](#), according to the Mexican National Institute of Migration. The Trump administration has increased the number of asylum seekers it places in the program at ports of entry near San Diego and Calexico, California and El Paso, Texas, where the program had already been in place. The administration has also expanded the program to Laredo and Brownsville, Texas, even as the overall number of border apprehensions [has declined](#).

As of early August, more than [26,000 additional asylum seekers](#) were waiting in Mexican border cities on unofficial lists to be processed by US Customs and Border Protection as part of the US practice of “metering,” or of limiting the number of people who can apply for asylum each day by [turning them back](#) from ports of entry in violation of international law.

In total, more than 66,000 asylum seekers are now in Mexico, forced to wait months or years for their cases to be decided in the US. Some have [given up waiting](#) and have attempted to cross illicitly in more remote and dangerous parts of the border, at times with [deadly results](#).

As problematic as the MPP program is, seeking asylum will likely soon become even more limited. On September 11, the Supreme Court [temporarily allowed](#) the Trump administration to carry out an [asylum ban](#) against anyone entering the country by land after July 16 who transited through a third country without applying for asylum there. This could affect at least 46,000 asylum seekers, placed in the MPP program or on a metering list after mid-July, according to calculations based on data from the [Mexican National Institute of Migration](#). Asylum seekers may still be eligible for [other forms of protection](#), but they carry much higher eligibility standards and do not provide the same level of relief.

Human Rights Watch contacted the Department of Homeland Security and the US Justice Department's Executive Office for Immigration Review with its findings and questions regarding the policy changes and developments but have not to date received a response. The US government should immediately cease returning asylum seekers to Mexico and instead ensure them meaningful access to full and fair asylum proceedings in US immigration courts, Human Rights Watch said. Congress should urgently act to cease funding the MPP program. The US should manage asylum-seeker arrivals through a genuine humanitarian response that includes fair determinations of an asylum seeker's eligibility to remain in the US. The US should simultaneously pursue longer-term efforts to address the root causes of forced displacement in Central America.

"The Trump administration seems intent on making the bad situation for asylum seekers even worse by further depriving them of due process rights," Sawyer said. "The US Congress should step in and put an end to these mean-spirited attempts to undermine and destroy the US asylum system."

### **New Concerns over the MPP Program**

#### ***Increased Barriers to Legal Representation***

Everyone in the MPP has the right to an attorney at their own cost, but it has been nearly impossible for asylum seekers forced to remain in Mexico to get legal representation. Only about 1.3 percent of participants have legal representation, according to the [Transactional Records Access Clearinghouse at Syracuse University](#), a research center that examined US immigration court records through June 2019. In recent months, the US government has raised new barriers to obtaining representation and accessing counsel.

When the Department of Homeland Security created the program, it [issued guidance](#) that:

in order to facilitate access to counsel for aliens subject to return to Mexico under the MPP who will be transported to their immigration court hearings, [agents] will depart from the [port of entry] with the alien at a time sufficient to ensure arrival at the immigration court not later than one hour before his or her scheduled hearing time in order to afford the alien the opportunity to meet in-person with his or her legal representative.

However, according to several attorneys Human Rights Watch interviewed in El Paso, Texas, and as Human Rights Watch observed on August 12 to 15 in El Paso Immigration Court, the Department of Homeland Security and the Executive Office for Immigration Review (EOIR), which manages the immigration court, have effectively barred attorneys from meeting with clients for the full hour before their client's hearing begins. Rather than having free access to their clients, attorneys are now required to wait in the building lobby on a different level than the immigration court until the court administrator notifies security guards that attorneys may enter.

As Human Rights Watch has [previously noted](#), one hour is insufficient for adequate attorney consultation and preparation. Still, several attorneys said that this time in court was crucial. Immigration court is often the only place where asylum seekers forced to wait in Mexico can meet with attorneys since lawyers capable of representing them typically work in the US. Attorneys cannot easily travel to Mexico because of security and logistical issues. For MPP participants without attorneys, there are now also new barriers to getting basic information and assistance about the asylum application process.

Human Rights Watch [observed in May](#) a coordinated effort by local nongovernmental organizations and attorneys in El Paso to perform know-your-rights presentations for asylum seekers without an attorney and to serve as "[Friend of the Court](#)," at the judge's discretion. The Executive Office for Immigration Review has [recognized](#) in the context of unaccompanied minors that a Friend of the Court "has a useful role to play in assisting the court and enhancing a respondent's comprehension of proceedings."

The [agency's memos](#) also say that, "Immigration Judges and court administrators remain [encouraged to facilitate](#) pro bono representation" because pro bono [attorneys provide](#) "respondents with welcome legal assistance and the judge with efficiencies that can only be realized when the respondent is represented."

To that end, immigration courts are [encouraged](#) to support "legal orientations and group rights presentations" by nonprofit organizations and attorneys.

One of the attorneys involved in coordinating the various outreach programs at the El Paso Immigration Court said, however, that on June 24 the agency began barring all contact between third parties and asylum seekers without legal representation in both the courtroom and the lobby outside. This effectively ended all know-your-rights presentations and pro bono case screenings, though no new memo was issued. Armed guards now prevent attorneys in the US from interacting with MPP participants unless the attorneys have already filed official notices that they are representing specific participants.

On July 8, the agency also began barring attorneys from serving as "Friend of the Court," several attorneys told Human Rights Watch. No new memo has been issued on "Friend of the Court" either.

In a July 16 email to an attorney obtained by Human Rights Watch, an agency spokesman, Rob Barnes, said that the agency shut down "Friend of the Court" and know-your-rights presentations to protect asylum seekers from misinformation after it "became aware that persons from organizations not officially recognized by EOIR...were entering EOIR space in El Paso.

However, most of the attorneys and organizations now barred from performing know-your-rights presentations or serving as "Friend of the Court" in El Paso are listed on a form given to asylum seekers by the court of legal service providers, according to a copy of the form given to Human Rights Watch and attorneys and organizations coordinating those services.

#### ***Closure of Immigration Court Hearings to the Public***



When Human Rights Watch observed court hearings in El Paso on May 8 to 10, the number of asylum seekers who had been placed in the MPP program and scheduled to appear in court was between 20 and 24 each day, with one judge hearing all of these cases in a single mass hearing. At the time, those numbers were considered high, and there was chaos and confusion as judges navigated a system that was never designed to provide hearings for people being kept outside the US.

When Human Rights Watch returned to observe hearings just over three months later, four judges were hearing a total of about 250 cases a day, an average of over 60 cases for each judge. Asylum seekers in the program, who would previously have been allowed into the US to pursue their claims at immigration courts dispersed around the country, have been primarily funneled through courts in just two border cities, causing tremendous pressures on these courts and errors in the system. Some asylum seekers who appeared in court found their cases were not in the system or received conflicting instructions about where or when to appear.

One US immigration official said the MPP program had “broken the courts,” Reuters reported.

The Executive Office for Immigration Review has stated that immigration court hearings are generally supposed to be open to the public. The regulations indicate that immigration judges may make exceptions and limit or close hearings if physical facilities are inadequate; if there is a need to protect witnesses, parties, or the public interest; if an abused spouse or abused child is to appear; or if information under seal is to be presented.

In recent weeks, however, journalists, attorneys, and other public observers have been barred from these courtrooms in El Paso by court administrators, security guards, and in at least one case, by a Department of Homeland Security attorney, who said that a courtroom was too full to allow a Human Rights Watch researcher entry.

Would-be observers are now frequently told by the court administrator or security guards that there is “no room,” and that dockets are all “too full.”

El Paso Immigration Court Administrator Rodney Buckmire told Human Rights Watch that hundreds of people receive hearings each day because asylum seekers “deserve their day in court,” but the chaos and errors in mass hearings, the lack of access to attorneys and legal advice, and the lack of transparency make clear that the MPP program is severely undermining due process.

During the week of September 9, the Trump administration began conducting hearings for asylum seekers returned to Mexico in makeshift tent courts in Laredo and Brownsville, where judges are expected to preside via videoconference. At a September 11 news conference, DHS would not commit to allowing observers for those hearings, citing “heightened security measures” since the courts are located near the border. Both attorneys and journalists have since been denied entry to these port courts.

### ***Asylum Seekers Describe Risk of Kidnapping, Other Crimes***

As the MPP has expanded, increasing numbers of asylum seekers have been placed at risk of kidnapping and other crimes in Mexico.

Two of the northern Mexican states to which asylum seekers were initially being returned under the program, Baja California and Chihuahua, are among those with the most homicides and other crimes in the country. Recent media reports have documented ongoing harm to asylum seekers there, including rape, kidnapping, sexual exploitation, assault, and other violent crimes.

The program has also been expanded to Nuevo Laredo and Matamoros, both in the Mexican state of Tamaulipas, which is on the US State Department’s “do not travel” list. The media and aid workers have also reported that migrants there have experienced physical violence, sexual assault, kidnapping, and other abuses. There have been multiple reports in 2019 alone of migrants being kidnapped as they attempt to reach the border by bus.

Jennifer Harbury, a human rights attorney and activist doing volunteer work with asylum-seekers on both sides of the border, collected sworn declarations that they had been victims of abuse from three asylum seekers who had been placed in the MPP program and bused by Mexican immigration authorities to Monterrey, Mexico, two and a half hours from the border. Human Rights Watch examined these declarations, in which asylum seekers reported robbery, extortion, and kidnapping, including by Mexican police.

### ***Expansion to Mexican Cities with Even Fewer Protections***

Harbury, who recently interviewed hundreds of migrants in Mexico, described asylum seekers sent to Nuevo Laredo as “fish in a barrel” because of their vulnerability to criminal organizations. She said that many of the asylum seekers she interviewed said they had been kidnapped or subjected to an armed assault at least once since they reached the border.

Because Mexican officials are in many cases reportedly themselves involved in crimes against migrants, and because nearly 98 percent of crimes in Mexico go unsolved, crimes committed against migrants routinely go unpunished.

In Matamoros, asylum seekers have no meaningful shelter access, said attorneys with Lawyers for Good Government (L4GG) who were last there from August 22 to 26. Instead, more than 500 asylum seekers were placed in an encampment in a plaza near the port of entry to the US, where they were sleeping out in the open, despite temperatures of over 100 degrees Fahrenheit. Henriette Vinet-Martin, a lawyer with the group, said she saw a “nursing mother sleeping on cardboard with her baby” and that attorneys also spoke to a woman in the MPP program there who said she had recently miscarried in a US hospital while in Customs and Border Protection custody. The attorneys said some asylum seekers had tents, but many did not.

Vinet-Martin and Claire Noone, another lawyer there as part of the L4GG project, said they found children with disabilities who had been placed in the MPP program, including two children with Down Syndrome, one of them eight months old.

Human Rights Watch also found that Customs and Border Protection continues to return asylum seekers with disabilities or other chronic health conditions to Mexico, despite the Department of Homeland Security's [initial guidance](#) that no one with "known physical/mental health issues" would be placed in the program. In Ciudad Juárez, Human Rights Watch documented six such cases, four of them children. In one case, a 14-year-old boy had been placed in the program along with his mother and little brother, who both have intellectual disabilities, although the boy said they have family in the US. He appeared to be confused and distraught by his situation.

The Mexican government has taken some steps to protect migrants in Ciudad Juárez, including opening a large government-operated shelter. The shelter, which Human Rights Watch visited on August 22, has a capacity of 3,000 migrants and is well-stocked with food, blankets, sleeping pads, personal hygiene kits, and more. At the time of the visit, the shelter held 555 migrants, including 230 children, primarily asylum seekers in the MPP program.

One Mexican government official said the government will soon open two more shelters – one in Tijuana with a capacity of 3,000 and another in Mexicali with a capacity of 1,500.

#### ***Problems Affecting the 'Assisted Voluntary Return' Program***

In October 2018, the International Organization for Migration began operating a \$1.65 million US State Department-funded "[Assisted Voluntary Return](#)" program to assist migrants who have decided or felt compelled to return home. The return program originally targeted Central Americans traveling in large groups through the interior of Mexico. However, in July, the program began setting up offices in Ciudad Juárez, Tijuana, and Mexicali focusing on asylum seekers forced to wait in those cities after being placed in the MPP program. Alex Rigol Ploettner, who heads the International Organization for Migration office in Ciudad Juárez, said that the organization also provides material support such as bunk beds and personal hygiene kits to shelters, which the organization asks to refer interested asylum seekers to the Assisted Voluntary Return program. Four shelter operators in Ciudad Juárez confirmed these activities.

As of late August, Rigol Ploettner said approximately 500 asylum seekers in the MPP program had been referred to Assisted Voluntary Return. Of those 500, he said, about 95 percent were found to be eligible for the program.

He said the organization warns asylum seekers that returning to their home country may cause them to receive deportation orders from the US *in absentia*, meaning they will most likely face a ban on entering the US of up to 10 years.

The organization does not inform US immigration courts that they have returned asylum seekers, nor are asylum seekers assisted in [withdrawing their petition](#) for asylum, which would avoid future penalties in the US.

"For now, as the IOM, we don't have a direct mechanism for withdrawal," Rigol Ploettner said. Human Rights Watch is deeply concerned about the failure to notify the asylum courts when people who are on US immigration court dockets return home and the negative legal consequences for asylum seekers. These concerns are heightened by the environment in which the Assisted Voluntary Return Program is operating. Asylum seekers in the MPP are in such a vulnerable situation that it cannot be assumed that decisions to return home are based on informed consent.

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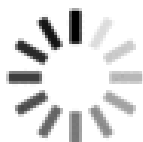
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[32] <https://www.npr.org/2019/08/27/754489426/criminals-target-migrants-in-mexico-seeking-u-s-asylum>

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[35] <https://www.krgv.com/news/pilot-program-aiming-to-find-attorneys-for-mpp-migrants/>

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# EXHIBIT N



American ideals. Universal values.

August 26, 2019

*VIA ELECTRONIC AND CERTIFIED MAIL*

Cameron Quinn, Officer for Civil Rights and Civil Liberties  
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Joseph Cuffari, Inspector General  
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CC:

Kevin K. McAleenan, Acting Secretary  
c/o Office of the General Counsel  
U.S. Department of Homeland Security  
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Washington, D.C. 20528-0485

Mark A. Morgan, Acting Commissioner  
U.S. Customs and Border Protection  
1300 Pennsylvania Ave, N.W.  
Washington, D.C. 20229

**Re: Rape, Kidnapping, Assault and Other Attacks on Asylum Seekers and Migrants Returned to Mexico Under the “Migrant Protection Protocols”; Returns of Other Vulnerable Individuals**

Dear Ms. Quinn and Mr. Cuffari:

Human Rights First submits this complaint regarding the illegal mass expulsion of asylum seekers and migrants by the U.S. Customs and Border Protection (“CBP”) to Mexico where they have been targeted in violent attacks and the return of vulnerable individuals in violation of the U.S. Department of Homeland Security’s (“DHS”) own policies. As of August 18, 2019, DHS has expelled more than 35,000 individuals to Mexico under the Remain in Mexico policy, referred to by the administration as the “Migrant Protection Protocols” (“MPP”). These returns violate fundamental guarantees under U.S. law and treaty obligations to prevent the *refoulement* (return) of individuals to persecution or torture.

To date, there are at least 141 publicly reported cases of rape, kidnapping, sexual exploitation, violent assault, and targeting by persecutors, of individuals returned to Mexico.<sup>1</sup> These attacks include: a Honduran asylum seeker from the Garifuna minority group who was kidnapped by Mexican police and sexually assaulted, two Cuban asylum seekers kidnapped together and repeatedly raped, a Honduran asylum seeker held in sexual slavery for months after being returned to Mexico under MPP, among many others. In addition, vulnerable individuals, including children with serious medical conditions, pregnant women, LGBTQ persons, people with physical disabilities, and those with limited mental capacity, have also been returned to Mexico by CBP despite published DHS policies and public assurances allegedly restricting the return of such individuals. These attacks and improper returns are likely just the tip of the iceberg, as the vast majority of the more than 35,000 returned individuals have not spoken to human rights researchers or journalists.

In designing and implementing MPP, DHS has evaded the expedited removal and credible fear laws that Congress established to screen individuals seeking protection at or after crossing a United States border. Instead, it has created – bypassing the formal rule-making process – a sham screening mechanism that eliminates basic procedural safeguards, effectively blocks access to legal counsel, and sets an extraordinarily elevated standard for an individual to prove that she is at risk of harm if returned to Mexico, among other harmful and illegal policies and practices.

DHS and CBP officials are aware of the life-threatening dangers facing migrants and asylum seekers in Mexico, and the U.S. government’s own reports have documented that “[v]iolent crime, such as murder, armed robbery, carjacking, kidnapping, extortion, and sexual assault, is common” in Mexican border states and warns U.S. citizens and U.S. government employees not travel in these regions.<sup>2</sup> Yet, despite the extensive evidence of potential harms, and the violation of U.S. law and treaty obligations, DHS and CBP officials proceeded to create and continue to implement MPP, a policy of mass returns to danger in Mexico. The grievous harms suffered by asylum seekers and migrants returned by DHS and targeted in Mexico because of their nationality, race, gender, and sexuality, among other characteristics protected under U.S. asylum law, is the predictable result of this illegal policy. Research by Human Rights First, among many other human rights monitors as well as press accounts, confirms that returning individuals to Mexico places them at high risk for violent attack, exploitation and other grave harms in Mexico and cannot be carried out in a manner that complies with U.S. law and international legal obligations.

Human Rights First urges the DHS Office for Civil Rights and Civil Liberties (“CRCL”) and the DHS Office of Inspector General (“OIG”) to open prompt, formal investigations of MPP,<sup>3</sup>

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<sup>1</sup> See attached spreadsheet of publicly reported cases of violent attacks on individuals returned to Mexico under the “Migrant Protection Protocols,” as compiled by Human Rights First.

<sup>2</sup> U.S. Department of State, “Mexico Travel Advisory,” available at <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/mexico-travel-advisory.html> (accessed August 26, 2019).

<sup>3</sup> Human Rights First joins in the grave concerns voiced to CRCL and OIG by the Women’s Refugee Commission regarding the separation of families and their return by CBP to risk in Mexico under MPP. See Women’s Refugee Commission, “Re: Separation of families via the ‘Migrant Protection Protocols,’” August 16, 2019, available at <https://www.womensrefugeecommission.org/rights/resources/1824-separation-of-families-via-the-migrant-protection-protocols>.

including, as detailed below, the 25 case examples of individuals returned to serious harm and danger in Mexico and the 12 case examples of vulnerable individuals expelled to Mexico in violation of DHS’s MPP policy, which are included in this complaint. These inquiries should examine not only the impact on individual asylum seekers, but also the knowledge of DHS officials about the dangers that asylum seekers and migrants would face in Mexico, the veracity of both public and in court statements made by DHS officials about the treatment asylum seekers would receive in Mexico and their access to legal counsel, and whether DHS officials followed or refused to follow legal advice concerning whether the MPP scheme complies with U.S. law and treaty legal obligations.

In support of this complaint, Human Rights First has submitted copies of its recent reports on MPP – “A Sordid Scheme: The Trump Administration’s Illegal Return of Asylum Seekers to Mexico” and “Delivered to Danger: Illegal Remain in Mexico Policy Imperils Asylum Seekers’ Lives and Denies Due Process” – and will be providing individual identifying information, declarations, and other evidence to CRCL and OIG for investigation.

Human Rights First has repeatedly raised its concerns with the grave danger the Remain in Mexico policy poses for returned asylum seekers and migrants.<sup>4</sup> We continue to call on DHS to immediately rescind the program.

### **The “Remain in Mexico” Policy Delivers Asylum Seekers to Grave Dangers in Mexico in Violation of U.S. Law and Treaty Obligations**

In an attempt to evade the safeguards Congress created for expedited removals, MPP ignores the credible fear process. The design and implementation of the MPP fear of Mexico screenings DHS has instituted make clear that they are not intended to protect asylum seekers and migrants at risk in Mexico but to speed their return there despite these risks. As the union representing the U.S. Citizenship and Immigration Services (“USCIS”) asylum officers, who conduct these screenings, wrote: “MPP fails to provide even the basic procedural protections available to asylum applicants subject to [expedited removal].”<sup>5</sup> The MPP screening process is rigged against asylum seekers and migrants at risk of harm in Mexico at every stage:

- **Asylum seekers placed in MPP are frequently not asked if they fear return to Mexico**, as CBP officers are not mandated under MPP to make this inquiry.<sup>6</sup> This practice diverges from the requirement that CBP officers read arriving asylum seekers

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<sup>4</sup> See Human Rights First, “A Sordid Scheme: The Trump Administration’s Illegal Return of Asylum Seekers to Mexico” (March 2019) available at [https://www.humanrightsfirst.org/sites/default/files/A\\_Sordid\\_Scheme.pdf](https://www.humanrightsfirst.org/sites/default/files/A_Sordid_Scheme.pdf); “Courts and Congress Mislead About Trump Administration Policy Forcing Asylum Seekers to ‘Remain in Mexico’” (May 2019) <https://www.humanrightsfirst.org/sites/default/files/Remain-in-Mexico-Decision.pdf>; “Delivered to Danger: Illegal Remain in Mexico Policy Imperils Asylum Seekers’ Lives and Denies Due Process” (August 2019) available at <https://www.humanrightsfirst.org/sites/default/files/Delivered-to-Danger-August-2019%20.pdf>.

<sup>5</sup> *Innovation Law Lab v. McAleenan*, No. 19-15716, Brief of Amicus Curiae Local 1924 (9th Cir. June 26, 2019) available at <https://www.aclu.org/legal-document/innovation-law-lab-v-mcaleenan-amicus-brief-labor-union-local-1924>.

<sup>6</sup> U.S. Customs and Border Protection (CBP), “MPP Guiding Principles,” January 28, 2019, available at <https://www.cbp.gov/sites/default/files/assets/documents/2019-Jan/MPP%20Guiding%20Principles%201-28-19.pdf>.



information necessary for them to understand that they can raise any fear of return with the officer and specifically question them about their fear of return before deporting them through expedited removal procedures.<sup>7</sup> Even when individuals in MPP affirmatively express a fear, CBP officers often fail to refer them for interview, as demonstrated by the examples below. DHS officials have reportedly “instructed [CBP officers] not to ask”<sup>8</sup> asylum seekers whether they fear return to Mexico, a violation of U.S. treaty obligations and international law standards.<sup>9</sup>

- **DHS has imposed an impermissibly high burden on asylum seekers to establish that they fear return to Mexico.** Asylum seekers must prove that it is “more likely than not” that they would face persecution or torture in Mexico. This standard is equivalent to that required to receive withholding of removal protection in immigration court,<sup>10</sup> *i.e.* a standard higher than for asylum and far higher than the standard to establish a reasonable or credible fear of persecution, the criteria Congress set out to halt an asylum seeker’s expedited removal and allow an asylum case to proceed in regular immigration court proceedings.<sup>11</sup> MPP also plainly violates the international standard for returning asylum seekers through accelerated procedures. The U.N. Refugee Agency (UNHCR) has said that only asylum seekers with “clearly abusive” or “manifestly unfounded” claims may be subject to fast track removals consistent with the Refugee Convention.<sup>12</sup> An asylum officer speaking to Vox reportedly stated that the standard for fear of Mexico screenings is “all but impossible to meet.”<sup>13</sup>
- **DHS denies asylum seekers basic due process protections**—for instance, failing to guarantee or provide access to attorneys before or during screening interviews,<sup>14</sup> refusing to accept or consider evidence, failing to give asylum seekers time to rest prior to the

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<sup>7</sup> 8 C.F.R. § 235.3.

<sup>8</sup> Dara Lind, “Civil Servants Say They’re Being Used as Pawns in a Dangerous Asylum Program,” May 2, 2019, available at <https://www.vox.com/2019/5/2/18522386/asylum-trump-mpp-remain-mexico-lawsuit>.

<sup>9</sup> See *Innovation Law Lab v. McAleenan*, No. 19-15716, Brief of Amicus Curiae UNHCR (9th Cir. June 26, 2019) available at <https://www.aclu.org/legal-document/innovation-law-lab-v-mcaleenan-amicus-brief-un-high-commissioner-refugees>.

<sup>10</sup> See U.S. Citizenship and Immigration Services (USCIS), “Guidance for Implementing Section 235(b)(2)(C) of the Immigration and Nationality Act and the Migrant Protection Protocols,” PM-602-0169, January 28, 2019, available at <https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2019/2019-01-28-Guidance-for-Implementing-Section-35-b-2-C-INA.pdf>.

<sup>11</sup> See 142 Cong. Rec. 11469, 11491 (1996) (noting the credible fear standard adopted by Congress is “intended to be a low screening standard for admission into the usual full asylum process”).

<sup>12</sup> UNHCR, “UNHCR’s Position on Manifestly Unfounded Applications for Asylum,” December 1, 1992, available at <https://www.refworld.org/docid/3ae6b31d83.html>; see Executive Committee of the High Commissioner’s Programme, “The Problem of Manifestly Unfounded or Abusive Applications for Refugee Status or Asylum No. 30 (XXXIV),” (Oct. 1983) available at <https://www.unhcr.org/en-us/excom/exconc/3ae68c6118/problem-manifestly-unfounded-abusive-applications-refugee-status-asylum.html>.

<sup>13</sup> Lind, *supra* note 8.

<sup>14</sup> Compare with 8 U.S.C. § 1225(b)(1)(B)(iv); 8 C.F.R. § 208.30(d)(4) (guaranteeing asylum seekers the right to consult with an individual, including a lawyer, of their choosing prior to a credible fear interview and to have that person attend the interview).

interview,<sup>15</sup> and denying an opportunity to appeal negative decisions to an immigration judge.<sup>16</sup> An attorney in San Diego reported to Human Rights First that one client reported being kept in handcuffs during the fear screening—a practice that severely interferes with the ability of traumatized asylum seekers to disclose information about their fear of return.

- **Attorneys for represented asylum seekers have repeatedly been excluded from fear interviews.** An attorney from the Immigrant Defenders Law Center reported that her organization requested fear interviews for three clients but were permitted to monitor only one interview, which an immigration judge had ordered DHS to allow. An attorney from Las Americas Immigrant Advocacy Center who accompanied four clients to the El Paso port of entry in early July to request fear interviews was not permitted to participate in any of the screenings. Although attorneys representing individuals during MPP fear screenings were initially contacted by telephone during interviews, Human Rights First understands that asylum officers conducting fear of Mexico screenings have recently been instructed that individuals in these screenings are not entitled to counsel and that asylum officers are not to contact attorneys telephonically during MPP interviews.<sup>17</sup>
- **DHS officials are reportedly overruling decisions of asylum officers, and DHS is returning asylum seekers to danger in Mexico even when these officers determine asylum seekers face a great risk of harm** if returned and thereby meet the high screening standard.<sup>18</sup> USCIS declined to provide information regarding the number of screenings conducted by asylum officers and the passage rate, citing ongoing litigation challenging MPP<sup>19</sup>; however, data from the Syracuse University Transactional Records Access Clearinghouse shows that as of late June only one percent of individuals in MPP (146 out of 13,990) were removed (including those who passed a fear screening).<sup>20</sup>
- **UNHCR has made clear that fear screening procedures, like those employed by DHS in MPP, “lack key safeguards required by international law”** as “applicants are not asked whether they fear harm in the receiving country and must express that affirmatively; applicants do not have access to counsel in the screening procedure; a decision is not appealable by the applicant; and applicants cannot meaningfully prepare

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<sup>15</sup> See USCIS, “Questions & Answers: Credible Fear Screening,” available at <https://www.uscis.gov/humanitarian/refugees-asylum/asylum/questions-answers-credible-fear-screening> (providing for minimum 48-hour rest period before credible fear interviews).

<sup>16</sup> Compare with 8 U.S.C. § 1225(b)(1)(B)(iii)(III) (providing right of review before an immigration judge for negative credible fear determinations).

<sup>17</sup> See USCIS, “Guidance for Implementing Section 235(b)(2)(C) of the Immigration and Nationality Act and the Migrant Protection Protocols,” *supra* note 10 (justifying restrictions on access to counsel “during the assessments given the limited capacity and resources at ports-of-entry and Border Patrol stations as well as the need for the orderly and efficient processing of individuals”).

<sup>18</sup> Lind, *supra* note 8.

<sup>19</sup> USCIS, “USCIS Asylum Division Quarterly Meeting,” May 20, 2019, available at [https://www.uscis.gov/sites/default/files/USCIS/Outreach/Notes%20from%20Previous%20Engagements/PED\\_AsymStakeholderMeetingQA\\_05202019.pdf](https://www.uscis.gov/sites/default/files/USCIS/Outreach/Notes%20from%20Previous%20Engagements/PED_AsymStakeholderMeetingQA_05202019.pdf).

<sup>20</sup> Syracuse University Transactional Records Access Clearinghouse, “Details on Deportation Proceedings in Immigration Court,” available at <https://trac.syr.edu/phptools/immigration/nta/> (accessed on August 22, 2019).

their refugee status determination claims by meeting with lawyers and/or receive notice of upcoming court dates, or otherwise be assured of due process in their full asylum hearings.”<sup>21</sup>

Under DHS’s MPP screening process, CBP officers have returned individuals to Mexico who had been subjected to rape, kidnapping, assault and other violence in Mexico as well as asylum seekers who had been pursued to Mexico by their persecutors. Asylum seekers returned by CBP without screening by a USCIS asylum officers (despite having expressed fears of harm in Mexico) have subsequently been the victims of kidnapping, rape, assault and other violence.

### *Asylum Seekers Routinely Targeted for Attack in Mexico*

CBP has returned asylum seekers who were previously targeted in Mexico, including those victimized while waiting in Mexico because of DHS’s illegal practice of turning away asylum seekers at ports of entry:

- In late April 2019, armed men kidnapped three Cuban asylum seekers—Lilia\*, Yasmin\* and Yasmin’s common-law husband—while they were waiting for a taxi near Ciudad Juárez. Imprisoned for a week, Lilia and Yasmin were repeatedly raped by multiple men. A Mexican man who appeared to lead the group told them “that he knew [they] were Cubans and that [they] were migrants.” Eventually ransomed, the three spent weeks in hiding until June when they were finally able to request asylum at the El Paso port of entry, where they had placed their names on the asylum wait “list” three weeks prior to the kidnapping. However, CBP returned Lilia and Yasmin to Ciudad Juárez under MPP without a chance to explain their fear of returning there. Once in Mexico, Yasmin reflected, “we feel totally destroyed.” She added, “I’m afraid of the men who kidnapped and raped us ... we almost never go out. We don’t call taxis, because we’re afraid that they might be involved with criminal groups. We’re still in hiding. Everyone here can tell that we’re Cuban because of the way that we dress, the way that our faces and bodies look, and the way that we talk. I’m afraid that what happened to me before will happen to me again.”

DHS’s MPP frequently delivers asylum seekers into the hands of corrupt Mexican law enforcement officials and organized criminal groups, who target them on account of their gender, race and nationality. Individuals returned to Mexico by CBP are frequently kidnapped outside of Mexican migration buildings, indicating a clear nexus to their status as migrants. A few examples of this violence include:

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- A Honduran woman who DHS returned to Ciudad Juárez was reportedly kidnapped in June by a group of men in federal police uniforms and repeatedly sexually assaulted. According to her attorney, Linda Rivas of Las Americas Immigrant Advocacy Center in

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<sup>21</sup> *Innovation Law Lab v. McAleenan*, No. 19-15716, Brief of Amicus Curiae UNHCR (9th Cir. June 26, 2019) available at <https://www.aclu.org/legal-document/innovation-law-lab-v-mcaleenan-amicus-brief-un-high-commissioner-refugees>.

El Paso, the woman is part of the Afro-Caribbean Garifuna minority and was vulnerable to targeting in Mexico because of her race, gender and nationality.

- When CBP officials returned Gisela\*, a 28-year-old-asylum seeker from Honduras, to Ciudad Juárez from the El Paso port of entry, a trafficker kidnapped her as she left a Mexican migration office. She was raped and forced into sexual slavery for three months and escaped only when one of her captors offered to assist her to leave in exchange for sex. Now hiding at a Juárez church shelter, she is not safe. The parish priest told her that an unknown man recently came to the church looking for her.
- Immediately after Kimberlyne and her 5-year-old daughter, asylum seekers from El Salvador, were returned to Mexico by DHS following an initial hearing in the El Paso immigration court, they and another woman returned under MPP were kidnapped outside of an Instituto Nacional de Migración (National Migration Institute–INM) office in Ciudad Juárez. Kimberlyne’s family was forced to pay a ransom to secure their release. When Kimberlyne attempted to make a police report, officers refused telling her that “nothing had happened” and that it “was just a scare.” Terrified of being kidnapped again, Kimberlyne and her daughter found temporary accommodation with a local woman, “but she says I’ll have to leave soon,” Kimberlyne reported.
- Irma\*, a Salvadoran asylum seeker, was kidnapped in late June with her three children, ages 3, 10, and 14, after being returned to Ciudad Juárez by CBP. Irma and two other women who had just been returned to Mexico under MPP flagged down a passing minibus to ask for help because they had nowhere to stay. The three women and three children were instead kidnapped and held hostage for days with little to eat. Irma’s 14-year-old son said one of the men shouted “that he was tired of so many migrants. He said [to us], ‘why did you stay in this country?’” In early July, Irma’s family in the United States was forced to make a \$2800 ransom payment after the kidnappers sent threatening messages to Irma’s sister.
- In early June, R.G.A.M. and his 17-year-old daughter, asylum seekers from Guatemala, were kidnapped in Ciudad Juárez “immediately upon leaving the custody of immigration officials on the Mexican side of the border.” They were held for a month while the kidnappers demanded ransom from family members and forced them to work. After escaping the kidnappers, R.G.A.M. and his daughter again requested asylum after turning themselves in to CBP officers after re-crossing the border. DHS sent them to the Berks County family detention center, according to documents filed by their attorneys.
- After DHS returned Sarai\* and her 18 year-old-daughter, Maya\*, asylum seekers from Honduras, to Mexico under MPP they were coerced to work by the owner of a migrant hotel in Ciudad Juárez where they had been staying. When the owner tried to rape Maya, Sarai and her daughter fled the hotel but were penniless. They spent three nights sleeping on the streets without eating before they were able to beg for enough money to reach an NGO on the Mexican side of the El Paso port of entry in early July to ask for help.

- In her first hours after DHS returned her to Ciudad Juárez under MPP, Blanca\*, an LGBTQ asylum seeker from Guatemala, was walking with other asylum seekers when a group of men followed and robbed them. She sought safety at the main migrant shelter in the city, but it was at capacity, so she ended up in a rented room with other asylum seekers at a hotel catering to migrants. Later, Blanca and other asylum seekers were again attacked, and some were beaten by a group of men. “After what happened, I hardly ever go out,” she said. “I’m really scared of the situation here.”
- Danilo\*, a Cuban asylum seeker returned to Nuevo Laredo in July, witnessed multiple individuals kidnapped just outside or from within Mexican immigration offices. According to Danilo, four Venezuelan women and a girl were kidnapped by men who stopped the taxi an INM official had arranged to take them from the INM office in Nuevo Laredo to a shelter. Danilo also reported that while waiting at the same INM office a man who rushed in late at night while being pursued by a group of men who beat and kidnapped him.

#### *CBP’s Failure to Screen or Refer Individuals for MPP Fear Interview*

CBP’s screening process results in routine failures by immigration officers to refer individuals who face clear threats in Mexico for screening:

- CBP officers ignored the attempts of Lilia and Yasmin, Cuban asylum seekers, to express their fear of return to Mexico where they had been kidnapped and raped after placing their names on CBP’s asylum metering wait “list” at the El Paso port of entry. “We thought that when we entered the United States, we’d finally be safe,” Yasmin told Human Rights First. When the pair were placed in MPP, Yasmin tried to explain her fear of Mexico, but a CBP officer said that whatever had happened in Mexico “did not matter.” Yasmin recalled that CBP officers “said we had no rights.” One officer said, “It’s better to give Cubans \$20 and send them back to Cuba.” Lilia and Yasmin were returned to Ciudad Juárez without a fear screening, while Yasmin’s partner was detained and processed through the expedited removal process.
- The Honduran asylum seeker who was reportedly kidnapped and sexually assaulted after DHS returned her to Ciudad Juárez under MPP was not referred for a fear screening before return even though she affirmatively expressed a fear of return. According to her attorney, the woman informed CBP officers when they placed her in MPP that, as a black woman from the Afro-Caribbean Garifuna minority, she was afraid to be sent to Mexico. She explained to the officers that she “had a target on her back” because of her race, but they ignored her fears and failed to refer her case for screening.
- Fredi\*, a 20-year-old Salvadoran asylum seeker, and his five-year-old daughter were returned to Mexico after CBP officers refused to refer them for a fear screening and did not allow Fredi to explain that gang members had followed him from El Salvador and were threatening him in Mexico. Fredi tried to describe his fear of remaining in Mexico, but a CBP officer ignored him and instead accused Fredi and his daughter of being a “fake family” even though Fredi’s name appears on his daughter’s birth certificate. Fredi

was only able to request a fear screening, which he passed, during his first immigration court hearing in mid-July after months of living in fear in Ciudad Juárez.

- CBP reportedly returned Franklin\*<sup>22</sup> to Ciudad Juárez despite his fear that assassins had followed him there after he testified against cartel bosses in his Central American home country. Returned by CBP to Mexico under MPP, Franklin narrowly escaped an attempt on his life when two men spotted him on a bus shouting, “Get him! Kill him!” The bus driver sped away, saving his life. Franklin was only able to obtain a fear screening interview when a Catholic bishop accompanied him and a small number of other asylum seekers to request protection at the El Paso port of entry in July. Franklin passed that interview and was released to pursue his asylum claim.
- Even though Danilo explained to a CBP officer that he had escaped from armed men attempting to kidnap him, he was returned to Mexico through MPP without a fear screening. In late May, Danilo placed his name on the wait “list” in Reynosa to seek asylum at the U.S. port of entry. While searching for a shelter, two armed men hunted Danilo and another asylum seeker throughout Reynosa trying to kidnap them. A Good Samaritan hid the two in a car trunk and spirited them to another part of town, but the kidnapers found them. Danilo managed to escape and hid in a shelter for 40 days. Danilo had previously been abducted by Mexican police officers who demanded a \$1,500 payment from his family to release him. In early July, as CBP severely reduced the number of people permitted to ask for asylum at the port of entry, Danilo crossed the border in desperation to request protection. CBP did not refer Danilo for a fear screening despite his attempts to express his fear: “I explained what had happened in Mexico, but [the CBP officer] insisted that I had to return to Mexico.”
- CBP returned Yerson\*, an asylum seeker from Cuba, to Mexico where he had been robbed three times in the five days before he crossed the border to seek asylum. As Yerson arrived in Reynosa in early July, a group of armed men stopped the vehicle he and other asylum seekers were traveling in and robbed them. Days later Yerson was robbed in the street by two men who threatened to kidnap him. Yerson tried to seek asylum by crossing the bridge that links Reynosa to Hidalgo, Texas but was turned back by U.S. officials. After learning that the “list” to seek asylum in Reynosa would require him to remain there in danger for months, Yerson decided to cross the border to seek asylum. But at the Rio Grande a group of more than a dozen tattooed men robbed him before he could cross the river and turn himself in to the Border Patrol. Yerson was returned to Mexico without a fear screening: “I told [the CBP officer processing him for MPP] that I had been robbed three time in Reynosa, but he didn’t pay attention to me. . . . He only told me that I was going to be brought to the bridge in Nuevo Laredo.”
- Edwin\*, a Cuban asylum seeker, was returned by CBP under MPP to Mexico, where he had been extorted by corrupt police officers and robbed at gun point. After being forced

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<sup>22</sup> Debbie Nathan, “Trump’s ‘Remain in Mexico’ Policy Exposes Migrants to Rape, and Murder in Dangerous Border Cities,” *The Intercept*, July 14, 2019, available at <https://theintercept.com/2019/07/14/trump-remain-in-mexico-policy/>.



to pay police officers in Reynosa \$300 because they threatened to deport him, Edwin tried to request asylum at the U.S. port of entry in Hidalgo, Texas, but learned that he would have to place his name on a months-long “list.” While waiting in Reynosa two men, one armed with a pistol, robbed Edwin including a backpack that contained important evidence for his asylum case. Afraid to remain in Reynosa, Edwin crossed the river to seek asylum. CBP officers processing Edwin for MPP did not explain his legal rights, including the need to affirmatively request a fear screening. Returned by CBP to Nuevo Laredo, Edwin left for Monterrey in search of safer accommodation, but there two men pursued Edwin in the street late at night as he left a job washing dishes.

While a miniscule percentage of asylum seekers pass DHS’s fear of Mexico screenings, most have been returned after MPP screening interviews even when they have been previously targeted for kidnapping and assault or face other threats of harm:

- Sarai and her daughter Maya did not pass their MPP fear screening and were returned to Ciudad Juárez, even though the man who subjected them to labor exploitation and attempted to sexually assault Maya remains in the city and is holding their identity and other important documents. Maya was forced to go ahead with her interview while her mother was hospitalized after they sought protection at the port of entry. Further, USCIS did not permit Sarai and Maya’s lawyer to participate in the interview.
- Irma and her three children, who were kidnapped and held for ransom for days, were returned again to Ciudad Juárez by DHS after an MPP fear screening. Irma, who appeared to be in shock when Human Rights First met her a few days after she escaped from the kidnappers, was interviewed and returned to Mexico by CBP with her children within 48 hours of entering the El Paso port of entry to request the MPP screening interview—she was not given an opportunity to rest and recuperate or to have her lawyer present during the screening.
- Karla\*, a Honduran asylum-seeker, was returned to Mexicali despite presenting evidence that she and her three-year-old son were receiving threats in Mexico. According to Karla, CBP officers refused to accept a printout of the threatening messages, and she was unable to present this crucial evidence to the asylum officer who interviewed her by telephone. Karla does not know what to do to protect herself and her son: “No parent wants something to happen to their child.”
- Javier\*, a 48-year-old Salvadoran asylum seeker, failed his fear screening and was returned to Mexico by CBP under MPP even though he had twice been assaulted in Mexico and had a copy of a police report he had made about the incident. Javier also feared remaining in Ciudad Juárez because the day prior to Human Rights First’s visit to the church-run shelter where he was staying, a man was shot dead outside on the street in broad daylight.

## Return of Vulnerable Individuals in Violation of DHS Policy

DHS returns unaccompanied and sick children as well as vulnerable adults to Mexico under MPP in violation of internal policy. Under that policy, vulnerable individuals including unaccompanied children and those with “known physical/mental health issues,”<sup>23</sup> are not to be returned to Mexico. Yet CBP has repeatedly returned individuals with serious medical conditions that were known or would have been obvious to CBP officers. Human Rights First interviewed and received reports from lawyers and advocates of many vulnerable individuals returned to Mexico, including:

- a 16-year-old girl from Honduras who CBP returned to Tijuana with her one-year-old infant daughter despite knowing the girl’s age and that she was not accompanied by a parent; Jewish Family Services spoke with the returned girl and confirmed that her U.S. immigration documents contain her correct birthdate;
- a 27-year-old asylum seeker in Tijuana with severe back injuries sustained during beatings by members of a Nicaraguan paramilitary force; she required a wheelchair while detained in CBP custody and suffered a series of panic attacks, which required treatment by a CBP doctor;
- Ariel,<sup>24</sup> a 19-year-old Honduran asylum seeker, suffered an epileptic seizure while being returned to Tijuana because he did not have access to his medication while in CBP custody, despite a doctor’s letter explaining his condition and provided to CBP by Ariel’s Human Rights First attorney;
- an asylum seeker who was seven-months pregnant returned to the extreme heat in Mexicali;
- an eight-year-old Guatemalan boy in Ciudad Juárez with a prosthetic eye<sup>25</sup> who requires continuing medical care and monitoring to ensure that the cancer that took his eye does not reoccur;
- a six-year-old girl from Honduras in Tijuana with “advanced Cerebral Palsy and significant developmental delays,” according to an independent medical assessment viewed by Human Rights First;
- a man with the cognitive capacity of a four-year-old<sup>26</sup> who was repeatedly dumped in Ciudad Juárez despite multiple requests from his lawyer to CBP to review the

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<sup>23</sup> CBP, “MPP Guiding Principles,” *supra* note 6.

<sup>24</sup> Human Rights First, “Human Rights First Clients Ordered to Remain in Mexico Following Immigration Court Hearings,” March 22, 2019, *available at* <https://www.humanrightsfirst.org/press-release/human-rights-first-clients-ordered-remain-mexico-following-immigration-court-hearings>

<sup>25</sup> National Public Radio, “‘Vulnerable’ Migrants Should Be Exempt From ‘Remain In Mexico,’ But Many Are Not,” July 17, 2019, *available at* <https://www.npr.org/2019/07/17/742271139/vulnerable-migrants-should-be-exempt-from-remain-in-mexico-but-many-are-not>.



appropriateness of his placement in MPP and verbal assurances from a CBP official that he would be removed from MPP;

- an asylum-seeking woman CBP returned to Ciudad Juarez who is deaf and non-verbal<sup>27</sup>;
- an eight-year-old Honduran girl with a heart condition suffering fainting spells and vomiting in the extreme heat in Mexicali; and,
- a 16-year-old autistic boy with limited ability to speak and who is sensitive to touch returned to Tijuana.

According to one media report,<sup>28</sup> CBP claims that it does not return LGBTQ asylum seekers to Mexico under MPP because Mexican migration officials will not receive them. Because CBP officers are not required to screen for sexual orientation or gender identity (nor ask any questions about fear of return to Mexico), it is unclear how CBP would avoid the return of LGBTQ persons to Mexico. Human Right First encountered numerous LGBTQ persons returned under MPP, including:

- CBP officers failed to refer Eugenia\*, a lesbian asylum seeker from Honduras who was subjected to severe persecution in her home country and has visible scars as a result, for a fear screening before returning her to Mexico. An officer told her on return to Ciudad Juárez that she was “on her own.”
- CBP separated Joana\*, an 18-year-old lesbian asylum seeker from Honduras, from her father while in CBP custody and returned her to Mexico without a fear screening. Joana’s father was expelled to Ciudad Juárez. When Joana was returned days later, her father had left the city as he was sick from his time in CBP custody and unable to find shelter. Joana too found herself with nowhere to stay in Ciudad Juárez and without her father to help protect her.

## Conclusion

These examples of rape, kidnapping, assault, and other violent attacks confirm the disturbing but predictable result of DHS’s practice of returning asylum seekers and migrants to Mexico – despite the well-known dangers that people returned would face there. Indeed, the U.S. Department of State had warned of these dangers prior to the implementation of MPP. The screening procedures designed by DHS for MPP, which evade the expedited removal and credible fear screening law created by Congress, plainly fail to prevent the *refoulement* of

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<sup>26</sup> Adam Gabbat, “‘Like a child’: The Disabled Migrant Stranded and Alone in Mexico,” *The Guardian*, July 28, 2019, available at [https://www.theguardian.com/us-news/2019/jul/27/mexico-disabled-migrant-stranded-trump?CMP=Share\\_iOSApp\\_Other](https://www.theguardian.com/us-news/2019/jul/27/mexico-disabled-migrant-stranded-trump?CMP=Share_iOSApp_Other).

<sup>27</sup> Bob Moore, Twitter post, July 28, 2019, available at <https://twitter.com/BobMooreNews/status/1155594758128984064>.

<sup>28</sup> Anna Giaritelli, “LGBT asylum-seekers exempt from ‘Remain in Mexico’ policy and can stay in US,” *The Washington Examiner*, July 16, 2019, available at <https://www.washingtonexaminer.com/news/lgbt-asylum-seekers-exempt-from-remain-in-mexico-policy-and-can-stay-in-us>.

individuals to persecution and torture in Mexico, a violation of U.S. law and treaty obligations. CBP officers also regularly fail to abide by DHS's own policy standards on the return of certain vulnerable individuals who are allegedly exempt from the program.

Human Rights First urges CRCL and OIG to investigate the human rights abuses associated with the Remain in Mexico policy, including specifically the individual case examples provided in this complaint. Should you have any questions or require additional information for your investigation, please contact senior refugee protection researcher Kennji Kizuka at [kizukak@humanrightsfirst.org](mailto:kizukak@humanrightsfirst.org).

Respectfully,

Human Rights First

Enclosures:

Spreadsheet of publicly reported cases of violent attacks on individuals returned to Mexico under the "Migrant Protection Protocols," as compiled by Human Rights First

"A Sordid Scheme: The Trump Administration's Illegal Return of Asylum Seekers to Mexico"

"Delivered to Danger: Illegal Remain in Mexico Policy Imperils Asylum Seekers' Lives and Denies Due Process"

# EXHIBIT O

## Delivered to Danger: Illegal Remain in Mexico Policy Imperils Asylum Seekers' Lives and Denies Due Process

In July 2019, the Trump Administration vastly expanded its “Remain in Mexico” policy – farcically named the “Migrant Protection Protocols.” Since January 2019, it has used this policy to expel over 28,000 asylum seekers and other migrants to Mexico. An estimated additional 18,000 asylum seekers are stranded in Mexico due to “metering”—the illegal policy of turning back asylum applicants at ports of entry. Forcing asylum seekers to remain in Mexico puts them in grave danger, makes a mockery of due process protections in U.S. immigration courts, and creates disorder at the border.

Better termed the Migrant *Persecution* Protocols (MPP), this policy is among the most harmful in a series of illegal moves by the administration (including turn-backs, a third-country transit asylum ban, and an asylum-seeker transfer agreement with Guatemala) to ban, block, and deter refugees from seeking protection. MPP violates legal prohibitions in U.S. law and international obligations on returning refugees to persecution, and blatantly flouts the asylum laws Congress adopted for refugees seeking protection at the border.

This report is based on interviews with dozens of asylum seekers stranded in Mexico, communications with attorneys, local advocates, and Mexican government officials, observations of immigration court hearings for more than 170 returned asylum seekers, and media accounts. U.S. government officials failed to respond to meeting requests from Human Rights First. After initial research at the U.S.-Mexico border in January and early February 2019, when MPP was first implemented, Human Rights First’s legal teams returned in June and July 2019 to observe MPP hearings in the San Diego and El Paso Immigration Courts and interview asylum seekers returned to the Mexican cities of Tijuana and Mexicali in Baja California and Ciudad Juárez, Chihuahua.

Human Rights First’s principal findings:

- ☑ **There are more than one hundred and ten publicly reported cases of rape, kidnapping, sexual exploitation, assault, and other violent crimes against asylum seekers returned to Mexico under MPP** – likely only the tip of the iceberg, as the vast majority of returned asylum seekers haven’t been interviewed by researchers or journalists. The dangers appear to be increasing; for example, reported kidnappings in Ciudad Juárez, the city adjacent to El Paso, rose by one hundred percent in the first six months of 2019. In late July, a Cuban asylum seeker waiting on a metering list was stabbed to death there. These human rights abuses are the predictable result of returning refugees to dangerous areas, where they are targeted because of their race, gender, nationality, and status as migrants.
- ☑ **The MPP fear screening process is a sham that returns asylum seekers to grave danger.** The Department of Homeland Security (DHS) is refusing to apply the screening standard adopted by Congress, instead creating a much higher standard. Moreover, it is not referring many asylum seekers to these flawed interviews and pressuring asylum officers to enter negative decisions in a process that lacks key safeguards required by international law. As a result, DHS sends asylum seekers to Mexico who had been kidnapped, raped, or pursued by persecutors there. DHS returned two Cuban asylum seekers without a screening interview even they though were kidnapped and raped in Ciudad Juárez while stranded there because of DHS’s illegal practice of “metering.”

- ☑ **DHS uses MPP to separate families and has returned unaccompanied children, children with cancer, cerebral palsy, a heart condition, and other serious medical problems,** as well as adults with serious medical and mental capacity issues. DHS returned a 27-year-old asylum seeker from Nicaragua with severe injuries she sustained during beatings by members of a paramilitary force, even though the woman required a wheelchair and medical attention while in custody.
- ☑ **MPP tramples on the due process rights of returned asylum seekers** and effectively makes it impossible for the vast majority to be represented by counsel in their immigration court removal proceedings. Nearly 99 percent of all returned asylum seekers were unrepresented through June, according to the latest available data from the immigration courts. In the immigration court hearings observed by Human Rights First in June and July, only six percent of individuals had managed to find an attorney. DHS is now returning individuals to even more remote and dangerous areas with even less available legal representation, and Mexico is busing returned individuals into the interior even farther away from U.S. immigration attorneys.
- ☑ **The vast majority of asylum seekers returned to Mexico are left without a safe—or any—place to stay and very limited means to support themselves.** Despite Trump Administration claims that returned asylum seekers would receive humanitarian assistance, the Mexican government does not provide housing or other support and has only recently begun making work authorization available.
- ☑ **By early August, DHS returned at least 28,569 people to Mexico with an average of over 450 men, women, and children now expelled each day.** The daily return rate rose by over 230 percent following a ruling by the U.S. Court of Appeals for the Ninth Circuit in early June allowing MPP to continue pending resolution of the lawsuit challenging the policy. In addition to those from Guatemala, Honduras, and El Salvador, MPP now applies to other asylum seekers. Twenty-two percent of those returned to Ciudad Juárez were from other countries, including Cuba, Nicaragua, and Venezuela.

Despite the glaring flaws of MPP, and the violence against asylum seekers, in July the Trump Administration expanded returns to Nuevo Laredo and Matamoros in Tamaulipas. The [State Department](#) directed American citizens not to travel to that region of the Mexican border with a Level Four threat assessment—the same for Afghanistan, Iraq, and Syria—and warned that “[v]iolent crime, such as murder, armed robbery, carjacking, kidnapping, extortion, and sexual assault, is common. Gang activity, including gun battles and blockades, is widespread.” DHS [reportedly](#) also plans to implement returns at other ports of entry in Arizona and Texas, where mass hearings could be held in tent courts with judges presiding by video, raising significant additional concerns for the safety and due process rights of returned asylum seekers. With the appeals court hearing in the [lawsuit](#) challenging MPP set for October, the Trump Administration can continue to deliver asylum seekers to danger.

Human Rights First urges the Trump Administration to:

- ☑ **Cease MPP and all other policies and practices that violate U.S. asylum and immigration law and U.S. Refugee Protocol obligations,** including the third-country transit asylum ban, turn-backs and orchestrated reductions on asylum processing at ports of entry, and all attempts to send asylum seekers to countries, including Mexico and Guatemala, that do not meet the legal requirements for safe-third country agreements under U.S. law.
- ☑ **Direct U.S. Customs and Border Protection (CBP) to restore timely and orderly asylum processing at ports of entry and ensure humane conditions for those held temporarily under CBP custody,** meeting all legal standards, including the Flores Settlement Agreement and DHS internal detention policies.



## Rapes, Kidnappings, and Assaults of Asylum Seekers in Mexico

The Trump Administration is delivering asylum seekers and migrants to rape, kidnapping, and violent assault in Mexico, where they are targeted based on characteristics that mark them as foreign—their accent, skin color, and appearance—as well as their gender and sexual orientation. Some asylum seekers returned under MPP have been kidnapped outside of migration offices in Mexico, virtually in sight of U.S. officials. CBP is also returning asylum seekers who were previously targeted and harmed in Mexico in spite of the clear risk of further harm.

Even with the [State Department](#) warning American travelers to “reconsider travel” to Chihuahua state due to “widespread” “[v]iolent crime and gang activity,” the administration has returned more than ten thousand asylum seekers there. The homicide rate in Ciudad Juárez grew [fivefold](#) in the past three years to an astronomical 107 killings per 100,000 population. In early August, a couple were [shot](#) to death at the foot of the international bridge linking El Paso and Ciudad Juárez where asylum seekers are released after DHS return them to Mexico. The city also registered a [one hundred percent increase](#) in reported kidnappings in the first six months of 2019 compared to the same period last year. Kidnappings and violence against asylum seekers there are common. A Human Rights Watch report based on interviews with asylum seekers returned to Ciudad Juárez in May [documented](#) multiple sexual assaults, kidnappings, and violent attacks.

Asylum seekers returned to Baja California also face grave dangers. The state had the [largest number](#) of reported murders in Mexico in 2018, and in March 2019, Mexico’s Citizens’ Council for Public Safety and Criminal Justice named Tijuana the [most violent city](#) in the world based on its skyrocketing homicide rate. In Mexicali, a group of some forty men [attacked](#) residents of a migrant hostel with metal bars and pipes on June 17, the day prior to Human Rights First’s visit there, severely injuring several individuals including a Central American asylum seeker.

During its research, Human Rights First researchers documented the cases of 42 individuals returned under MPP to Mexico who were raped, kidnapped, assaulted, and/or pursued by persecutors there. In addition, although likely a gross underestimate of the harm to returned asylum seekers given the limited monitoring of the program



to date, review of published media accounts, NGO reports, court filings, and other publicly available information reveal at least 74 other MPP returnees subject to violent attacks or threats in Mexico.<sup>1</sup>

CBP has returned asylum seekers who were previously targeted in Mexico, including those victimized while waiting in Mexico because of DHS's illegal practice of turning away asylum seekers at ports of entry:

- In late April 2019, armed men kidnapped three Cuban asylum seekers—Lilia\*,<sup>2</sup> Yasmin\* and Yasmin's common-law husband—while they were waiting for a taxi near Ciudad Juárez. Imprisoned for a week, Lilia and Yasmin were repeatedly raped by multiple men. A Mexican man who appeared to lead the group told them “that he knew [they] were Cubans and that [they] were migrants.” Eventually ransomed, the three spent weeks in hiding until June when they were finally able to request asylum at the El Paso port of entry, where they had placed their names on the asylum wait “list” three weeks prior to the kidnapping. However, CBP returned Lilia and Yasmin to Ciudad Juárez under MPP without a chance to explain their fear of returning there. Once in Mexico, Yasmin reflected, “we feel totally destroyed.” She added, **“I’m afraid of the men who kidnapped and raped us ... we almost never go out. We don’t call taxis, because we’re afraid that they might be involved with criminal groups. We’re still in hiding. Everyone here can tell that we’re Cuban because of the way that we dress, the way that our faces and bodies look, and the way that we talk. I’m afraid that what happened to me before will happen to me again.”**

MPP frequently delivers asylum seekers into the hands of corrupt law enforcement officials and organized criminal groups, who **target them on account of their gender, race and nationality. Returned individuals are frequently kidnapped outside of Mexican migration buildings, indicating a clear nexus to their status as migrants.** A few examples of this violence include:

- A Honduran woman who DHS returned to Ciudad Juárez was reportedly kidnapped in June by a group of men in federal police uniforms and repeatedly sexually assaulted. According to her attorney, Linda Rivas of Las Americas Immigrant Advocacy Center in El Paso, the woman is part of the Afro-Caribbean Garifuna minority and was vulnerable to targeting in Mexico because of her race, gender and nationality.
- When CBP officials returned Gisela\*, a 28-year-old-asylum seeker from Honduras, to Ciudad Juárez from the El Paso port of entry, a trafficker kidnapped her as she left a Mexican migration office. She was raped and forced into sexual slavery for three months and escaped only when one of her captors offered to assist her to leave in exchange for sex. Now hiding at a Juárez church shelter, she is not safe. The parish priest told her that an unknown man recently came to the church looking for her.
- Immediately after Kimberlyne and her 5-year-old daughter, asylum seekers from El Salvador, were returned to Mexico by DHS following an initial hearing in the El Paso immigration court, they and another woman returned under MPP were kidnapped outside of an *Instituto Nacional de Migración* (National Migration Institute—INM) office in Ciudad Juárez. Kimberlyne's family was forced to pay a ransom to secure their release. When Kimberlyne attempted to make a police report, officers refused telling her that “nothing had happened” and that it “was just a scare.” Terrified of being kidnapped again, Kimberlyne and her daughter found temporary accommodation with a local woman, “but she says I’ll have to leave soon,” Kimberlyne reported.

<sup>1</sup> A list of these incidents is on file with Human Rights First.

<sup>2</sup> Human Rights First has used pseudonyms (indicated with an asterisk) to protect the identity of asylum seekers, many of whom face ongoing dangers or prefer to keep their identity anonymous for fear of reprisals.

- Irma\*, a Salvadoran asylum seeker, was kidnapped in late June with her three children, ages 3, 10, and 14, after being returned to Ciudad Juárez by CBP. Irma and two other women who had just been returned to Mexico under MPP flagged down a passing minibus to ask for help because they had nowhere to stay. The three women and three children were instead kidnapped and held hostage for days with little to eat. Irma’s 14-year-old son said one of the men shouted “that he was tired of so many migrants. He said [to us], ‘why did you stay in this country?’” In early July, Irma’s family in the United States was forced to make a \$2800 ransom payment after the kidnappers sent threatening messages to Irma’s sister.
- In early June, R.G.A.M. and his 17-year-old daughter, asylum seekers from Guatemala, were kidnapped in Ciudad Juárez “immediately upon leaving the custody of immigration officials on the Mexican side of the border.” They were held for a month while the kidnappers demanded ransom from family members and forced them to work. After escaping the kidnappers, R.G.A.M. and his daughter again requested asylum after turning themselves in to CBP officers after re-crossing the border. DHS sent them to the Berks County family detention center, according to documents filed by their attorneys.
- After DHS returned Sarai\* and her 18 year-old-daughter, Maya\*, asylum seekers from Honduras, to Mexico under MPP they were coerced to work by the owner of a migrant hotel in Ciudad Juárez where they had been staying. When the owner tried to rape Maya, Sarai and her daughter fled the hotel but were penniless. They spent three nights sleeping on the streets without eating before they were able to beg for enough money to reach an NGO on the Mexican side of the El Paso port of entry in early July to ask for help.
- In her first hours after DHS returned her to Ciudad Juárez under MPP, Blanca\*, an LGBTQ asylum seeker from Guatemala, was walking with other asylum seekers when a group of men followed and robbed them. She sought safety at the main migrant shelter in the city, but it was at capacity, so she ended up in a rented room with other asylum seekers at a hotel catering to migrants. Later, Blanca and other asylum seekers were again attacked, and some were beaten by a group of men. “After what happened, I hardly ever go out,” she said. “I’m really scared of the situation here.”

## Screening Sham

In an attempt to evade the safeguards Congress created for expedited removals, MPP ignores the credible fear process and creates a new sham screening for fear of return to Mexico. The design and implementation of these screenings make clear that they are not intended to protect asylum seekers and migrants at risk in Mexico but to expedite their return there despite these risks. The amicus brief submitted in the suit challenging MPP by the union for the asylum officers from the U.S. Citizenship and Immigration Services (USCIS), who conduct these screenings, wrote that “MPP fails to provide even the basic procedural protections available to asylum applicants subject to [expedited removal].” The MPP screening process is rigged against asylum seekers at every stage:

- Asylum seekers placed in MPP are frequently not asked if they fear return to Mexico (CBP officers are not required to ask under MPP) and, even if they affirmatively express a fear, CBP officers often fail to refer them for interview. DHS officials have reportedly “instructed [CBP officers] not to ask” asylum seekers whether they fear return to Mexico, a violation of international law standards.
- During subsequent MPP hearings, sometimes held months after asylum seekers are returned to Mexico, immigration judges can instruct DHS attorneys to refer returned individuals who express fear of return for screening. Yet judges fail to uniformly ask about fear of return, effectively denying a screening to those unaware of the need to affirmatively state a fear. **Only 25 percent of immigration judges affirmatively**



**inquired about fear of return to Mexico during hearings Human Rights First observed in June and July in the San Diego and El Paso immigration courts.**

- DHS has imposed an impermissibly high burden on asylum seekers to establish that they fear return to Mexico. Asylum seekers must prove that it is “more likely than not” that they would face persecution or torture in Mexico. This standard is equivalent to that required to receive withholding of removal protection in immigration court, i.e. a standard higher than for asylum and far higher than the standard to establish a reasonable or credible fear of persecution, the criteria Congress set out to halt an asylum seeker’s expedited removal and allow an asylum case to proceed in regular immigration court proceedings. MPP also plainly violates the international standard for returning asylum seekers through accelerated procedures. The UN Refugee Agency (UNHCR) has said that only asylum seekers with “clearly abusive” or “manifestly unfounded” claims may be subject to fast track removals. An asylum officer speaking to Vox reportedly stated that the standard for fear of Mexico screenings is “all but impossible to meet.”
- DHS denies asylum seekers basic due process protections—for instance, refusing to allow access to attorneys during screening interviews, refusing to accept or review evidence, failing to give asylum seekers time to rest and consult with a person of their choosing prior to the interview to prepare, and denying an opportunity to appeal negative decisions to an immigration judge. An attorney in San Diego stated that one client reported being kept in handcuffs during the fear screening—a practice that severely interferes with the ability of traumatized asylum seekers to disclose information about their fear of return.
- Attorneys for represented asylum seekers have repeatedly been excluded from fear interviews. An attorney from the Immigrant Defenders Law Center reported that her organization requested fear interviews for three clients but were permitted to monitor only one interview, which an immigration judge had ordered DHS to allow. Attorney Linda Rivas who accompanied four clients to the El Paso port of entry in early July to request fear interviews was not permitted to participate in any of the screenings.
- DHS officials are reportedly overruling decisions of asylum officers and DHS is returning asylum seekers to danger in Mexico even when these officers determine asylum seekers face a great risk of harm if returned and thereby meet the high screening standard. USCIS declined to provide information regarding the number of screenings conducted by asylum officers and the passage rate, citing ongoing litigation challenging MPP; however, data from the Syracuse University Transactional Records Access Clearinghouse (TRAC) shows that as of June only one percent of individuals in MPP (146 out of 13,990) were removed (including those who passed a fear screening).
- UNHCR made clear in an amicus brief that fear screening procedures, like those employed by DHS in MPP, “lack key safeguards required by international law” as “applicants are not asked whether they fear harm in the receiving country and must express that affirmatively; applicants do not have access to counsel in the screening procedure; a decision is not appealable by the applicant; and applicants cannot meaningfully prepare their refugee status determination claims by meeting with lawyers and/or receive notice of upcoming court dates, or otherwise be assured of due process in their full asylum hearings.”

Under DHS’s sham screening process, CBP officers have returned individuals to Mexico who had already been subjected to rape, kidnapping, assault and other violence in Mexico as well as asylum seekers who had been pursued to Mexico by their persecutors. Asylum seekers screened by USCIS and returned by CBP despite their fears of harm in Mexico have subsequently been the victims of kidnapping, rape, assault and other violence.

**CBP’s sham screening processes are unsurprisingly resulting in routine failures by immigration officers to refer individuals who face clear threats in Mexico for screening:**

- CBP officers ignored the attempts of Lilia and Yasmin, Cuban asylum seekers, to express their fear of return to Mexico where they had been kidnapped and raped after placing their names on CBP’s asylum metering wait “list” at the El Paso port of entry. “We thought that when we entered the United States, we’d finally be safe,” Yasmin told Human Rights First. When the pair were placed in MPP, Yasmin tried to explain her fear of Mexico, but a CBP officer said that whatever had happened in Mexico “did not matter.” Yasmin recalled that CBP officers “said we had no rights.” One officer said, “It’s better to give Cubans \$20 and send them back to Cuba.” Lilia and Yasmin were returned to Ciudad Juárez without a fear screening, while Yasmin’s partner was detained and processed through the expedited removal process.
- The Honduran asylum seeker who was reportedly kidnapped and sexually assaulted after DHS returned her to Ciudad Juárez under MPP was not referred for a fear screening before return even though she affirmatively expressed a fear of return. According to her attorney, the woman informed CBP officers when they placed her in MPP that, as a black woman from the Afro-Caribbean Garifuna minority, she was afraid to be sent to Mexico. She explained to the officers that she “had a target on her back” because of her race, but they ignored her fears and failed to refer her case for screening.
- Fredi\*, a 20-year-old Salvadoran asylum seeker, and his five-year-old daughter were returned to Mexico after CBP officers refused to refer them for a fear screening and did not allow Fredi to explain that gang members had followed him from El Salvador and were threatening him in Mexico. Fredi tried to describe his fear of remaining in Mexico, but a CBP officer ignored him and instead accused Fredi and his daughter of being a “fake family” even though Fredi’s name appears on his daughter’s birth certificate. Fredi was only able to request a fear screening, which he passed, during his first immigration court hearing in mid-July after months of living in fear in Ciudad Juárez.
- CBP reportedly returned Franklin\* to Ciudad Juárez despite his fear that assassins had followed him there after he testified against cartel bosses in his Central American home country. Returned by CBP to Mexico under MPP, Franklin narrowly escaped an attempt on his life when two men spotted him on a bus shouting, “Get him! Kill him!” The bus driver sped away, saving his life. Franklin was only able to obtain a fear screening interview when a Catholic bishop accompanied him and a small number of other asylum seekers to request protection at the El Paso port of entry in July. Franklin passed that interview and was released to pursue his asylum claim.

**While a miniscule percentage of asylum seekers pass DHS’s farcical fear of Mexico screenings, most have been returned after MPP screening interviews even when they have been previously targeted for kidnapping and assault or face other threats of harm:**

- Sarai and her daughter Maya did not pass their MPP fear screening and were returned to Ciudad Juárez, even though the man who subjected them to labor exploitation and attempted to sexually assault Maya remains in the city and is holding their identity and other important documents. Maya was forced to go ahead with her interview while her mother was hospitalized after they sought protection at the port of entry. Further, USCIS did not permit Sarai and Maya’s lawyer to participate in the interview.
- Irma and her three children, who were kidnapped and held for ransom for days, were returned again to Ciudad Juárez by DHS after an MPP fear screening. Irma, who appeared to be in shock when Human Rights First met her a few days after she escaped from the kidnappers, was interviewed and returned to Mexico by CBP with her children within 48 hours of entering the El Paso port of entry to request the MPP screening interview—she was not given an opportunity to rest and recuperate or to have her lawyer present during the screening.

- Karla\*, a Honduran asylum-seeker, was returned to Mexicali despite presenting evidence that she and her three-year-old son were receiving threats in Mexico. According to Karla, CBP officers refused to accept a printout of the threatening messages, and she was unable to present this crucial evidence to the asylum officer who interviewed her by telephone. Karla does not know what to do to protect herself and her son: “No parent wants something to happen to their child.”
- Javier\*, a 48-year-old Salvadoran asylum seeker, failed his fear screening and was returned to Mexico by CBP under MPP even though he had twice been assaulted in Mexico and had a copy of a police report he had made about the incident. Javier also feared remaining in Ciudad Juárez because the day prior to Human Rights First’s visit to the church-run shelter where he was staying, a man was shot dead outside on the street in broad daylight.

According to one media [report](#), CBP claims that it does not return LGBTQ asylum seekers to Mexico under MPP because Mexican migration officials will not receive them. A 2017 [report](#) by Amnesty International found that LGBTQ migrants face particular violence and discrimination based on their sexual orientation and gender identity in Mexico. Because CBP officers are not required to screen for sexual orientation or gender identity (nor ask any questions about fear of return to Mexico), it is unclear how CBP would avoid the return of LGBTQ individuals to Mexico. Human Rights First encountered numerous LGBTQ persons returned under MPP:

- CBP officers failed to refer Eugenia\*, a lesbian asylum seeker from Honduras who was subjected to severe persecution in her home country and has visible scars as a result, for a fear screening before returning her to Mexico. An officer told her on return to Ciudad Juárez that she was “on her own.”
- CBP separated Joana\*, an 18-year-old lesbian asylum seeker from Honduras, from her father while in CBP custody and returned her to Mexico without a fear screening. Joana’s father was expelled to Ciudad Juárez. When Joana was returned days later, her father had left the city as he was sick from his time in CBP custody and unable to find shelter. Joana too found herself with nowhere to stay in Ciudad Juárez and without her father to help protect her.

## Separated Families at Risk

CBP uses MPP to separate families by returning some family members to Mexico leaving them at risk of harm there. Despite the purported end of DHS’s family separation policy following a June 2018 executive order, hundreds more children have been separated from their parents. Adult family members are also separated from minor siblings, nieces, nephews, grandchildren, and other children they care for even when they have legal guardianship. DHS, for example, returned a Guatemalan asylum seeker to Mexico under MPP and separated him from his younger brother over whom he had been granted legal custody after their father’s murder. Under MPP, adult family members have been returned to Mexico while their children are placed in the shelters run by the Office of Refugee Resettlement (ORR) or processed with other adult family members. Human Rights First encountered multiple family separations under MPP, including:

- During an El Paso immigration court MPP hearing observed by Human Rights First on July 8, **19-year-old Fatima said that she had been separated from her five-year-old daughter: “Your Honor, I was separated from my daughter. I need to be with her. I’ve never been [apart] from her.”** A victim of rape at 13, Fatima lacked identity documents at the time to register as her daughter’s mother. Fatima’s attorney, Taylor Levy, reported that CBP forced Fatima to accompany her daughter to an airport where she was taken from her mother and flown to an ORR facility for unaccompanied children. Fatima is awaiting the results of a DNA test to prove her relationship with her daughter.

- CBP sent Kimberlyne and her daughter to Mexico separating them from Kimberlyne’s husband and 7-year-old son when the girl fell ill in CBP custody. After days in makeshift CBP detention facilities under the Paso del Norte Bridge and a desert tent camp with limited food and heavily chlorinated water that burned their lips, Kimberlyne’s daughter collapsed. The child was sent to a local hospital with her mother. **“When I returned to the camp with my daughter, my husband and son were gone. They’d been released. No one had told me that was happening,”** Kimberlyne said. CBP returned Kimberlyne and her daughter to Mexico where a taxi driver kidnapped them outside of a Mexican migration office in Ciudad Juárez.
- CBP in El Paso also separated Blanca from her longtime partner and partner’s son, when they sought asylum after facing violence in Guatemala because of their sexual orientation. **Blanca said, “[w]hen we told [Border Patrol] we were a couple, the officers in the green uniforms told us that if we weren’t married, we couldn’t stay together.”** She was expelled to Mexico after 20 days in CBP holding cells. “No one ever asked if I was afraid of being in Mexico,” she said. “They just gave me papers to sign. That’s it.” In Juárez, Blanca and other asylum seekers were repeatedly robbed and assaulted.
- CBP separated Rohelia\*, a 24-year-old asylum seeker and her 15-year-old brother after they crossed the border in mid-April near the El Paso port of entry. Held for two weeks in a CBP tent camp, Rohelia reported that officers falsely told her she would be reunited with her brother but instead pressured her to sign documents acknowledging her return to Mexico under MPP. Rohelia was expelled to Ciudad Juárez around 3 o’clock in the morning in late April by CBP without anywhere to go. Her brother was sent to an ORR facility, and she has not seen him in more than three months.

## Vulnerable Individuals Returned in Violation of DHS Policy

DHS returns unaccompanied and sick children as well as vulnerable adults to Mexico under MPP in violation of internal policy. Under that policy, vulnerable individuals including unaccompanied children and those with “known physical/mental health issues,” are not to be returned to Mexico. Yet CBP has repeatedly returned individuals with serious medical conditions that were known or would have been obvious to CBP officers. Human Rights First interviewed and received reports from lawyers and advocates of many vulnerable individuals returned to Mexico, including:

- a 16-year-old girl from Honduras who CBP returned to Tijuana with her one-year-old infant daughter despite knowing the girl’s age and that she was not accompanied by a parent; Jewish Family Services spoke with the returned girl and confirmed that her U.S. immigration documents contain her correct birthdate;
- a 27-year-old asylum seeker in Tijuana with severe back injuries sustained during beatings by members of a Nicaraguan paramilitary force; she required a wheelchair while detained in CBP custody and suffered a series of panic attacks, which required treatment by a CBP doctor;
- Ariel, a 19-year-old Honduran asylum seeker, suffered an epileptic seizure while being returned to Tijuana because he did not have access to his medication while in CBP custody, despite a doctor’s letter explaining his condition and provided to CBP by Ariel’s Human Rights First attorney;
- an asylum seeker who was seven-months pregnant returned to the extreme heat in Mexicali;
- an eight-year-old Guatemalan boy in Ciudad Juárez with a prosthetic eye who requires continuing medical care and monitoring to ensure that the cancer that took his eye does not reoccur;

- a six-year-old girl from Honduras in Tijuana with “advanced Cerebral Palsy and significant developmental delays,” according to an independent medical assessment viewed by Human Rights First;
- a man with the cognitive capacity of a four-year-old who was repeatedly dumped in Ciudad Juárez despite multiple requests from his lawyer to CBP to review the appropriateness of his placement in MPP and verbal assurances from a CBP official that he would be removed from MPP;
- an asylum-seeking woman CBP returned to Ciudad Juarez who is deaf and non-verbal;
- an eight-year-old Honduran girl with a heart condition suffering fainting spells and vomiting in the extreme heat in Mexicali; and,
- a 16-year-old autistic boy with limited ability to speak and who is sensitive to touch returned to Tijuana.

## Refouling Returned Refugees from Mexico

DHS’s return of asylum seekers to Mexico under MPP violates U.S. *non-refoulement* obligations not only by exposing them to serious danger in Mexico but also because returned individuals are at high risk of onward *refoulement*, or illegal return, to their home countries where they face persecution or torture. As UNHCR has stressed in its amicus brief in the MPP litigation, “the principle of non-refoulement protects refugees from being transferred to a State in which they might not face persecution, but from where that State would send the individual on to persecution in a third country, referred to here as ‘chain refoulement.’” Under international law, before returning an asylum seeker a state “must assess ... whether there is a risk that the receiving State will *refoule* the individual to yet another State.” Yet DHS returns asylum seekers to Mexico under MPP despite evidence that Mexican migration authorities routinely fail to provide humanitarian protection to asylum seekers as required under domestic and international law.

- The State Department’s 2017 human rights report on Mexico noted that an independent Mexican advisory body found “incidents in which immigration agents had been known to threaten and abuse migrants to force them to accept voluntary deportation and discourage them from seeking asylum.”
- A 2018 report by Amnesty International found that 24 percent of the 500 asylum seekers surveyed had indicated fear of persecution to Mexican officials but were ignored and arbitrarily deported back to their countries of persecution.
- A report by Human Rights First also found that “Mexican migration officers deport Central Americans who have expressed fear of return despite the country’s *non-refoulement* and human rights obligations.”

Under pressure from the U.S. government, INM officials have ramped up deportations, with more than 71,000 individuals removed from Mexico between January and June 2019—a 33 percent increase from the same period in 2018. Following the agreement to expand MPP in June, Mexico deployed nearly 21,000 national guard troops—almost one-third of the total ranks—to Mexico’s borders. Mexico’s Human Rights Commission expressed alarm over the potential for human rights abuses. The Mexican government also slashed the 2019 budget for COMAR—the Mexican asylum agency—by more than 27 percent despite a 200 percent increase in asylum applications filed in Mexico this year.

Asylum seekers returned to Mexico under MPP are at significant risk for refoulement to their home countries where they fear persecution:

- An asylum seeker returned to Mexico under MPP was *refouled* to Guatemala by INM, despite expressing a fear of return and showing police her U.S. court papers, according to Amnesty International.

- An indigenous, Mam-speaking asylum seeker reported in San Diego immigration court in June, according to volunteer court monitors, that police in Mexicali had arrested and deported him to Guatemala from Mexicali, but that he had returned to attend his hearing and request asylum in the United States.
- Alec\*, an Evangelical pastor from Honduras who Human Rights First is representing in his claim for asylum, was stopped by police in Tijuana who threatened to deport him because of his status as a migrant. A judge at the San Diego immigration court later granted Alec asylum in early August – the first reported grant of asylum to an asylum seeker subject to MPP. However, DHS placed Alec in CBP custody following the hearing and appeared poised to return him to Mexico pending appeal.
- INM agents detained 12 Cuban asylum seekers returned to Mexico under MPP during an illegal raid on a church registered on the local government’s list of shelters housing asylum seekers in Ciudad Juárez on June 28. Intervention by Enrique Valenzuela of the *Consejo Estatal de Población* (State Population Counsel or COESPO) of Chihuahua, which registers returned asylum seekers and asylum seekers on the CBP “metering” list, halted their deportations.
- Mexican police stopped a Honduran asylum seeker in Ciudad Juárez, tore up the Mexican migration documents he received when he was returned through MPP (*forma migratoria múltiple* – a paper tear-card used for temporary visitors), and illegally handed him over to INM for deportation to Honduras, according to other Honduran asylum seekers familiar with his case. Human Rights First confirmed that he was deported to Honduras.

Many asylum seekers reported to Human Rights First that Mexican law enforcement officials extorted and threatened to deport them. For example:

- While on a bus in Mexico uniformed officers boarded and threatened to deport Maria\* and her daughters to El Salvador. Maria recalled: “They said that if I didn’t give [my money] to them they would deport me back to El Salvador. One of them asked my 15-year-old daughter if she had money. She said she didn’t have anything, and he said, ‘ok, let me touch you instead.’ She told him ‘no.’ Thank god, he listened.”
- A group of four Cuban asylum seekers in Mexicali reported that Mexican federal police forced them from a bus near Mazatlán threatening to beat them and turn them in to immigration for deportation if they refused to hand over whatever money they were carrying. A woman in the group said that officers groped her as they searched for valuables to steal.

## Trampling Due Process

For refugees at the southern border the legal barriers to receiving asylum in the United States are now nearly insurmountable with MPP, asylum turn-backs, asylum bans, and the Guatemala agreement working in concert to undermine due process and effectively block asylum.

MPP severely interferes with due process rights of returned individuals in immigration court—restricting access to counsel, legal information, and the ability to attend and participate in hearings. Further, the third-country transit asylum ban, if it proceeds, would bar refugees at the southern border from receiving asylum if they transited through a third country en route to the United States unless they qualify for one of the few limited exceptions. While the ban does not apply to asylum seekers returned to Mexico before July 16, according to a Department of Justice spokesperson, those subject to the ban will be permitted to apply only for withholding of removal and CAT protection. Effectively cut off from attorneys in the United States by MPP, few refugees are likely to meet the excessively high requirements to receive these highly deficient forms of protection from deportation. As a result,



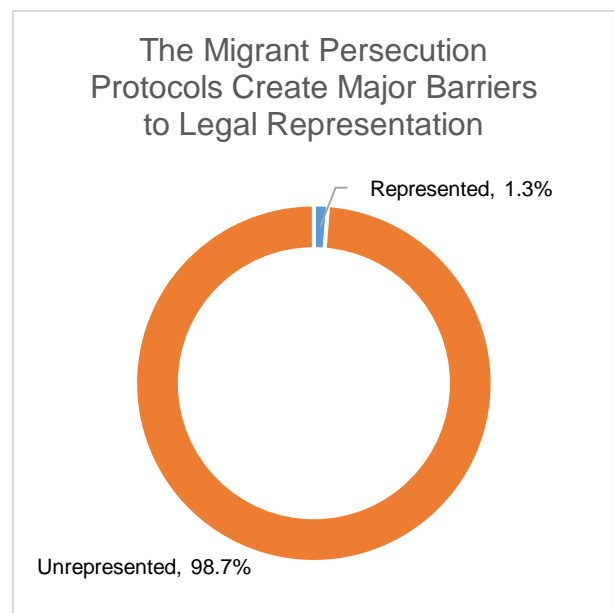
asylum seekers in MPP, even those with well-founded fears of persecution, are likely to be denied asylum and other forms of protection and be deported to countries where they fear persecution.

Human Rights First spoke with attorneys and legal services organizations in California, New Mexico, and Texas, observed the hearings of over 170 returned individuals before five judges in the El Paso (June 11–July 18) and San Diego (June 17–20) immigration courts, reviewed court monitoring information collected by the HOPE Border Institute in El Paso and volunteers associated with *Al Otro Lado* in San Diego, and analyzed data released by the Executive Office for Immigration Review—the agency that houses the immigration courts. This research reveals:

- MPP seriously undermines the right guaranteed under Section 292 of the Immigration and Nationality Act to be represented by a lawyer. **Just 1.3 percent of MPP returnees had lawyers, as of the end of June, according to immigration court data released by TRAC.**
- These low representation rates are the predictable consequence of a policy that effectively prevents asylum seekers from searching for an attorney in the United States and the acute safety, logistical, and funding impediments that prevent many U.S.-based legal services organizations and individual immigration attorneys from representing asylum clients returned to Mexico.
- Restrictions by the immigration courts on legal orientation sessions and assistance from pro bono attorneys as well as the use of video-teleconferencing (VTC), group hearings, and video translation undermine the ability of asylum seekers to understand and participate in their own removal proceedings.
- Stranding asylum seekers in Mexico creates fundamental barriers to attend court hearings and prepare their cases, as asylum seekers are cut off from attorneys in the United States who could explain immigration court procedures, as well as to help to prepare their asylum applications, collect evidence, and represent them in court. As a result, very few returned asylum seekers are likely to win their cases, despite many having valid asylum claims. Some may be ordered removed *in absentia* because CBP provides inaccurate notices for hearings that are often set many months away stranding asylum seekers in Mexico with no means to support themselves.

**A miniscule number of asylum seekers returned to Mexico under MPP have managed to find lawyers while stranded there, resulting in abysmal and unprecedentedly low representation rates:**

- Data from the immigration courts released by TRAC reveals that attorneys entered official notices of representation for only 181 of the 14,171 MPP cases (1.3 percent) filed with the immigration courts through June. **In nearly 99 percent of cases, individuals returned under MPP did not have a lawyer registered with the court. Only 55 of the 6,835 individuals returned at the El Paso port of entry had an attorney – a representation rate of just 0.8 percent. For those returned at the Calexico port the rate was 1.3 percent (39 of 2,951) and 2 percent for the San Ysidro port (87 of 4,385).** Because DHS is now returning individuals to even more remote and dangerous areas with even less available legal assistance, representation rates are likely to fall even further.



- By the time of their hearings, a very small percentage of returned asylum seekers have managed to find lawyers. During Human Rights First’s observations of MPP hearings in the San Diego and El Paso immigration courts in June and July, **less than six percent of asylum seekers (10 out of 171) had managed to find attorneys**. Despite these alarmingly low representation rates, judges repeatedly stated that because some asylum seekers had been able to find counsel, they expected unrepresented individuals to return with an attorney at the next hearing.
- At one church-based shelter in Ciudad Juárez, the shelter director reported that none of the more than 60 individuals returned to Mexico under MPP had legal representation at the time of their stay there.
- These representation rates are far below those for asylum seekers in removal proceedings generally. According to data from the TRAC Asylum Decisions [tool](#), 92 percent of non-detained and 54 percent of detained asylum seekers whose cases concluded in FY 2018 had legal representation at some point during the proceedings. Asylum seekers with lawyers are four times more likely to be granted asylum than those without counsel.

**These extremely low representation rates are the predictable (perhaps intended) result of DHS delivering asylum seekers to Mexico during their immigration court proceedings in the United States:**

- While DHS gives asylum seekers lists of legal service providers for the San Diego and El Paso courts, these organizations do not have offices in Mexico where their attorneys could meet with returned asylum seekers in a safe and confidential setting to evaluate their cases and offer representation. Travel to Mexico also presents significant safety concerns that prevent many organizations from asking staff to go to dangerous border towns to represent clients. Crossing the border can also require a significant amount of time at ports of entry with long processing delays. Some U.S. immigration attorneys expressed concern about meeting with clients in Mexico, as the administration failed to secure any guarantees from Mexico about whether U.S.-licensed lawyers would require work visas to visit clients in person or might face sanctions for the unlicensed practice of law in Mexico. Funding restrictions from federal and state grants allow some organizations to represent clients only within the United States or a particular state or locality.
- Many asylum seekers Human Rights First interviewed with strong protection claims reported that they had contacted every organization on these lists, as well as private attorneys, and had been turned away either because the lawyers could not take on cases in Mexico or did not have sufficient staff.
  - In Mexicali, Milagro\*, a returned Guatemalan asylum seeker said that after appearing pro se in immigration court several times: “I don’t have money for a lawyer. One calls the free lawyers, but they don’t answer. I decided to defend myself. I gave up my right to an attorney.” Milagro has a legally valid asylum claim based on severe domestic violence. In Guatemala, she called the police to report her abusive partner but was rebuffed. “He wasn’t arrested. He kept hurting me. He started threatening he was going to kill me.” Milagro cannot fill out her asylum application or submit written declarations from witnesses, as these documents must be prepared in English. But she is determined to proceed because she fears being returned to persecution in Guatemala: “I have to look for help to fill out these [forms].”
- Currently, there are no legal services organizations in Mexicali to represent the asylum seekers DHS returns there. The migrant-rights organization *Al Otro Lado* offers two-day self-help clinics to assist unrepresented individuals to understand whether they may qualify for asylum and to fill out their asylum applications in English, if they choose to proceed. But asylum seekers must travel over two hours to Tijuana and stay overnight—a major logistical, security, and financial barrier—just to obtain some help in filing a pro se asylum application, but not an attorney to provide actual legal representation.



- Mexican immigration officials are busing some returned individuals into the interior of Mexico, effectively cutting them off from any opportunity to meet with U.S.-based lawyers operating in the border region. In July, INM sent five hundred asylum seekers returned by DHS to Nuevo Laredo to the city of Monterrey, 140 miles from the border. Although promised housing and other assistance, the asylum seekers were dumped at the city bus station where they learned that migrant shelters in the city were full. In early August, asylum seekers returned by DHS to Nuevo Laredo were bused 1,400 miles away to Tapachula on the Mexico-Guatemala border.
- Security concerns in Mexico are so great that some shelters restrict access to cellular phones in their facilities to reduce the risk migrants will be targeted for kidnapping. These restrictions unfortunately also hamper the ability of returned asylum seekers to contact and communicate with lawyers as these shelters allow residents only a few, minutes-long calls per week—effectively forcing asylum seekers to choose between secure housing and an opportunity to find a lawyer and apply for asylum.
- Stranding asylum seekers in Mexico also prevents many from meeting with medical professionals who could often provide crucial corroborating evidence in asylum claims through forensic medical and psychological evaluations. In San Diego, DHS has refused to allow returned asylum seekers to enter the United States to receive such evaluations, according to attorneys from Jewish Family Services.

**EOIR exacerbates these representation barriers by limiting access to legal information and assistance from volunteer lawyers when returned asylum seekers attend U.S. immigration court hearings:**

- Immigration courts conducting MPP hearings have blocked legal services groups from providing crucial legal information and from screening returned asylum seekers while they are in the United States attending their immigration court hearings—denying unrepresented asylum seekers their only opportunity to meet in the United States with attorneys who might be able to represent them. The San Diego court has not allowed any provision of legal information to returned asylum seekers prior to court even though asylum seekers are brought to the court approximately one hour before their scheduled hearings. While the El Paso immigration court initially permitted legal orientations and meetings with potential clients, in late June the court administrator informed legal groups that only attorneys who have filed a notice of representation may speak with asylum seekers in MPP proceedings. By preventing non-profit legal services groups from speaking to unrepresented individuals to assess whether to take on their cases, the immigration court has effectively blocked asylum seekers in MPP from meeting with attorneys.
- The resulting lack of legal information and representation contributes to confusion and delays during hearings. On the day the El Paso immigration court first blocked asylum seekers from receiving legal orientations, Human Rights First observed an immigration judge extend court proceedings well past court closure when the judge realized at the end of an hours-long group hearing that two women could not understand the Spanish interpreter. The women had agreed to proceed without counsel when questioned in Spanish but with the proper Ixil-language interpreter the women explained that they needed more time to find an attorney. Meetings with volunteer attorneys prior to court could have identified the need for an indigenous language interpreter, prevented the delay, and ensured that these asylum seekers were provided time to find an attorney.
- Despite assurances from CBP that returned asylum seekers “may arrange to meet with [their] counsel in-person, in the United States, at [their] assigned court facility, prior to th[eir] hearing,” the San Diego immigration court does not provide space for confidential client meetings. Human Rights First observed attorneys speaking with clients in the waiting room in earshot of other returned asylum seekers, Immigration and Customs Enforcement (ICE) officers, private security guards, and members of the public.

- In El Paso, Human Rights First observed **an immigration judge continue a case despite concerns about the competency of an older Guatemalan man who did not appear to comprehend the nature and object of the removal proceedings, including whether he was appearing in a U.S. or Mexican court.** Despite suggestion from an attorney appearing as “friend of the court,” the judge refused to conduct a competency hearing and told the friend of court she was overstepping her role. In the friend of court role attorneys do not represent individual respondents but “assist the court and increase respondents’ comprehension of proceedings” by gathering and conveying information, helping the individual to navigate court room procedures and fill out forms among other functions. In July EOIR prohibited attorneys acting as “friend of court” during MPP hearings.
- With no legal representation or friend of court present in San Diego, Human Rights First witnessed a judge **repeatedly prevent an unrepresented Guatemalan asylum seeker from asking questions or providing information to the court during his hearing and even instructed the telephonic Mam-language interpreter not to interpret his statements.**

**The use of VTC, group hearings, and video translation violate the due process rights of returned asylum seekers to understand and participate in the removal proceedings against them.**

- For the first time, in late June, MPP hearings at the San Diego Immigration Court were conducted remotely through VTC with judges at the immigration court in the Otay Mesa detention center. The use of VTC raises substantial due process concerns. A 2017 report commissioned by EOIR itself found that VTC may be so disruptive that “due process issues may arise.” Judges found it difficult to interpret body language and nonverbal communication, which some judges consider in making credibility determinations. Further, a Government Accountability Office report from 2017 cited concerns from court officials and experts that VTC creates numerous hearing challenges because of technical difficulties, confusion by unrepresented individuals, and translation problems.
- In July, construction began of tent court facilities in Laredo where judges will hear cases by VTC from courtrooms across the country. Potential restrictions on access to tent court facilities for legal services organizations, as well as legal monitors and members of the media, raise additional serious concerns about the due process rights of returned asylum seekers.
- **Group hearings, in which rights are explained and pleadings taken en masse, interfere with the rights of asylum seekers to understand the process and their obligations during removal proceedings.** Because some asylum seekers may feel pressure not to disrupt group hearings with questions or are reluctant to indicate that they are unable to understand the judge or interpreter, as with the Ixil-speaking women noted above, they risk misunderstanding or waiving crucial rights. An asylum seeker in Mexicali, for example, explained that she did not attend her second hearing because she believed the judge had ordered her to appear with an attorney at the next hearing. Not having understood her right to represent herself, she feared she would be immediately deported if she returned without a lawyer.
- EOIR’s plans to use recorded video instructions in Spanish during initial immigration hearings, announced in July, to explain courtroom proceedings as well as asylum seekers’ basic rights and obligations would severely compromise the ability of individuals in MPP hearings to understand the even more complicated immigration court process for those returned to Mexico.

MPP creates major barriers for asylum seekers to attend immigration court hearings that can result in judges issuing *in absentia* removal orders:

- R.G.A.M., an asylum seeker from Guatemala, and his 17-year-old daughter missed their initial immigration court hearing in early July because they had been kidnapped and were being held for ransom in Ciudad Juárez at the time. A judge at El Paso immigration court ordered them removed *in absentia*.
- Another asylum seeker was ordered **removed** *in absentia* after Mexican immigration officials in Ciudad Juárez refused to allow him to approach the El Paso port of entry in order to attend his hearing.
- **Two women failed to appear in the El Paso immigration court for a hearing because they were too afraid to leave the shelter where they were staying in Ciudad Juárez.** DHS requested that the immigration judge enter *in absentia* removal orders against the women and their children. An attorney with Las Americas Immigrant Advocacy Center acting as friend of court argued that the court should excuse their absence given the extraordinary circumstances the women faced.
- **Many returned asylum seekers, who are severely restricted in their ability to legally work in Mexico, lack the means to get to court.** For instance, those returned to Mexicali must travel hours to Tijuana the day before their hearings to appear early in the morning at the port of entry for transport to court. Myra\*, a 28-year-old Honduran woman with a five-year-old son went days without food because she had spent what money she had to pay for space at a shelter. Money wired to Myra from a family member to pay for transportation to court was stolen by the man she asked to receive the funds. Myra could not receive the transfer since CBP confiscated her identity documents. The organization Border Kindness helped Myra to travel to Tijuana for her hearing, but many asylum seekers in Mexicali who Human Rights First met were unaware of this one-of-a-kind assistance. Asylum seekers returned by DHS to Nuevo Laredo and shipped to the interior of Mexico by INM are also at risk of missing court if they lack the means to return to the border for their hearings.
- Despite promises from Trump Administration officials that initial hearings would be scheduled within 45-days, according to EOIR scheduling data reviewed by Human Rights First, the El Paso immigration court began scheduling initial hearings as far out as January 2020 for asylum seekers returned to Mexico in May 2019. Shelter staff in El Paso also reported that **some asylum seekers returned in May and June under MPP received initial hearing dates between March and July 2020—leaving desperate asylum seekers with a nearly year-long wait in dangerous and difficult conditions.** Without the ability to support themselves and their families in Mexico, some asylum seekers may risk return to persecution in their home country in order to feed and house themselves and their families.
- **Scheduling and document errors by EOIR and DHS may lead to confusion in hearing dates.** In San Diego immigration court judges expressed concern that individuals may have missed court because EOIR provided conflicting information about hearings dates. Several cases had been rescheduled with the new hearing dates updated in the immigration court telephone hotline. But as the court could not mail hearing notices to asylum seekers in Mexico because DHS does not record their addresses or who are homeless there, the court returned the hearings to their original dates. One immigration judge refused to issue *in absentia* removal orders requested by DHS in these circumstances. A San Diego judge also declined to issue an *in absentia* order in a case where DHS had issued two Notices to Appear (NTA—the charging document initiating removal proceedings) with different hearings dates. Because DHS records submitted to the court indicated that the man had been instructed to appear on the original date, the immigration judge declined to enter a removal order despite DHS’s request to do so.

## Disorder at the Border

The rollout of MPP has not “provide[d] a safer and more orderly process that will discourage individuals from attempting illegal entry,” as the administration claimed, but instead does precisely the opposite.

MPP wastes government resources as: CBP officers repeatedly process returned individuals each time they approach the ports of entry to attend immigration court hearings, ICE officers accompany and private security officers guard returned asylum seekers as they wait for their hearings in immigration court, asylum officers conduct MPP fear screenings instead of deciding affirmative asylum applications and credible/reasonable fear interviews, and immigration courts at the border are overwhelmed with MPP cases pushing previously scheduled cases deep into the backlog.

As discussed above, returned asylum are abandoned in Mexico without meaningful support from the U.S. or Mexican government—leaving many homeless, hungry, and facing mortal dangers in border towns. Yet at the same time the administration began deploying MPP, CBP drastically slowed asylum processing at ports of entry leaving asylum seekers waiting in danger, increasingly for months. In late July, a Cuban asylum seeker who waited for two and a half months on the metering “list” at the El Paso port of entry was stabbed to death in Ciudad Juárez. Desperate returned and waiting asylum seekers have risked and lost their lives attempting to cross the border between ports of entry in search of safety in the United States. In late July, a Guatemalan woman returned to Ciudad Juárez under MPP drowned while attempting to cross back into the United States, and a Salvadoran asylum seeker returned to Ciudad Juárez died in Border Patrol custody shortly after crossing the border in a remote region of New Mexico.

With CBP implementing MPP at the San Ysidro, Calexico, and El Paso ports of entry in June, the agency appears to have even further restricted the number of refugees processed under its practice of “metering” asylum seekers. As a result, waitlists and wait times have grown rapidly:

- **CBP did not accept any asylum seekers from the metering list at the San Ysidro port of entry for nine days during the first two weeks of July, processing fewer than 70 asylum during that period.** From mid-June to mid-July, CBP processed only 11 asylum seekers on average per day according to legal observers monitoring the port of entry for *Al Otro Lado* – a marked decline from 41 processed per day in January 2019 and around 60 in November 2018. Because of these restrictions, the list has grown to over 10,000 in Tijuana by early August. Wait times have also increased. Asylum seekers accepted at the San Ysidro port in late June had been waiting more than three months – an increase from the five to six-week wait in January. CBP has the capacity to process 90 to 100 people per day at the San Ysidro port and, during FY 2015, processed 68 asylum seekers on average per day in the San Diego region. Indeed, after the Administration implemented the third-country transit asylum ban on July 16, processing at the San Ysidro port of entry rose to 40 people per day.
- **For ten consecutive days in late July after the announcement of the third-country transit asylum ban, the El Paso port of entry did not process any asylum claims and accepted only 15 asylum seekers on July 31**, according to Enrique Valenzuela from COESPO—the Mexican agency that registers asylum seekers waiting to approach the El Paso port of entry. In June, the port processed fewer than 35 asylum seekers per day on average. Before MPP was implemented, CBP processed up to 65 asylum seekers per day in February. The wait time has grown from three to five days in February to an expected three-month wait currently. The list of waiting asylum seekers maintained by COESP also expanded from 550 in February to over 5,514 by July 18.
- The wait period and list at the Calexico port of entry have also grown. When Human Rights First visited Mexicali in November 2018, fewer than two hundred asylum seekers were on the port metering list with a

25 to 30 day wait. As of May 2019, after MPP implementation began, the waitlist included some eight hundred asylum seekers with a two-month wait.

To escape danger and desperation in Mexico, some asylum seekers are being pushed to cross the border between ports of entry. For example:

- R.G.A.M. and his 17-year-old daughter re-crossed the border after escaping from the criminals who kidnapped them immediately after their return to Ciudad Juárez in June and held them for over a month.
- Camilo\*, an asylum seeker from Honduras who fears persecution due to his participation in opposition politics crossed the border twice after being returned to Mexico because he was afraid to remain there. On the third crossing, CBP referred Camilo for prosecution for misdemeanor illegal entry (8 U.S.C. § 1325). Immigration documents reviewed by Human Rights First indicate that Camilo was initially removed from MPP and referred to expedited removal proceedings. However, after an initial appearance in federal district court, the criminal charges were dropped.

The chaotic processing of returned asylum seekers by CBP is evident in numerous faulty NTA's, the document DHS issues listing the charges against a noncitizen and initiating removal proceedings, issued by the agency and in extreme delays in processing returned asylum seekers:

- Human Rights First reviewed numerous NTAs in which CBP failed to indicate the category of inadmissibility or removability and included factual allegations that conflicted with the listed charge of inadmissibility. Immigration judges in San Diego terminated proceedings for individuals in MPP hearings who did not appear in court with defective NTAs. Data from [TRAC](#) shows that immigration judges hearing MPP cases had terminated 729 and closed an additional 144—making up 75 percent of the final decisions issued in MPP cases by the end of June.
- **DHS often includes erroneous addresses on NTA's of returned asylum seekers in Mexico.** NTAs of asylum seekers returned to Ciudad Juárez frequently included the address of the Casa del Migrante shelter even though those individuals had not stayed at that shelter and had not provided that address. Human Rights First reviewed multiple NTAs reflecting returned individuals' addresses as "*domicilio conocido*" (known address) in Tijuana, Baja California. In one particularly glaring example an NTA issued to a Honduran asylum seeker by CBP in San Diego reflected her address as *domicilio conocido* in Tijuana even though she crossed the border near Hidalgo, Texas and had been transported by DHS to the San Diego region for MPP processing and return there.
- Numerous returned asylum seekers reported being held in CBP custody for weeks before being returned to Mexico. A Salvadoran woman who crossed the border near El Paso in mid-April was held in CBP custody for 45 days before being returned to Ciudad Juárez in late May. Fatima was separated from her daughter and held for 53 days in CBP custody before being returned to Ciudad Juárez. Blanca was separated from her partner and partner's son and held for 20 days before being returned to Mexico. The criminal defense attorney representing Camilo reported that his client signed paperwork acknowledging that he would be returned under MPP on the first day after he was transferred back to CBP custody from the U.S. Marshals Service but was held without explanation at the El Centro Border Patrol Station for nearly two weeks before being returned to Mexico.

## Inhumane and Abusive Treatment by CBP During MPP Processing

Asylum seekers and migrants are subject to horrendous conditions in CBP custody and cruel treatment by CBP officers while being processed for return to Mexico under MPP. Accounts of mistreatment are consistent with

urgent reports by the DHS Office of the Inspector General (OIG) in May and July 2019 detailing dangerous conditions in CBP facilities that present an “immediate risk to the health and safety” of detainees and DHS staff.

**Inspectors described the extreme overcrowding, prolonged detention and atrocious conditions in CBP detention facilities as “more grievous than any our inspectors have previously encountered.”** OIG found:

- Dangerous overcrowding at five out of six facilities visited. Nine hundred people were detained at El Paso Del Norte, a facility with a maximum capacity of 125. People packed into the holding cells were “standing on toilets” to make breathing space.
- A lack of access to showers, clean clothing, and other hygienic services forced individuals to wear soiled clothing for days or weeks.
- In facilities in the Rio Grande Valley, children were not receiving any hot meals, a violation of CBP’s Transport, Escort, Detention, and Search (TEDS) Standards; adults were only given bologna sandwiches.
- While regulations dictate that individuals should not be held longer than 72 hours, officers told OIG that some detainees were held in “standing-room only conditions” for days or weeks: 66 percent of those in El Paso Del Norte were held for longer than 72 hours, and four percent were held more than two weeks.

Further, in July media reports revealed that a private Facebook group of over 9,500 current and former Border Patrol agents had shared jokes about the deaths of migrants in CBP custody among other vulgar and racist posts.

Human Rights First heard multiple, extremely concerning reports from individuals returned to Mexico under MPP about poor conditions in CBP facilities and abusive practices by CBP officers and Border Patrol agents, including:

- Maria\*, an asylum seeker from El Salvador who was detained with her six-year-old daughter near El Paso, recounted that CBP officers forced them to sit in a row on a bench with other families, including pregnant women, with their legs straddling the back of the person in front of them for long periods of time without moving or sleeping. Maria recounted that when her “daughter had to go pee. She tried to go to the bathroom, but the [CBP] agents wouldn’t let her. They made her sit back down. She withstood it—she didn’t wet herself—but she cried and cried.” Maria suffers from hyperthyroidism and ran out of medication while detained in a CBP tent facility, where she and her daughter were forced to sleep on the floor: “I told the officials that my medication was running out that day, but they said it didn’t matter.” Maria felt CBP officers “were punishing us. They treated the children even worse. They yelled at them and called them names.”
- After two nights in a *hielera* (freezing CBP holding cell) in El Paso, Alma\*, her husband, and their 12-year-old daughter and 10-year-old son were transferred to an outdoor structure where this family from El Salvador was forced to sleep directly on concrete without any mattresses for three nights. Alma said, “We slept one next to the other. We could hardly sleep because [the CBP officers] kept waking us and bringing in more people.” She also reported hearing an officer order a small child to drop a used spoon the child had picked up, shouting: “You’re here [in the United States] now, not in the filth of your country.”
- A Salvadoran asylum-seeking family held in mid-April in the CBP camp under the Paso del Norte bridge in El Paso reported being given extremely little to eat and that their property was discarded: “In two days, they gave each of us just one burrito to eat. They took away our IDs and threw my son’s fever medicine in the trash.” Fourteen-year-old Edgardo\* reported that CBP officers berated him when tried to put his hands in his sleeves because of the cold: “An official yelled at me and told me not to do that. He said I wasn’t in my fucking country anymore.”



- After waiting weeks in Ciudad Juárez on the metering list at the El Paso port of entry to seek asylum, Karen\* and her family did not find the protection they had expected. An officer told Karen's father that it was "boring" to hear about "threats" in Guatemala. Another officer repeatedly ignored Karen's requests for diapers for her two-year-old baby, needlessly leaving the child in soiled diapers for hours even though clean diapers were readily available.
- Fernando\*, stated that he, his 11-year-old son and other families including children as young as two were made to line up in the extreme heat and sun for what he estimated to be one to one and half hours. His son suffered a burst blood vessel in his eye, which Fernando attributed to heat stroke. CBP agents also pressured Fernando to sign documents related to his return to Mexico under MPP: "I wouldn't sign the documents because I couldn't read them. I said, 'I can't read or understand them.' They practically grabbed my hand. They took me three times to sign. I couldn't take it anymore."
- Extreme overcrowding in CBP holding cells and camps was commonly reported. A Guatemalan woman said that after seeking asylum at the El Paso port of entry she was held for nine days in a cell with more than one hundred people, in her estimate. Conditions were so cramped that some women were forced to sleep sitting on toilets in the open bathroom area of the cell.

## Extremely Limited Humanitarian Support in Mexico

Despite claims by the Trump Administration that Mexico would protect the "humanitarian rights" of returned asylum seekers, those in MPP are offered extremely limited housing and other support and little access to work authorization in Mexico:

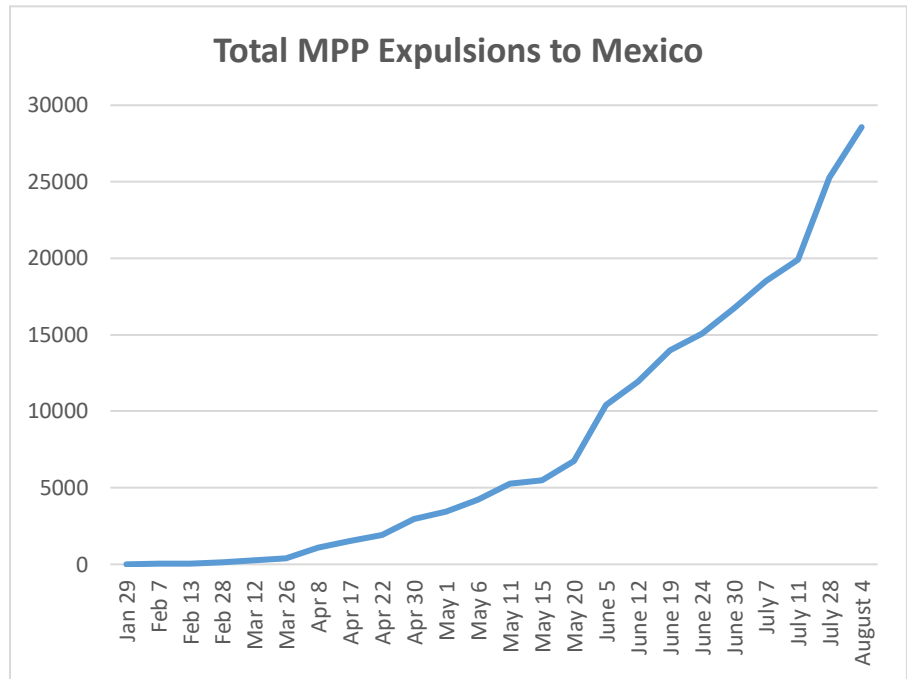
- With some 18,000 asylum seekers on waiting lists at ports of entry and more than 28,000 returned to Mexico under MPP, returned asylum seekers often end up sleeping on the streets as shelters are full.
- After being expelled from the United States in April under MPP, Karina\* and her four-year-old slept in a bus station in Mexicali. They could not find a shelter and had nothing to eat. Human Rights First met Karina at a makeshift shelter there where returned asylum seekers were sleeping on mattresses in the balcony of an abandoned performance hall. At another shelter Human Rights First visited in Mexicali in June, well over two hundred adults and children who were paying to sleep in several large, sweltering storerooms converted into a shelter.
- In Tijuana, the Casa del Migrante shelter reported that their facility was housing families for the first time given the overwhelming need for shelter space and was operating well over-capacity. The Madre Asunta shelter for women and children was also beyond its housing capacity.
- Enrique Valenzuela of COESPO estimated that the 16 registered shelters in Ciudad Juárez have capacity for only 1,280 individuals with at least 10,000 individuals returned there as of July and some 5,500 registered on the asylum wait list. Due to overcrowding, returned asylum seeking families were sleeping between the pews of the sanctuary at the Buen Pastor shelter in Ciudad Juárez. Human Rights First also met with an asylum-seeking family of four sleeping at the end of a corridor at another makeshift church-based shelter in Ciudad Juárez.
- In July, INM officials bused five hundred asylum seekers from Nuevo Laredo where they had been returned by DHS to the city of Monterrey "where they were left to fend for themselves with no support when it came to housing or work, or schooling for children."

- Despite a DHS memo claiming Mexico would provide returned asylum seekers an “opportunity to apply for a work permit,” none of the asylum seekers in MPP who Human Rights First interviewed had received documentation from the Mexican government on return that would entitle them to work legally in Mexico.
- In the June 7 joint U.S.-Mexico statement, Mexico pledged to “offer jobs, healthcare and education according to its principles.” However, at the time of its visits to Ciudad Juárez, Mexicali and Tijuana, Human Rights First saw little evidence these pledges were being fulfilled. The only reported progress was in late June, when DHIA, a Mexican non-profit organization in Ciudad Juárez, began publicizing that returned asylum seekers are eligible to obtain a CURP (an identity number needed to access employment and social services in Mexico) but must present photo identification – a requirement that may be difficult for many returned asylum seekers because CBP routinely confiscates the identity documents of individuals sent back to Mexico under MPP. However, an asylum-seeking family from Honduras in MPP who received humanitarian visas in southern Mexico reported that they were denied a CURP when they applied in Ciudad Juárez, as officials claimed the documents the family had from INM were false.
- Returning people without ID documents leaves them vulnerable to exploitation. A Honduran asylum seeker in Mexicali reported she was robbed of several hundred pesos sent by her family to pay for transportation for her immigration court hearing. The woman was forced to rely on a local person to pick up the money from a money transfer service because CBP confiscated and held her identity documents.

## Rapid Expansion in MPP Expulsions to Danger in Mexico

As the Trump Administration has sought to increase the scope of returns along the U.S.-Mexico border, the pace of expulsions has grown sharply. As of August 4, 2019, CBP had returned 28,569 asylum seekers through MPP to the Mexican cities of Tijuana, Mexicali, Ciudad Juárez, Nuevo Laredo, and Matamoros, including asylum seekers DHS transported from other portions of the border in Arizona and the Texas Rio Grande Valley. These areas of the border and other potential expansion sites for MPP returns are acutely dangerous for asylum seekers.

Returns began to Tijuana in late January 2019 in coordination with officials from INM at the San Ysidro port of entry. Those initially returned had waited to seek asylum on the lists that have developed as a result of CBP’s illegal practice of restricting the number of asylum seekers accepted each day at ports of entry across the southern border.





In early March, CBP expanded MPP to the San Diego border patrol sector, meaning that it applied to asylum seekers who crossed the border between ports of entry. Around March 12, MPP expanded to the Calexico port of entry, and the following week CBP began to implement MPP returns through the El Paso port of entry.

**In June, CBP quietly expanded MPP to Arizona and the Rio Grande Valley of Texas.** Shelter officials and local advocates in Mexico as well as legal service providers in San Diego report that asylum seekers who entered the United States in these areas were returned through the San Ysidro and Calexico ports of entry. For instance, Human Rights First reviewed the NTA of an asylum seeker placed in MPP and returned to Tijuana, who had crossed the border over 1,200 miles away near Hidalgo, Texas, in June 2019.

MPP returns began to the notoriously dangerous border towns of Nuevo Laredo on July 9 and Matamoros on July 19. As of early August, CBP had returned over 3,000 individuals to Nuevo Laredo and over 1,500 to Matamoros.

In the first six weeks of MPP, CBP expelled 240 asylum seekers to Mexico. Returns accelerated after expansion to Calexico and El Paso with 1,105 individuals returned in total by April 8, when a federal district court halted MPP with a preliminary injunction in the ACLU and the Southern Poverty Law Center’s suit, Innovation Law Lab v. Nielsen, on behalf of returned asylum seekers and legal services providers. Four days later on April 12, the U.S. Court of Appeals for the Ninth Circuit temporarily stayed the injunction allowing returns to resume. As Figure 1 below demonstrates, expulsions increased rapidly following the appeal court’s April decision. On May 8, the Ninth Circuit granted the government’s motion to stay the injunction pending resolution of the government’s appeal, which is scheduled for oral argument on October 1. Returns under MPP further accelerated to more than 260 per day in the following month.

<b>Figure 1: MPP Expulsions to Mexico</b>		
	Total # returned in period	Average # returned per day
Jan 29 – Mar 12	240	6
Mar 13 – Apr 8	865	33
Apr 13 – May 6	3,112	135
May 7 – June 5	6,176	213
June 6 – July 7	8,120	262
July 8 – July 11	1,398	350
July 22 – July 28	3,140	449
July 29 – Aug 4	3,314	473

After Trump Administration threats to impose steep tariffs on Mexican imports unless the Mexican government acted to “reduce or eliminate the number of illegal aliens” entering the United States through the U.S.-Mexico border, the Mexican government agreed on June 7 to allow the United States to implement MPP border wide.

**By early August, CBP was expelling over 450 people to Mexico each day on average, as MPP returns expanded to the Rio Grande Valley.** The head of Mexico’s asylum agency anticipates that 60,000 asylum seekers could be returned to Mexico by the end of August. According to COESPO, 27 percent of those returned to Ciudad Juárez under MPP as of July 18 were children.

Returns also expanded beyond Central American asylum seekers. Despite reported statements by the head of INM that Mexico would accept only asylum seekers from El Salvador, Guatemala, and Honduras, a review of immigration court data by Reuters found individuals from Peru, Ecuador, and Nicaragua were returned under

MPP. In June, it was reported that MPP would be applied to all Spanish-speaking asylum seekers. Since then numerous asylum seekers from Cuba, Nicaragua, and Venezuela have been returned to Mexico. Figures released by COESPO show that 22 percent of asylum seekers returned to Ciudad Juárez by mid-July were from Cuba, Nicaragua, Venezuela, and other countries outside of the Northern Triangle of Central America.

Mexican officials announced on June 23 that MPP would also expand to San Luis Rio Colorado, across from Yuma, Arizona. DHS also informed Congress that it was considering border towns—including Donna (in McAllen) and Del Rio (bordering Ciudad Acuña) in Texas and Yuma and Nogales in Arizona—as sites to build tents that would house mass VTC hearings in “port courts” for those returned under MPP.

As Human Rights First previously reported, asylum seekers in Mexican border towns face acute risks of kidnapping, disappearance, sexual assault, trafficking, and other violence. The Mexican border states adjacent to the sites DHS is considering for its construction of tent “port courts” present alarmingly high levels of violent crimes:

- **TAMAULIPAS**, the Mexican state home to **Nuevo Laredo** and **Matamoros**, is categorized by the State Department as Level Four—“Do Not Travel”—the same threat assessment for Afghanistan, Iraq, and Syria. The travel warning notes: “Violent crime, such as murder, armed robbery, carjacking, kidnapping, extortion, and sexual assault, is common. Gang activity, including gun battles and blockades, is widespread.” U.S. government employees are restricted from intra-state highways in Tamaulipas and under evening curfew in the cities of Matamoros and Nuevo Laredo. Shelter directors told Human Rights First that kidnappings and extortion are extremely common in Nuevo Laredo, and researchers spoke with asylum seekers who were victims of kidnappings, threats, and assault in the city. In late June 2019, state police found eight Bangladeshi migrants in Nuevo Laredo kidnapped and bound with adhesive tape in a home after hearing their cries. Doctors Without Borders, a nonprofit organization that provides medical and social services to migrants and refugees, reported that 45 percent of the 378 patients the organization treated in Nuevo Laredo last year suffered at least one violent incident.
- **SONORA**, in which **San Luis Rio Colorado** and **Nogales** are located, is a “key location used by the international drug trade and human trafficking networks,” according to the State Department. Sonora is under a Level Three travel advisory—“Reconsider Travel”—the same level of caution urged for El Salvador and Honduras. U.S. government employees are restricted from traveling to several areas of the state, are limited to only daytime hours for long-distance intrastate travel, and are prohibited from using taxi services in Nogales. This year, five men were arrested in Sonora for robbing, kidnapping, and raping a Salvadoran woman intending to cross the U.S.-Mexico border at Nogales.
- **COAHUILA**, home to **Ciudad Acuña**, also carries a Level Three travel advisory from the State Department—“Reconsider travel due to crime.” U.S. government employees are required to observe a nighttime curfew in several cities throughout Coahuila, including Ciudad Acuña. Drug cartels in Coahuila have reportedly long sought to influence Mexican officials through bribes to policemen and politicians. Overall, homicides rose in the state by 20 percent between 2017 and 2018. Migrants are targets of violence and discrimination and migrant women and children are reportedly at high risk of forced labor on farms. In March, six people were charged with the kidnapping and trafficking of 46 migrants from Central America in Ciudad Acuña.

**ON HUMAN RIGHTS**, the United States must be a beacon. Activists fighting for freedom around the globe continue to look to us for inspiration and count on us for support. Upholding human rights is not only a moral obligation; it's a vital national interest. America is strongest when our policies and actions match our values.

Human Rights First is an independent advocacy and action organization that challenges America to live up to its ideals. We believe American leadership is essential in the struggle for human rights so we press the U.S. government and private companies to respect human rights and the rule of law. When they don't, we step in to demand reform, accountability, and justice. Around the world, we work where we can best harness American influence to secure core freedoms.

We know that it is not enough to expose and protest injustice, so we create the political environment and policy solutions necessary to ensure consistent respect for human rights. Whether we are protecting refugees, combating torture, or defending persecuted minorities, we focus not on making a point, but on making a difference. For over 30 years, we've built bipartisan coalitions and teamed up with frontline activists and lawyers to tackle issues that demand American leadership.

*Human Rights First is a nonprofit, nonpartisan international human rights organization based in Houston, Los Angeles, New York, and Washington D.C.*

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# EXHIBIT P

T E S T I M O N Y

R E M A I N I N M E X I C O P O L I C Y  
A N D E N D A N G E R I N G A S Y L U M

Yael Schacher · August 28, 2019

*Below is the testimony provided by Senior U.S. Advocate Yael Schacher to the Inter-American Commission on Human Rights, which held a meeting with civil society groups in Laredo, Texas on Thursday August 22nd that was focused on limits on asylum and the treatment of asylum seekers.*

My name is Yael Schacher, and I am the senior U.S. advocate at Refugees International, an independent advocacy organization that focuses on displacement, humanitarian, and human rights issues that need urgent attention and action by government officials, policymakers, and international organizations.

I have focused most of my attention during the last six months on the Remain in Mexico policy (MPP)—which is a policy that attempts to end territorial asylum in the U.S. By training, I am an historian of immigration and immigration law and can attest that this is the most significant limit on asylum since 1980, when the United States passed a law—in line with the UN Refugee Convention—that created the asylum system allowing migrants to apply for refugee status at the border or from within the United States. Even in the 1990s, when the United States began interdicting asylum seekers on the high seas, it was a given that, if a person reached United States territory, they had a right to seek asylum. Since the advent of MPP, this is no longer true.

I've spent several days each at MPP hearings in San Diego and El Paso immigration courts on different visits to each city between March and August, so I have watched the policy change over time and vary by location. Each time I went to the El Paso court, for instance, there was a new procedure in place for handling the huge dockets of people under MPP—up to the point that, on Tuesday August 20, I waited from 12:30-5:00 pm along with a large group of completely unrepresented Central American families for their first hearings, scheduled for 1 pm. They had reported at the port of entry in Juarez before 9 am but would not see a judge at the El Paso immigration court until the evening. While they waited, they were given forms to fill out to provide addresses where notices could be sent to them about future hearings but few had addresses in Mexico to give, since they are homeless. Each time I have been back to El Paso, access to the court by counsel and human rights monitors has been ever more limited. Attorneys now have to wait downstairs and have minimal access to their clients; observers are frequently told that they cannot watch the court hearings. Though the hearings are open to the public, court officials use the argument that “capacity”—the huge

number of asylum seekers brought in for hearings—makes it impossible to accommodate observers. Few people can now observe the El Paso MPP court proceedings, which are the only time asylum seekers returned to Juarez are gathered and transported into the U.S. and given a chance to speak up. Closing off the court in this way limits scrutiny of the MPP program and help for those subject to it.

I have interviewed migrants returned to Mexico at shelters in Tijuana, Ciudad Juarez, and Matamoros and have spoken to people here in Laredo about the implementation of the policy. I will make general points and draw upon cases as I go.

At the most general level: the Remain in Mexico policy has caused unnecessary suffering and harm to those asylum seekers waiting in Mexico and has completely overwhelmed the U.S. immigration courts—while still not giving those subject to it a chance to explain why they left their home countries and the fear they have of returning there. Though many of the asylum seekers have been in the Remain in Mexico policy for months, and have had several court hearings and interviews with asylum officers, they remain without attorneys and have yet to get to the merits of their cases. In other words, they have not yet been able to exercise their right to seek asylum.

Each time I have been to court and asylum seekers have said they have tried and failed to find attorneys, the judge has urged them to try harder. The judge is powerless to actually remove asylum seekers from the MPP program and allow them to pursue asylum from the United States—the judge can only ask that the Department of Homeland Security (DHS) refer asylum seekers to interviews with asylum officers about their fear of return to Mexico. In an unusual case, in San Diego immigration court on July 23, 2019 when one woman said she didn't want more time to find an attorney and was afraid to stay in Mexico and asked the judge to send her home to Honduras, the government opposed her request to withdraw her application for admission and the judge said she would have to wait in Mexico for a few more weeks until her next hearing over whether she could be removed or her case terminated.

More commonly, frustrated asylum seekers are opting to try to enter the U.S. illegally, sometimes with tragic consequences, as in a case of a 20 year old Guatemalan woman who drowned on July 29, 2019 when she tried to enter El Paso through the irrigation canal after being returned to Juarez in MPP. Others in MPP, unable to find lawyers and wanting to ask for asylum in the U.S., opt to represent themselves in court—which means their likelihood of gaining asylum is very small. On July 26, 2019 I talked to a Salvadoran woman at the Pan de Vida shelter in Juarez. She had just returned from court, where she had told the judge she wanted to represent herself and asked for an asylum application. She had no attorney or anyone to help her fill it out (in English). Though she and her children had traveled with her husband, he crossed the day before her and her children. He was in detention on the American side, while she was returned to Mexico under MPP. Her asylum case is tied to his persecution (beatings and threats in El Salvador)—so it will be all the more difficult to prove with them separated.

The Department of Homeland Security has argued in federal court that it is up to Custom and Border Protection (CBP) officers to determine in each individual case who is subject to the policy. But these CBP determinations do not seem to be based on consistent standards. Indeed, they are at least in part dependent on Mexico's ability and willingness to take people back. Juarez is set up to process back into Mexico hundreds of people per day and Annunciation House in El Paso is now receiving a tenth of the number of asylum seekers released to them in the spring. The director of Catholic Charities here in Laredo told me yesterday that he is receiving many fewer people now than in spring and early summer, but that CBP has recently (on the weekend) called him to ask "can you take 200 people because INM (Mexico's immigration agency) is saying they can't take them and we can't force INM to do so." Two men I interviewed in Matamoros this week, one from Nicaragua and one from Honduras, told of being kidnapped (with the help of the state police) in Reynosa before they sought asylum in the United States, but CBP still returned them to Mexico

under MPP. A Honduran woman named Lilian told of being trafficked into prostitution in Reynosa. Her body was covered in bites from being left by her traffickers, unconscious, in the desert, where CBP found her—but still returned her to Mexico under MPP, though she told them what had happened to her. None of these people in Matamoros had been referred by CBP to asylum officers for fear screenings about what happened to them in Mexico.

If asylum seekers are referred to them at all, the fear screenings by asylum officers about return to Mexico are inadequate and completely untransparent (with no attorney access). They also seem arbitrary. In one case I followed closely in El Paso/Juarez, a woman and her son were released from the program after their third fear screening though absolutely no new facts had developed in her case since the first one; the incident that made her scared to return to Mexico—an attempted kidnapping of her son—occurred before her first court hearing months earlier and had been mentioned in previous interviews with asylum officers. The end result is that this mother and child—who were traumatized, having witnessed the murder of husband and father in Honduras—spent several unnecessary months scared in Juarez and separated from family in the U.S.

There are many asylum seekers subject to MPP who are not supposed to be according to the program's own guidelines: extremely vulnerable people (a Q'anjob'al speaker who hadn't spoken her language in months and begged a judge in El Paso to help her; a mentally incompetent man who was separated from the cousin he traveled with and repeatedly sent back to Juarez under MPP. The judge who conducted a special hearing that found him incompetent said he was nonetheless powerless to remove him from MPP; an asylum officer finally did and he is in ICE custody, but DHS can always put him back in MPP). A woman I spoke with in San Diego whose son has eye cancer—so that her family should not be subject to MPP—was so preoccupied with his treatment she couldn't think about her legal case.

For everyone in MPP, it is hard to address legal issues in their cases when what is uppermost is finding shelter, avoiding danger, and protecting their kids. About 3,000 people are being returned to Mexico each week, shelters are overwhelmed everywhere, and there has been no international humanitarian response for the almost 40,000 asylum seekers so far returned under MPP. In Juarez, the Mexican government has recently opened a shelter that is trying to accommodate some of those returned under MPP. But in Matamoros the situation is truly grave: those returned under MPP are sleeping in an open air encampment by the international bridge. They are getting no official aid and are dependent on volunteers to provide them with food. There is no medical care and no schooling for the dozens of children there. There is no security or protection for them.

In court I have seen people who have clearly been subject to grave harm waiting in Mexico: several have told the judge they have been kidnapped; one woman came to court in El Paso on July 25th with her leg in a cast and said it was broken when she was kidnapped after being returned to Juarez.

And people with meritorious asylum claims have been returned to Mexico, even coercively, saying that CBP verbally insulted, yelled, and forced them back. One Honduran woman that I interviewed in Tijuana on July 22nd had been put on a plane somewhere near here in June, before MPP started in this area. She thought that she was being flown by DHS to family in Chicago when in fact it was to San Diego, and then she was told that she was to wait in Mexico. When she objected, CBP forced her arm to sign the form, an arm she said still hurt weeks later. Many mentioned callous comments by CBP officers that blamed asylum seekers for their victimization and suffering. When a Salvadoran woman's child got sick in the CBP holding cell (a cold, crowded facility referred to colloquially as a *hielera*), an officer told her that it was her own fault since she brought the child to the United States. After Lilian, the Honduran woman in Matamoros, explained what her traffickers had done to her, a CBP officer replied that "you women like to play with the devil but don't know how to do it."

Finally, beyond these grave human rights abuses, the MPP policy is having spillover effects for the entire Mexican immigration and U.S. asylum systems, negatively impacting asylum seekers who are not part of the program.

In the United States, asylum officers and judges are being reassigned to MPP cases (leaving other asylum cases languishing). Those in MPP who don't appear for their court hearings become part of the statistics about "disappearing" and bogus asylum seekers—statistics that contribute to arguments about the necessity of implementing further enforcement policies to limit asylum and to deter and detain asylum seekers. IOM (International Organization for Migration) is helping people "voluntarily" return to their home countries from Juarez, but IOM is not communicating with DHS about these cases or providing returnees with the ability to legally close their MPP court cases. This means that they will have a deportation order against them—and will be ineligible for asylum or legal admission for many years, separating them from family members in the U.S. IOM is stationed at shelters in Juarez and, given the desperate situation many people in MPP find themselves in, and, never having had a chance to ask for asylum or to explain to American officials the persecution they faced in their home countries, the "voluntary" nature of their decisions to return is certainly questionable and the returns potentially risk *refoulement*.

Many asylum seekers subject to MPP with clearly meritorious claims are not able to find attorneys to pursue their cases and so the U.S. asylum system is starved of cases that could advance protection norms. One woman I interviewed in Tijuana has a very compelling asylum claim based on domestic violence, which is an area of asylum jurisprudence in need of good cases to advance norms. Her case will likely never get to the courts and help set precedents. Another family had a good case based on a gang targeting their 19 year-old daughter, but, in the MPP program, each family member's case has been separated from the others. The MPP policy is an indiscriminate enforcement policy—returning people to Mexico who have strong asylum cases that will be lost.

Mexico is also struggling to handle returnees. In Juarez, employers are still not hiring those in MPP who have been given CURPs (Clave Única de Registro de Población, or identity numbers) and FMNs (Forma Migratoria Múltiple, a document signifying temporary legal presence). Mexican hospitals are not treating those in MPP who have been given Seguro Popular (public health insurance) and children returned under MPP are not in school (making it difficult for parents to work even if they could find jobs). Maybe asylum seekers could get better services if they applied for humanitarian visas in Mexico? There is a new program, sponsored by UNHCR (the UN's refugee agency), to refer those in MPP to COMAR (Mexico's refugee agency) to apply for asylum. COMAR is so overstretched, though, can this be an answer?

L E A R N M O R E — S I G N U  
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# EXHIBIT Q



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# Mexican city of Nuevo Laredo not a safe place for people seeking asylum

US-Mexico policy puts asylum seekers in extreme danger

**JUL 3, 2019**

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**NUEVO LAREDO, MEXICO/NEW YORK, JULY 3, 2019**—The international medical humanitarian organization Doctors Without Borders/Médecins Sans Frontières (MSF) today emphatically condemned the decision by the governments of **Mexico** and the United States to expand a policy that forces people seeking asylum in the US to wait out legal proceedings in violent areas of Mexico and puts them in extreme danger.

Both countries have agreed to expand the US

policy known as “Remain in Mexico” (officially called the Migrant Protection Protocols) to Nuevo Laredo, a border city in Tamaulipas State that is controlled by criminal groups. Asylum seekers in Nuevo Laredo are constantly exposed to robbery, assault, extortion, kidnapping, and homicide.

“Sending people who are seeking asylum back to Mexico and forcing them to stay in Nuevo Laredo is an unacceptable policy,” said María Hernández, on the project team for MSF in Mexico. “This policy is putting vulnerable people in areas controlled by criminal organizations, which see migrants as a commodity and a source of income.”



**Doctors w/o Borders**

@MSF\_USA

Replying to @MSF\_USA

Sending people who are seeking asylum back to Mexico and forcing them to stay in Nuevo Laredo is an unacceptable policy.

They are kidnapped at bus terminals, some endure death threats.

They are sexually exploited or forcibly recruited by criminal groups.



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MSF provides medical, **mental health**, and social services support to migrants and refugees in various shelters in Nuevo Laredo, **Reynosa**, and Matamoros.



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According to MSF patient data from January to May of this year, more than 45 percent of 378 patients treated by MSF in Nuevo Laredo have suffered at least one episode of violence in the city, as they waited to cross into the US. Of the 378 patients treated in MSF's mental health programs in 2019, 45 people (12 percent) have been kidnapped—26 of them in the seven days prior to their mental health consultation.

“The majority of our patients don’t go out in the street due to the imminent risk of kidnapping,” said Hernández. “The asylum seekers we’re treating and counseling in Nuevo Laredo are from many countries, including Cuba, **Democratic Republic of Congo**, **Cameroon**, and **Mexico**. Without a doubt, however, it’s people from Central

America who are most vulnerable to kidnapping, and it is this very population which will be returned to Mexico in large numbers due to the Remain in Mexico policy.”

Nuevo Laredo cannot become a reception city for people seeking asylum in the US and looking for protection, MSF warned.

“Mexico cannot be considered a “safe country” for people fleeing violence, and Tamaulipas is a good example of this,” said Hernández.

Even the US State Department travel advisory system classifies Tamaulipas State as **Level 4** – the highest advisory level often used for countries at war—and warns people from the US to avoid all travel there due to the threat of crime and kidnapping.

According to testimonies collected by MSF, criminal groups target migrants and asylum seekers as soon as they arrive in Nuevo Laredo.

“They are kidnapped at bus terminals,” said Hernández. “There are safe houses where they are detained for extortion, beaten and assaulted. Some endure death threats, they are detained for long periods for forced labor, they are sexually exploited or forcibly recruited by criminal organizations.”

Just last month, MSF denounced the recent **raids and mass arrests** of migrants carried out by Mexican authorities on the country's southern border with Guatemala. These types of raids and arrests of migrants traveling on clandestine routes expose them to more dangers—including criminal gangs involved in human trafficking—and prevent them from accessing health services.

MSF calls on Mexican and US authorities to place the protection of human beings and humanitarian assistance at the center of its migration policies. The decisions that these administrations have taken to confront this crisis are having **devastating humanitarian consequences**. They **increase the suffering** of thousands of people fleeing their countries, and **put lives at risk**.

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# “We Can’t Help You Here”

US Returns of Asylum Seekers to Mexico



**“We Can’t Help You Here”**  
US Returns of Asylum Seekers to Mexico

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JULY 2019

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# **“We Can’t Help You Here”**

## **US Returns of Asylum Seekers to Mexico**

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## Summary

The Trump administration has pursued a series of policy initiatives aimed at making it harder for people fleeing their homes to seek asylum in the United States, separating families, limiting the number of people processed daily at ports of entry, prolonging detention, and narrowing the grounds of eligibility for asylum. In January 2019, the administration expanded its crackdown on asylum with a wholly new practice: returning primarily Central American asylum seekers to several border towns in Mexico where they are expected to wait until their US asylum court proceedings conclude, which could take months and even years. Under a recent deal with Mexico, this practice may expand across the entire border.

Human Rights Watch found that the program, named the “Migrant Protection Protocols” (MPP) by the US government but known colloquially as “Remain in Mexico,” has thus far had serious rights consequences for returned asylum seekers. We found that the returns program is expelling asylum seekers to ill-prepared, dangerous Mexican border cities where they face high if not insurmountable barriers to receiving due process on their asylum claims.

Asylum seekers already returned to Mexico under the MPP have been facing an extremely precarious situation. There, they encounter a severe shortage of shelter space, leaving those who can’t afford to pay for a hotel room or private residence to sleep on the streets or stay in churches or abandoned homes. Most asylum seekers fleeing Central America have extremely limited means and often cannot pay for shelter, food, water, or other necessities. They are also at risk of serious crime, including kidnapping, sexual assault, and violence.

As of June 24, 2019, the Mexican government reported that 15,079 people, mostly from Honduras, Guatemala and El Salvador, had been returned to Ciudad Juárez, Tijuana and Mexicali under the MPP program, with instructions to appear months later in US immigration court across the border. This number includes at least 4,780 children with their parents, at least 13 pregnant women, and dozens of others who may be especially vulnerable due to their medical condition, age, gender identity or other factor.

On June 7, President Donald Trump announced the United States had concluded a deal with Mexico to “immediately expand the implementation” of MPP across the entire border, all but ensuring that the number of those affected by the program will grow rapidly. Mexican officials have publicly estimated that they expect about 60,000 people to be sent by the US to Mexico by the end of August.

Human Rights Watch conducted 19 in-depth interviews with asylum seekers sent to Ciudad Juárez, as well as 13 interviews with government officials, local civil society activists and attorneys in the US and Mexico. We observed MPP immigration court hearings for 69 individuals.

In February, the American Civil Liberties Union, the Southern Poverty Law Center, and the Center for Gender & Refugee Studies challenged the return program in federal district court in California, arguing that the MPP violates the US Immigration and Nationality Act, the Administrative Procedure Act, and US obligations under international human rights law not to return people to places where they face grave danger.

The plaintiffs won a preliminary injunction, successfully arguing that the program would pose immediate harms to asylum seekers as well as to the advocacy organizations serving them. The government appealed and in May, the US Court of Appeals for the Ninth Circuit stayed the district court’s injunction pending the appeal. The appeals court held that the return program could continue while the case was being argued, in part based on the premise that returned asylum seekers would have access to humanitarian support and work authorization in Mexico. Human Rights Watch found, however, that despite the Mexican government’s earlier promises, which were later echoed by the US Department of Homeland Security, Mexico has not provided work authorization to asylum seekers in the MPP program, leaving tens of thousands stranded for prolonged periods, many with no way to support themselves. As of June, the number of asylum seekers marooned in Ciudad Juárez already outnumbered the spaces available in free humanitarian shelters by 11 to 1.

On June 26, the union representing federal asylum officers – those tasked with implementing the MPP program – filed an amicus brief in federal court condemning the program as “fundamentally contrary to the moral fabric of our Nation and our international and domestic legal obligations.”



The precarious existence of asylum seekers and their identity as non-Mexicans in Ciudad Juárez increases their vulnerability to physical harm.

According to the Mexican government, the country is currently facing a violent public security crisis. Mexico recorded more intentional homicides in 2018 than it has since the country began keeping records in 1997, and two of the northern states to which asylum seekers are being returned under MPP, Baja California and Chihuahua, are among the most violent in the country.

Among those asylum seekers Human Rights Watch interviewed and those interviewed by a local advocacy organization, several reported attacks on themselves or others in the town, including violent assaults, sexual violence, and kidnapping. A US government screening process to remove people from the MPP program who face harm in Mexico is allowing less than 1 percent of returned asylum seekers to exit the program and pursue their claims within the United States.

Meanwhile, asylum seekers forced to remain in Mexico have no meaningful access to due process. Immigration attorneys and advocates in El Paso, Texas, told Human Rights Watch the need for legal services for returned asylum seekers in Mexico is overwhelming and that attorneys working to provide low-cost or free representation face serious barriers to providing that representation, including returned asylum seekers' lack of fixed addresses and telephone numbers.

Human Rights Watch also confirmed reports that US Border Patrol agents have routinely refused or failed to return asylum seekers' personal identification documents. Without identification, asylum seekers face difficulties proving the custody of their children or receiving money wired by family members. They may also be barred from travel, meaning they cannot freely seek asylum elsewhere or return home in cases of extenuating circumstances.

The Migrant Protection Protocols program is separating families, including people who are the primary caretakers of children, siblings, and parents. The separations can wreak severe psychological harm and split shared claims for protection across US jurisdictions, adding to the already hefty immigration court backlog.

The US should immediately cease returning asylum seekers to Mexico and instead ensure them access to humanitarian support, safety, and due process in asylum proceedings. Congress should urgently act to prohibit using government funds to continue this program. The US should manage asylum-seeker arrivals through a genuine humanitarian response that includes fair determinations of an asylum seeker's eligibility to remain or not in the US. The US should simultaneously pursue longer-term efforts to address the root causes of forced displacement in Central America.

# Recommendations

## To the US Department of Homeland Security

- Immediately end the Migrant Protection Protocols (MPP) program and cease returning asylum seekers to Mexico, and instead ensure them access to humanitarian support, safety, and due process in immigration court proceedings.
- Ensure every person who applies for asylum in the US, at or between a port of entry, is able to have a fair hearing in which their claims receive full and adequate consideration.
- Return all identity documents and personal belongings to asylum seekers and other migrants upon release.

## To the US Department of Justice

- Reduce barriers to due process as well as the backlog in the immigration court system, including by restoring the ability of immigration judges to close cases administratively.

## To the US Congress

- Provide sufficient resources to the Executive Office of Immigration Review of the Department of Justice for additional immigration judges and to US Citizenship and Immigration Services for additional asylum officers.
- Do not provide additional funding to the Department of Homeland Security (DHS) for immigration enforcement without specific measures to ensure appropriate and effective oversight and to stop and prevent abusive policies.
- Prohibit funds from being used to implement the Migrant Protection Protocols or any subsequent revisions to those protocols.

## To the Mexican Government

- Do not accept asylum seekers sent by the US to Mexico under the MPP program unless the US government can ensure they have adequate means to safely stay in

Mexico, and so long as the US government can ensure they receive due process in their immigration proceedings.

- Clearly articulate, while the MPP program is in effect, the total number of MPP asylum seekers Mexico can receive in each sector based on existing shelter capacity, rather than processing capacity at the border. Do not accept anyone DHS attempts to transfer outside of those parameters.
- Provide, while the MPP program is in effect, humanitarian visas and work authorization to asylum seekers in the MPP program.

## Methodology

This report is based on interviews and court monitoring conducted by Human Rights Watch in Mexico in Ciudad Juárez, Chihuahua, and in the United States in El Paso, Texas, and Las Cruces, New Mexico, from May 6 to 13, 2019, as well as in San Diego, California, May 22, 2019.

Human Rights Watch visited shelters and nonprofits in Mexico, where we conducted in-depth interviews with 19 Central American asylum seekers. Sixteen of those interviewed were recently sent to Ciudad Juárez from the United States to remain for the duration of their asylum proceedings; two additional interviews included asylum seekers waiting in Mexico to pursue their claims. Researchers interviewed one additional asylum seeker in the US who had been separated from her mother after she was sent to remain in Ciudad Juárez. Staff with a partner organization, the Hope Border Institute, conducted another four interviews during the same visit to Ciudad Juárez. Findings from those interviews were shared with Human Rights Watch and are included in this report. We also observed immigration court proceedings for 54 asylum seekers in El Paso and 15 returned asylum seekers in San Diego, all of whom had been placed in the MPP program.

Some of the Central American asylum seekers interviewed were identified with the assistance of immigration advocates working in Ciudad Juárez, Mexico, and El Paso, Texas.

Human Rights Watch also interviewed 13 migrant services providers, lawyers, academics, and government officials in Mexico and in the United States. Most of these interviews took place in person, but some took place by voice or video calls.

Human Rights Watch carried out interviews in English or in Spanish, depending on the preference of the interviewee, without interpreters. We informed the interviewees of the purpose of our research and they consented to be interviewed for that purpose. They did not receive money or other compensation to speak with us.

The names of asylum seekers have been replaced with pseudonyms to mitigate security concerns, and the names of some government officials have been withheld at their request because of concerns of political retaliation, as indicated in relevant citations.

The report is also based on an extensive review of official documents, news accounts in media outlets in the US and Mexico, and other publicly available sources.

This report covers events and data as of July 1, 2019, when it went to print.

We shared our findings with the US Department of Homeland Security and requested a response but did not receive any as of the date of publication.

## Background

On January 25, 2019, the Donald Trump administration announced it would begin returns to Mexico under the Migrant Protection Protocols (MPP), otherwise known as “Remain in Mexico,” on the grounds that such measures were needed to address a growing number of migrants, including adults traveling with children, coming to the US-Mexico border to apply for asylum.<sup>1</sup> The US Department of Homeland Security (DHS) asserted that a recent rise in numbers of such migrants, particularly families who were turning themselves in to US Border Patrol, was caused by people who were “trying to game the system” and applying for asylum only to cross the border and disappear into the US, rather than show up for immigration court hearings.<sup>2</sup>

However, the claims made by DHS were not supported by available data.

According to the US Department of Justice, Executive Office of Immigration Review (EOIR), which adjudicates immigration court cases, among those who filed an asylum application in immigration court – a complicated and lengthy form that must be completed in English – 81 percent showed up to all of their court hearings through case completion in fiscal year 2017.<sup>3</sup>

The Transactional Records Access Clearinghouse at Syracuse University (TRAC), a research center that analyzes government data, obtained Immigration Court records via the Freedom of Information Act of nearly 47,000 newly arrived families seeking asylum and found that nearly 86 percent of asylum seekers released from custody attended initial hearings as of

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<sup>1</sup> “Secretary Kirstjen M. Nielsen Announces Historic Action to Confront Illegal Immigration,” DHS press release, December 20, 2018, <https://www.dhs.gov/news/2018/12/20/secretary-nielsen-announces-historic-action-confront-illegal-immigration> (accessed May 28, 2019). As currently instituted, the Migrant Protection Protocols (MPP) is a formally unilateral program by the United States with no formal agreement with the government of Mexico. See Robert Moore, “Controversial ‘Remain in Mexico’ Policy for Asylum Applicants Headed to El Paso,” *Texas Monthly*, March 1, 2019, <https://www.texasmonthly.com/news/controversial-remain-in-mexico-policy-for-asylum-applicants-headed-to-el-paso/> (accessed June 5, 2019).

<sup>2</sup> “Secretary Kirstjen M. Nielsen Announces Historic Action to Confront Illegal Immigration,” DHS press release, December 20, 2018, <https://www.dhs.gov/news/2018/12/20/secretary-nielsen-announces-historic-action-confront-illegal-immigration> (accessed May 28, 2019).

<sup>3</sup> This number probably does not represent the totality of migrants with fear claims given the difficulty involved in even filing an asylum claim. US Department of Justice Executive Office for Immigration Review, “Statistics Yearbook: Fiscal Year 2017,” undated, <https://www.justice.gov/eoir/page/file/1107056/download> (accessed June 17, 2019).

the end of May 2019.<sup>4</sup> Of those who were represented by an attorney, more than 99 percent attended hearings.<sup>5</sup>

An independent study analyzing 18,000 immigration court proceedings for families from 2001 to 2016 found 86 percent of released families attended all court hearings during those years; that number rose to 96 percent for families that had filed asylum applications.<sup>6</sup>

Initial data suggests that investing in legal assistance and community support for released asylum seekers could ensure that an even higher number of people appear.<sup>7</sup> In a pilot detention alternative program in which families and unaccompanied children had legal representation, the figure of asylum seekers who attended asylum proceedings rose to nearly 98 percent.<sup>8</sup>

EOIR data suggests among all immigrants released from detention, a lower percentage attend all their hearings to court completion. EOIR reported that in fiscal year 2017, 41 percent received *in absentia* orders of removal – that is, they did not attend the hearing in which a court ordered their removal.<sup>9</sup> Other analysts, however, have disputed EOIR’s methodology in calculating *in absentia* rates. TRAC has calculated lower *in absentia* rates using EOIR’s own data, obtained via the Freedom of Information Act, but using different methodology.<sup>10</sup> For example, in fiscal year 2015, EOIR reported that 38 percent of people

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<sup>4</sup> Transactional Records Access Clearinghouse (TRAC), “Most Released Families Attend Immigration Court Hearings,” June 18, 2019, <https://trac.syr.edu/immigration/reports/562/#f1> (accessed June 20, 2019).

<sup>5</sup> Ibid.

<sup>6</sup> Ingrid Eagley, Steven Shafer, and Jana Whalley, “Detaining Families: A Study of Asylum Adjudication in Family Detention,” *American Immigration Council*, August 2018, [https://www.americanimmigrationcouncil.org/sites/default/files/research/detaining\\_families\\_a\\_study\\_of\\_asylum\\_adjudication\\_in\\_family\\_detention\\_final.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/detaining_families_a_study_of_asylum_adjudication_in_family_detention_final.pdf) (accessed June 17, 2019).

<sup>7</sup> Denise Lu and Erik Watkins, “Court Backlog May Prove Bigger Barrier Than Any Wall,” *New York Times*, January 24, 2019, <https://www.nytimes.com/interactive/2019/01/24/us/migrants-border-immigration-court.html> (accessed May 28, 2019).

<sup>8</sup> Transactional Records Access Clearinghouse (TRAC), “Priority Immigration Court Cases: Women with Children,” May 2018, <https://trac.syr.edu/phptools/immigration/mwc/> (accessed May 28, 2019).

<sup>9</sup> Transactional Records Access Clearinghouse (TRAC), “What Happens When Individuals are Released on Bond in Immigration Court Proceedings,” September 14, 2016, <https://trac.syr.edu/immigration/reports/438/> (accessed June 17, 2019).

<sup>10</sup> TRAC explains the difference between its calculation and EOIR’s: “TRAC’s result differs from what EOIR publishes as its ‘in absentia’ rate for the following two reasons. First, EOIR’s rate is based upon the initial, rather than the last proceeding. If this rate is being used as an indicator of individuals absconding, rather than simply failing to appear, then using the first proceeding and ignoring subsequent ones is quite inappropriate. Where, for example, the individual never received notice of the hearing, the case may be reopened, and a later hearing may take place. Use of the last proceeding, rather than the first, is thus a more accurate measure in this context. In fact, using the last proceeding instead of the first significantly impacts



released were ordered removed *in absentia*. Under TRAC’s calculations, 23 percent were ordered removed *in absentia*.<sup>11</sup> The *in absentia* rate of removal may also reflect the significant systemic barriers asylum seekers face to pursuing asylum in the US.<sup>12</sup> The large backlog and lack of government-appointed counsel in immigration court likely affects the rate of overall no-shows to court hearings as it forces migrants to navigate a complicated court system alone over many years.

EOIR’s calculation also does not account for people who were ordered removed *in absentia* and who subsequently managed to get the order overturned, having demonstrated that they did not attend their hearing because the government failed to properly serve them with a notice to appear or other extenuating circumstances.<sup>13</sup>

Northern Triangle countries – El Salvador, Guatemala and Honduras – have been experiencing extremely high levels of violence from which their governments have proven unwilling or unable to protect the population. Several United Nations (UN) agencies working in Central America have noted that violence has forced hundreds of thousands of people into internal displacement or to flee their countries in search of protection abroad.<sup>14</sup> El Salvador has one of the highest homicide rates in the world, and many

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and reduces the calculated rates. Second, EOIR unlike TRAC does not include all individuals with hearings that conclude their case, choosing to exclude some because of the particular type of decision the court ultimately made. While anyone who absconded would not be qualified to receive the type of decision that EOIR labels as ‘other completions’, the agency excludes these from its total case completion count when computing *in absentia* rates. Although formerly insignificant in number, these ‘other completions’ have grown in recent years. They have the same practical effect of closing the case and allowing the individual to remain in the US. In FY 2015, these ‘other completions’ made up around a quarter of the cases the court decided. EOIR appears to continue to exclude them for what appears to be largely historical reasons when its case counting methodology was quite different. No rationale now for their current exclusion remains. Indeed, continuing to exclude them results in publishing misleading and greatly inflated *in absentia* rates.” TRAC, “What Happens When Individuals Are Released on Bond in Immigration Court Proceedings,” fn. 7.

<sup>11</sup> Ibid. See also *Innovation Law Lab v. Nielsen*, US District Court, Northern District of California, Case No. 19-00807, declaration of Aaron Reichlin-Melnick, April 20, 2019, available at [https://www.aclu.org/sites/default/files/field\\_document/2019.02.20.0020-12\\_decl.\\_of\\_aaron\\_reichlin-melnick.pdf](https://www.aclu.org/sites/default/files/field_document/2019.02.20.0020-12_decl._of_aaron_reichlin-melnick.pdf) (accessed June 20, 2019).

<sup>12</sup> American Immigration Council, “Asylum in the United States,” May 14, 2018, <https://www.americanimmigrationcouncil.org/research/asylum-united-states> (accessed June 17, 2019).

<sup>13</sup> Transactional Records Access Clearinghouse (TRAC), “What Happens When Individuals are Released on Bond in Immigration Court Proceedings,” September 14, 2016, <https://trac.syr.edu/immigration/reports/438/> (accessed June 17, 2019).

<sup>14</sup> “Armed Gangs Force ‘Growing Number’ to Flee North and South, in Central America,” UN news release, May 22, 2018, <https://news.un.org/en/story/2018/05/1010362> (accessed June 24, 2019); United Nations High Commissioner for Refugees, “Central America Refugee Crisis: Families and Unaccompanied Children are Fleeing Horrific Gang Violence,” undated, <https://www.unrefugees.org/emergencies/central-america/> (accessed June 24, 2019); “2,300 Migrant Children in Central American ‘Caravan’ Need Protection, UNICEF Says,” UN news release, October 26, 2018, <https://news.un.org/en/story/2018/10/1024222> (accessed June 24, 2019); “UNHCR Appeals for Regional Talks on Central

homicides are gang related and targeted.<sup>15</sup> Honduras also has one of the world's highest homicide rates.<sup>16</sup> Violence and extortion by gangs remain serious problems in Guatemala as well.<sup>17</sup>

Northern Triangle countries also have extremely high rates of sexual and gender-based violence. El Salvador, Honduras and Guatemala have some of the highest rates of femicide (gender-based killing of women and girls) in the world, with those rates rising dramatically in recent years.<sup>18</sup>

The United States is not the sole destination of Northern Triangle asylum seekers. Other countries – such as Belize, Panama, and Costa Rica – have also seen a rise in asylum seekers from Northern Triangle countries.<sup>19</sup>

The administration has claimed it is overwhelmed by a “dramatic increase” at the border.<sup>20</sup> However, US officials have been aware of the growing proportion of asylum-seeking, Central American families from Guatemala, Honduras, and El Salvador among new arrivals for at least five years. In 2014, Border Patrol documented for the first time more Central Americans than Mexicans attempting to cross the US-Mexico border as violence in Central America was one important factor spawning a humanitarian crisis of families and unaccompanied children fleeing north. A few years later, the share of families and children

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America Displacement,” UN High Commissioner for Refugees (UNHCR) press release, June 12, 2019, [https://www.unhcr.org/news/press/2019/6/5d0132624/unhcr-appeals-regional-talks-central-america-displacement.html?utm\\_source=&utm\\_medium=email&utm\\_content=here&utm\\_campaign=](https://www.unhcr.org/news/press/2019/6/5d0132624/unhcr-appeals-regional-talks-central-america-displacement.html?utm_source=&utm_medium=email&utm_content=here&utm_campaign=) (accessed June 24, 2019); Human Rights Watch, *US–Central Americans Have a Legal Right to Seek Asylum: Claims Should be Heard and Given Due Process*, January 17, 2019, <https://www.hrw.org/news/2019/01/17/us-central-americans-have-legal-right-seek-asylum>.

<sup>15</sup> World Bank, “The World Bank in El Salvador,” April 4, 2019, <https://www.worldbank.org/en/country/elsalvador/overview> (accessed June 24, 2019); Human Rights Watch, *World Report 2018* (New York: Human Rights Watch, 2019), El Salvador chapter, <https://www.hrw.org/world-report/2019/country-chapters/el-salvador>.

<sup>16</sup> World Bank, “The World Bank in Honduras,” April 4, 2019, <http://www.worldbank.org/en/country/honduras/overview> (accessed June 24, 2019); Human Rights Watch, *World Report 2018* (New York: Human Rights Watch, 2019), Honduras chapter, <https://www.hrw.org/world-report/2019/country-chapters/honduras>.

<sup>17</sup> Human Rights Watch, *World Report 2018* (New York: Human Rights Watch, 2019), Guatemala chapter, <https://www.hrw.org/world-report/2019/country-chapters/guatemala>.

<sup>18</sup> Kids in Need of Defense, “Neither Security nor Justice: Sexual and Gender-Based Violence and Gang Violence in El Salvador, Honduras, and Guatemala,” May 4, 2017, [https://reliefweb.int/sites/reliefweb.int/files/resources/Neither-Security-nor-Justice\\_SGBV-Gang-Report-FINAL\\_o.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/Neither-Security-nor-Justice_SGBV-Gang-Report-FINAL_o.pdf) (accessed June 10, 2019).

<sup>19</sup> “UNHCR Alarmed by Sharp Rise in Forced Displacement in North and Central America,” UNHCR press briefing notes, May 22, 2018, <https://www.unhcr.org/en-us/news/briefing/2018/5/5b03d89c4/unhcr-alarmed-sharp-rise-forced-displacement-north-central-america.html> (accessed May 28, 2019).

<sup>20</sup> Transcript of news conference, DHS Director Kevin McAleenan, El Paso, TX, March 27, 2019, available at <https://www.cbp.gov/newsroom/speeches-and-statements/el-paso-press-conference-transcript> (accessed June 20, 2019).

among apprehended migrants rose to 39 percent, compared to under 10 percent a decade ago.<sup>21</sup> By February 2019, that portion had risen to 61 percent.<sup>22</sup>

DHS first began returning certain asylum seekers in the US to Mexico under the MPP at the San Ysidro port of entry near San Diego in southern California and Tijuana, Mexico, on January 29, 2019.<sup>23</sup> In mid-March, DHS expanded the MPP to Calexico, California, which borders Mexicali, Mexico, and in late March, implemented the program in El Paso, across the border from Ciudad Juárez.<sup>24</sup> Since then, Ciudad Juárez has surpassed both Tijuana and Mexicali as hosting the highest number of asylum seekers placed in the MPP program.<sup>25</sup>

When launching the MPP, then-Secretary of Homeland Security Kirstjen Nielsen said the US government would implement the program in a manner consistent with domestic and international law, including US humanitarian commitments, relying in part on the government's expectation that "affected migrants will receive humanitarian visas to stay on Mexican soil, the ability to apply for work, and other protections while they await a US legal determination."<sup>26</sup> She also said asylum seekers in the MPP would have access to attorneys.<sup>27</sup> After a federal district court issued a preliminary injunction, ruling that the program was illegal on several grounds, the US Court of Appeals for the Ninth Circuit stayed the injunction on May 8, 2019, although two of the three judges expressed serious reservations about the legality of the program.<sup>28</sup> The court based its decision in part on the

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<sup>21</sup> US Customs and Border Protection (CBP), "Southwest Border Migration FY 2017," December 15, 2017, <https://www.cbp.gov/newsroom/stats/sw-border-migration-fy2017> (accessed May 28, 2019).

<sup>22</sup> US Customs and Border Protection (CBP), "Southwest Border Migration FY 2019," June 7, 2019, <https://www.cbp.gov/newsroom/stats/sw-border-migration> (accessed May 28, 2019).

<sup>23</sup> "Secretary Kirstjen M. Nielsen Announces Historic Action to Confront Illegal Immigration," DHS press release, December 20, 2018, <https://www.dhs.gov/news/2018/12/20/secretary-nielsen-announces-historic-action-confront-illegal-immigration> (accessed May 28, 2019); US Customs and Border Protection, "MPP Guiding Principles," January 28, 2019, [https://www.cbp.gov/sites/default/files/assets/documents/2019-Jan/MPP\\_Guiding\\_Principles\\_1-28-19.pdf](https://www.cbp.gov/sites/default/files/assets/documents/2019-Jan/MPP_Guiding_Principles_1-28-19.pdf) (accessed May 28, 2019).

<sup>24</sup> Moore, "Controversial 'Remain in Mexico' Policy for Asylum Applicants Heads to El Paso," *Texas Monthly*.

<sup>25</sup> Lizbeth Diaz and Mica Rosenberg, "Trump ramps up returns of asylum seekers to Mexico," *Reuters (US Edition)*, <https://fingfx.thomsonreuters.com/gfx/editorcharts/USA-IMMIGRATION-ASYLUM/oHoo1PBW36BD/index.html> (accessed May 28, 2019).

<sup>26</sup> "Secretary Kirstjen M. Nielsen Announces Historic Action to Confront Illegal Immigration," DHS press release, December 20, 2018, <https://www.dhs.gov/news/2018/12/20/secretary-nielsen-announces-historic-action-confront-illegal-immigration> (accessed May 28, 2019).

<sup>27</sup> *Ibid.*

<sup>28</sup> *Innovation Law Lab v. Nielsen*, US District Court, Northern District of California, Case No. 19-00807, order granting preliminary injunction, April 8, 2019; *Innovation Law Lab v. Nielsen*, US Court of Appeals for the Ninth Circuit, Case No. 19-15716, stay order, May 7, 2019.

Mexican government's commitments to grant humanitarian status and work authorization.<sup>29</sup>

As described below, Human Rights Watch findings contradict the Ninth Circuit's assumption. Asylum seekers forced to return to Mexico are not being granted humanitarian visas, the ability to apply for work, or other protections.

On June 7, the Trump administration announced it had concluded a deal with Mexico to "immediately expand the implementation" of the MPP across the entire border, making it likely that the number of those affected by this program will increase substantially.<sup>30</sup> As part of this agreement, Mexico committed to "authorize the entrance" of returned individuals "for humanitarian reasons, in compliance with its international obligations, while they await the adjudication of their asylum claims."<sup>31</sup> Mexico also committed to "offer jobs, healthcare and education according to its principles."<sup>32</sup>

Mexican officials said that the MPP would be implemented in San Luis Rio Colorado, bordering Yuma, Arizona, and Nuevo Laredo, in the state of Tamaulipas and bordering Laredo, Texas, according to a June 23 Reuters report.<sup>33</sup> The situation is likely to become more dire as the number of asylum seekers returned to Mexico increases in the coming months.

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<sup>29</sup> *Innovation Law Lab v. Nielsen*, US Court of Appeals for the Ninth Circuit, Case No. 19-15716, stay order, May 7, 2019.

<sup>30</sup> "U.S.-Mexico Joint Declaration," US Department of State media note, June 7, 2019, <https://www.state.gov/u-s-mexico-joint-declaration/> (accessed June 11, 2019).

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*

<sup>33</sup> Lizbeth Diaz, "Two More Border Cities Added to US-Mexico Asylum Program: Sources," *Reuters*, June 23, 2019, <https://www.reuters.com/article/us-usa-immigration-mexico-idUSKCN1TOoY5> (accessed June 24, 2019).

## Harms to Asylum Seekers Returned to Mexico

### Asylum Seekers Stranded with No Means to Survive

Asylum seekers who spoke to Human Rights Watch expressed fear and confusion at the prospect of being made to wait in a city where they did not have social ties, access to shelter or legal authorization to work, and where the number of asylum seekers in the city already far exceeded available free shelter space. Mexican officials and attorneys told Human Rights Watch that there was no program under current regulations to issue work visas to those seeking asylum in the US and returned to wait in Mexico.

If these asylum seekers were pursuing their cases in the US, they would more likely be able to access financial support through personal networks. Although asylum seekers are not legally eligible to apply for work in the US until their cases have been won or 150 days have passed, nearly 84 percent of the asylum seekers in the MPP program reported having relatives in the US, according to the Mexican government.<sup>34</sup>

Migrant shelters in Ciudad Juárez have the capacity to hold about 1,000 people, according to Enrique Valenzuela, who heads the Chihuahua State Population Council (COESPO) branch and has been working to collate information about available shelters.<sup>35</sup> In addition to the 6,100 asylum seekers returned to Ciudad Juárez under the MPP as of June 21, Valenzuela said that 5,600 asylum seekers were still waiting on a list in Ciudad Juárez to seek asylum in the US.<sup>36</sup> Together, this would mean as many as 11,700 asylum seekers were in limbo in Ciudad Juárez, with the US transferring an additional average of 100 per day, according to Mexican officials.<sup>37</sup>

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<sup>34</sup> US Citizenship and Immigration Services, “Asylum,” last updated June 14, 2019, <https://www.uscis.gov/humanitarian/refugees-asylum/asylum> (accessed June 24, 2019). Estados Unidos Mexicanos Secretaría de Gobernación, Instituto Nacional de Migración, MPP Program–Chihuahua and MPP Program–Tijuana and Mexicali (copies on file with Human Rights Watch), May 13, 2019, and May 14, 2019.

<sup>35</sup> Human Rights Watch interview and text message correspondence with Enrique Valenzuela, general coordinator, Comisión Estatal de Población, Ciudad Juárez, Mexico, May 7, 2019, and June 21, 2019.

<sup>36</sup> Ibid.

<sup>37</sup> Human Rights Watch interview with Mexican government officials (names withheld), Ciudad Juárez, Mexico, May 7, 2019, and May 9, 2019.



“Carmen S.” holds her son, 3, at a shelter where they were staying in Ciudad Juárez, Mexico, May 2019, after being returned to Mexico under the Trump administration’s “Migrant Protection Protocols.” Carmen told Human Rights Watch that she was thinking of trying to cross illegally but was afraid of losing her children. © 2019 Clara Long/Human Rights Watch

However, Valenzuela estimated that of the population of returned and metered asylum seekers, up to 20 and 30 percent respectively, may have already left to attempt to cross the border illicitly.<sup>38</sup>

On June 12, less than a week after the US and Mexico made a joint declaration announcing an agreement that included the expansion of the MPP program,<sup>39</sup> US returns to Ciudad Juárez doubled to about 200 asylum seekers. That number rose as high as 500 in late June and continued to surpass the previously negotiated level of 100 returns per day.<sup>40</sup>

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<sup>38</sup> Ibid.

<sup>39</sup> “US-Mexico Joint Declaration,” US Department of State media note, June 7, 2019, <https://www.state.gov/u-s-mexico-joint-declaration/> (accessed June 21, 2019).

<sup>40</sup> Lizbeth Diaz, “Two More Border Cities Added to US-Mexico Asylum Program: Sources,” *Reuters*; Estados Unidos Mexicanos Secretaría de Gobernación, Instituto Nacional de Migración, MPP Program–Chihuahua, (copy on file with Human Rights Watch), May 13, 2019.

Valenzuela said that US authorities accept an average of 30 asylum seekers per day for processing at the El Paso port of entry. This practice of “metering,” or of limiting the number of people who can apply for asylum each day, has led to asylum seekers in border towns having to sign up on a “list” and wait for their number to be called. Since there are many more asylum seekers waiting to apply than are being processed, the number of people waiting in Mexican border towns for their turn to present themselves at the border continues to grow. As of June 4, the Mexican government said there were about 18,778 metered asylum seekers waiting in Mexican border cities to apply for the first time.<sup>41</sup>

In June, the director of the Mexican government office in charge of refugee aid, the Comisión Mexicana de Ayuda a Refugiados, estimated that Mexico will host some 60,000 asylum seekers returned under the MPP by August.<sup>42</sup>

The May 8 Ninth Circuit ruling that the MPP could continue while the court considered the appeal of the lower court’s injunction was based in part on the court’s understanding that Mexico would grant humanitarian status and work visas to asylum seekers.<sup>43</sup> But Mexico is not granting work visas to asylum seekers, according to officials.<sup>44</sup>

The decision states, “The plaintiffs fear substantial injury upon return to Mexico, but the likelihood of harm is reduced somewhat by the Mexican government’s commitment to honor its international law obligations and to grant humanitarian status and work permits to individuals returned under the MPP.”<sup>45</sup>

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<sup>41</sup> Gobierno de Mexico Secretaría de Relaciones Exteriores, “Position of the Mexican Government on Migration and the Imposition of Tariff Rates” (Posicionamiento de Gobierno de México Sobre Migración e Imposición de Tarifas Arancelarias), June 3, 2019, <https://www.gob.mx/sre/prensa/posicionamiento-del-gobierno-de-mexico-sobre-migracion-e-imposicion-de-tarifas-arancelarias-202603?state=published> (accessed June 10, 2019).

<sup>42</sup> Antonio Baranda, “Prevent the US from Returning 50,000 Migrants in 3 Months” (Prevén que EU Regrese a 50 mil Migrantes en 3 Meses), *Reforma*, June 10, 2019, [https://www.reforma.com/aplicacioneslibre/preacceso/articulo/default.aspx?id=1697458&opinion=0&urlredirect=https://www.reforma.com/preven-que-eu-regrese-a-50-mil-migrantes-en-3-meses/ar1697458?\\_\\_rval=1](https://www.reforma.com/aplicacioneslibre/preacceso/articulo/default.aspx?id=1697458&opinion=0&urlredirect=https://www.reforma.com/preven-que-eu-regrese-a-50-mil-migrantes-en-3-meses/ar1697458?__rval=1) (accessed June 17, 2019).

<sup>43</sup> Richard Gonzales and Laurel Wamsley, “Appeals Court Rules Trump Administration Can Keep Sending Asylum-Seekers to Mexico,” *NPR*, May 8, 2019, <https://www.npr.org/2019/05/08/721293828/appeals-court-rules-trump-administration-can-keep-sending-asylum-seekers-to-mexi> (accessed May 28, 2019).

<sup>44</sup> Human Rights Watch interview with Mexican government officials (names withheld), Ciudad Juárez, Mexico, May 7, 2019, and May 9, 2019.

<sup>45</sup> *Innovation Law Lab v. Nielsen*, US Court of Appeals for the Ninth Circuit, Case No. 19-15716, stay order, May 7, 2019.



Although the Mexican government initially promised to grant asylum seekers work visas, that promise was never realized.<sup>46</sup> Instead, asylum seekers forced to wait in Mexico are given temporary “multi-entry” visas contingent on their status in the MPP program – permission to be in Mexico expires on the day asylum seekers must travel to the US to attend a hearing in their case and is renewed each time Border Patrol sends them back to Mexico to wait for the next hearing.

Human Rights Watch examined the Mexican immigration paperwork of at least seven of the returned asylum seekers with whom we spoke. All carried a standard “visa multiple” form, which a Mexican immigration official confirmed did not confer the right to work.<sup>47</sup>

Although Human Rights Watch did not find evidence that anyone had tried to work and been penalized, many of the asylum seekers we interviewed expressed frustration that they could not legally get a job.

Returned asylum seekers have both immediate and long-term needs to access food, water, shelter, communication with family and lawyers, and other necessities, but have been left with no legal means to earn the income required to do so.

- Luisa A. (pseudonym), 20, who fled Honduras with her 3-year-old son, was staying in a local shelter in Ciudad Juárez, but when she left to appear at her preliminary hearing in El Paso, the shelter told her she’d lost her space and could not return. Mother and son were forced to stay in the street. “These are things I thought I would never live,” she said. She eventually pooled her money with a group of other women, some of whom also have small children, to rent a low-cost room in a hotel. “There are times when we either eat or pay for the hotel room,” Luisa said. “I prefer to have a roof over our heads than to wander the streets looking for shelter.” But she said money was running out.<sup>48</sup>

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<sup>46</sup> Human Rights Watch interview with a Mexican official (name and details withheld), Ciudad Juárez, Mexico, May 9, 2019; Human Rights Watch telephone interview with Margarita Juárez Aparicio, attorney, El Instituto para las Mujeres en la Migración, May 24, 2019; See also Sarah Kinosian, “As United States’ ‘Remain in Mexico’ Plan Begins, Mexico Plans to Shut its ‘Too Successful’ Humanitarian Visa Program,” *Public Radio International*, January 24, 2019, <https://www.pri.org/stories/2019-01-24/united-states-remain-mexico-plan-begins-mexico-plans-shut-its-too-successful> (accessed May 28, 2019).

<sup>47</sup> Human Rights Watch interviews with asylum seekers (names withheld), Ciudad Juárez, Mexico, May 8-10, 2019.

<sup>48</sup> Human Rights Watch interview with Luisa A. (pseudonym), Ciudad Juárez, Mexico, May 7, 2019.



- Galena L. (pseudonym), 23, also fled Honduras with her 5-year-old daughter and said she was on the verge of losing her hotel room in Ciudad Juárez because she could no longer afford to pay. She said she was feeling hungry during the interview and that she needed money to feed her daughter and herself. She was frustrated because not being able to work legally in Mexico meant she couldn't make the money necessary to obtain food or shelter.<sup>49</sup>
- Nina S. (pseudonym), 31, and Mariana S. (pseudonym), 21, are sisters from Guatemala who found temporary shelter space after being returned from the US. They told Human Rights Watch they could not imagine maintaining their lives in Ciudad Juárez given the pending expiration of their allotted time at the shelter, their lack of work permits and their fear of being targeted in the city. "We've thought about working, but we're afraid to go out." They spoke with Human Rights Watch the day before going to their first immigration court hearing and hoped to convince US authorities to let them proceed with their cases from within the US. If they were to be returned again to Ciudad Juárez, Nina said, "I don't want to think about that because I don't know."<sup>50</sup>

Asylum seekers reported that when they could not find space, they were forced to sleep on the street or squat in abandoned houses located in some of the most dangerous neighborhoods.

- Silvia M. (pseudonym), 23, from Honduras, said her family had been sending her some money for food, but because she could not work legally, she was unable to pay for more permanent housing in Ciudad Juárez. "What if they give me [a court date] in October?" she said. "How am I going to handle it?" Since the shelter she is staying in has a limit on the duration asylum seekers can stay there, usually one week, she was in need of finding somewhere else to stay very soon.<sup>51</sup>

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<sup>49</sup> Human Rights Watch interview with Galena L. (pseudonym), Ciudad Juárez, Mexico, May 7, 2019.

<sup>50</sup> Human Rights Watch interview with asylum seekers (names withheld), Ciudad Juárez, Mexico, May 8, 2019.

<sup>51</sup> Human Rights Watch interview with Silvia M. (pseudonym), Ciudad Juárez, Mexico, May 8, 2019, and Immigration Court hearing, El Paso, Texas, May 9, 2019.

- Carmen S. (pseudonym), an asylum seeker traveling with her 6-year-old and 3-year old sons from Honduras, was told the day Human Rights Watch interviewed her that she and her children could not stay at the shelter anymore. She showed Human Rights Watch documents saying that her preliminary court date in the US was not until October, five months later. “Why did they make the court hearing so long from now knowing that I have nothing?” she said. Carmen said her husband and 10-year-old son traveled first and were already in Texas, where they were in asylum proceedings. In preparation for their arrival, Carmen’s husband rented a larger apartment and told their older son the family would soon be reunited. When their 10-year-old found out his mother and little brothers were sent to wait in Mexico, Carmen said the boy stopped eating. “I’m thinking about going across, because I have no other option. But I’m very afraid they will take my kids,” she said. “If they take my kids, it’s better that they just kill me.”<sup>52</sup>
- Lazaro P. said that he was staying in an abandoned house and felt he is at risk of being targeted in Ciudad Juárez as a migrant. A brother in the US who had been sending him some money recently died. He said he asked for permission from US authorities to enter the US to go to the funeral and was denied.<sup>53</sup>

Other asylum seekers that Human Rights Watch interviewed also indicated they were considering trying to cross the border without authorization between the ports of entry because their situations in Ciudad Juárez had become so dire. Immigration attorney Linda Rivas said that as of late May, new returnees were being scheduled for their first court dates in January 2020. As of mid-June, preliminary hearings were being set for June 2020.<sup>54</sup>

## Returned Asylum Seekers Facing Physical Violence, Threats

Human Rights Watch documented at least 29 reports of harm to asylum seekers in Ciudad Juárez, including violent attacks, sexual assault, and kidnapping, in interviews and court observations.

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<sup>52</sup> Human Rights Watch interview with Carmen S. (pseudonym), Ciudad Juárez, Mexico, May 8, 2019.

<sup>53</sup> Human Rights Watch interview with Lazaro P. (pseudonym), Ciudad Juárez, Mexico, May 7, 2019.

<sup>54</sup> Hope Border Institute, “Remain in Mexico Updates,” June 6, 2019, <https://www.hopeborder.org/remain-in-mexico-052219> (accessed June 10, 2019).

According to the Mexican government, the country is currently facing an “emergency of violence and insecurity,” and the national security plan of Mexican President Andrés Manuel López Obrador states in its opening sentence that Mexico is “among the most unsafe countries in the world.”<sup>55</sup> Mexico recorded over 33,500 intentional homicides in 2018, the highest since the country began keeping records in 1997.<sup>56</sup> Two of the northern states to which asylum seekers are being returned under the MPP, Baja California and Chihuahua, are among the most violent in the country.<sup>57</sup> While El Paso and San Diego are relatively safe cities, with 23 and 86 homicides in 2018 respectively, there were 1,247 homicides in Ciudad Juárez and 2,529 homicides in Tijuana.<sup>58</sup> Meanwhile, Mexico suffers from “widespread and persistent impunity,” where approximately 98 percent of crimes go unsolved, according to the United Nations High Commissioner for Human Rights, meaning there are often no meaningful legal consequences for committing crimes there.<sup>59</sup>

Expanding the MPP would mean returning migrants to Tamaulipas, one of two Mexican Gulf states where human rights officials have discovered more than 1,300 mass graves

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<sup>55</sup> Human Rights Watch, *US—Don’t Return Asylum Seekers to Mexico: Policy Change Unnecessary, Potentially Dangerous*, December 21, 2018, <https://www.hrw.org/news/2018/12/21/us-dont-return-asylum-seekers-mexico#>.

<sup>56</sup> Estados Unidos Mexicanos Secretaría de Seguridad y Protección Ciudadana, “Victims of Crimes Under Ordinary Law” (Víctimas de Delitos del Fuero Común), May 20, 2019, <https://drive.google.com/file/d/1rRYCrj-ZyBStbCCUSwMnvFhBm-djHNAY/view> (accessed May 28, 2019).

<sup>57</sup> *Ibid.*; Estados Unidos Mexicanos Secretaría de Seguridad y Protección Ciudadana, “Report of Ordinary Law Criminal Incidents” (Informe de Incidencia Delictiva Fuero Común), April 30, 2019, <https://drive.google.com/file/d/1YsVmzB4olEGz34-7d1Jg7h2j-jATmou8/view> (accessed May 28, 2019).

<sup>58</sup> Bethania Palma, “Was El Paso One of the ‘Most Dangerous Cities’ in the US Before a Border Fence Was Built?” *Snopes*, February 6, 2019, <https://www.snopes.com/fact-check/el-paso-border-barrier-crime/>, (accessed June 5, 2019); “El Paso Police Release Murder Statistics From 1960 to 2018,” *KVIA News*, January 16, 2019, <https://www.kvia.com/crime/here-are-el-paso-s-murder-statistics-from-1960-to-2018/978417058> (accessed on June 25, 2019); Teri Figueroa and Michelle Gilchrist, “Homicides in San Diego County by the Numbers: 2018,” *San Diego Union Tribune*, March 9, 2019, [https://www.sandiegouniontribune.com/news/public-safety/sd-in-g-county-homicides-2018-graphics-20190308-story.html?int=lat\\_digitaladshouse\\_bx-modal\\_acquisition-subscriber\\_ngux\\_display-ad-interstitial\\_bx-bonus-story](https://www.sandiegouniontribune.com/news/public-safety/sd-in-g-county-homicides-2018-graphics-20190308-story.html?int=lat_digitaladshouse_bx-modal_acquisition-subscriber_ngux_display-ad-interstitial_bx-bonus-story) (accessed June 5, 2019); Jesus Rodríguez, “El Diario: 1,247 Homicides Reported in Juarez in 2018,” *KVIA News*, January 3, 2019, <https://www.kvia.com/news/border/el-diario-1-247-homicides-reported-in-juarez-in-2018/96277824> (accessed June 5, 2019). The number of murders per 100,000 general population in 2018 are approximately as follows: El Paso, Texas: 3.37; San Diego, California: 6.03; Ciudad Juarez, Mexico: 93.6; Tijuana, Mexico: 154.06. See: Quick Facts: San Diego city, California; El Paso city, Texas, *US Census Bureau*, available at <https://www.census.gov/quickfacts/fact/table/sandiegocitycalifornia,elpasocitytexas/PSTo45218> (accessed June 25, 2019); Space and Data of Mexico (Espacia y Datos de Mexico), Instituto Nacional de Estadística y Geografía, undated, available at <https://www.inegi.org.mx/temas/estructura/default.html#Mapas> (accessed June 25, 2019).

<sup>59</sup> UN Commission on Human Rights, Report of the Special Rapporteur on the Situation of Human Rights Defenders, Michel Forst, Mission to Mexico, February 12, 2018, [https://www.ohchr.org/\\_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/Defenders/A\\_HRC\\_37\\_51\\_Add%202.docx&action=default&DefaultItemOpen=1](https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/Defenders/A_HRC_37_51_Add%202.docx&action=default&DefaultItemOpen=1) (accessed June 26, 2019).

since 2007, including those of murdered migrants and where there have been multiple reports this year alone of bus kidnappings of migrants attempting to reach the border.<sup>60</sup>

In January, a series of attacks on Ciudad Juárez police officers prompted the US to issue a security alert for US citizens in the city, one of 17 priority areas to which the Mexican government is deploying national guard troops.<sup>61</sup>

Within Ciudad Juárez itself, Human Rights Watch observed at least three shelters located in “hot spot” areas where the reported number of homicides was above the city's mean between 2009 and 2010, according to peer reviewed study by Carlos Vilalta and Robert Muggah of violent homicides there from April 2014, the most recently available.<sup>62</sup>

Because asylum seekers must travel to a port of entry to attend immigration court proceedings in the US, they have had little choice but to remain in these areas under difficult conditions. Meanwhile, that same study found migrant populations in Ciudad Juárez were among the most vulnerable to homicidal violence.<sup>63</sup>

On May 3, three Honduran asylum seekers were shot to death, according to local news reports.<sup>64</sup> Human Rights Watch verified with Mexican government officials that those killed were not on the list of Central Americans returned under the MPP to Ciudad Juárez.<sup>65</sup>

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<sup>60</sup> Nick Miroff, “Migrant Caravan: One Reason Central Americans Are Going All the Way to Tijuana to Reach the U.S. Border? El Chapo,” *Washington Post*, November 15, 2018, [https://www.washingtonpost.com/world/2018/10/24/migrant-caravan-updates/?utm\\_term=.dda236d09ed6](https://www.washingtonpost.com/world/2018/10/24/migrant-caravan-updates/?utm_term=.dda236d09ed6) (accessed on June 24, 2019); “At Least 4,000 Migrant on Way to US Have Died of Gone Missing in Last Four Years,” *Associated Press*, December 5, 2018, <https://www.nbcnews.com/news/latino/least-4-000-migrants-way-u-s-have-died-or-n944046> (accessed June 17, 2019); Kate Linthicum, “Mexico Launching Search for Migrants Pulled Off Bus by Gunmen Near the US Border,” *Los Angeles Times*, March 13, 2019, <https://www.latimes.com/world/la-fg-mexico-missing-migrants-20190313-story.html> (accessed June 17, 2019).

<sup>61</sup> Daniel Borunda, “US Issues Security Alert for Juárez After Wave of Drug Cartel, Gang Attacks on Police,” *El Paso Times*, January 20, 2019, <https://www.elpasotimes.com/story/news/local/juarez/2019/01/20/u-s-issues-security-alert-after-attacks-police-juarez-mexico-violence/2634280002/> (accessed May 28, 2019); Daina Beth Solomon and Noe Torres, “Mexico to Send Police and Military Force of 10,200 to Murder Hot Spots,” *Reuters (World News)*, February 6, 2019, <https://www.reuters.com/article/us-mexico-violence/mexico-to-send-police-and-military-force-of-10200-to-murder-hot-spots-idUSKCN1PV2HH> (accessed May 28, 2019).

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*

<sup>64</sup> Andra Litton, “Three Migrants Killed in Juarez Massacre,” *KTSM News*, May 4, 2019, <https://www.ktsm.com/news/juarez/three-migrants-killed-in-juarez-massacre/1978595461> (accessed May 28, 2019).

<sup>65</sup> Human Rights Watch interviews and text message correspondence with Mexican government officials (names and details withheld), May 16, 2019.

One Honduran asylum seeker who had been returned to Ciudad Juárez under the MPP was kidnapped and raped in mid-June, according to news reports.<sup>66</sup> In a Mexican court hearing on June 17, the asylum seeker testified that Mexican federal police officers stormed into a house where migrants were staying and abducted her and two others, turning them over to a criminal group.<sup>67</sup>

US federal asylum officers have said that “Mexico is simply not safe for Central American asylum seekers,” and that “the risk of persecution in Mexico is even higher for the most vulnerable segments of asylum seekers,” including ethnic minorities from indigenous cultures, migrant women at large, and LGBTI migrants.<sup>68</sup>

### *Accounts of Violence*

Human Rights Watch received accounts of harm to asylum seekers in the course of individual interviews with asylum seekers, shelter operators, and immigration attorneys, as well as while observing immigration court proceedings in El Paso and San Diego.

- Delfina M. (pseudonym), 20, an asylum seeker who fled Guatemala with her 4-year-old son, said that after she was returned to Ciudad Juárez, two men grabbed her in the street and sexually assaulted her. They told her not to scream and threatened to kill her son. “I can still feel the dirtiness of what they did in my body,” she said.<sup>69</sup>
- Rodrigo S. (pseudonym), 21, who fled El Salvador, told a judge in immigration court proceedings that he was robbed at knifepoint and stabbed in the back. He said he went to the police, but the Mexican officers wouldn’t help him because he wasn’t a Mexican citizen. He told the judge that although he is recovering physically, he’s afraid to be sent back.<sup>70</sup>

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<sup>66</sup> “Honduran Migrant Kidnapped By Federal Police: They Are Also Accused of Raping Witnesses; The Fact Was Revealed in a Court Hearing” (Secuestraron Federales a Migrante Hondureña: Los Acusan Además de Violar a Testigos; el Hecho Fue Revelado en Audiencia Judicial), *El Diario*, June 18, 2019, <https://www.eldiariodechihuahua.mx/estado/secuestraron-federales-a-migrante-hondurena-20190618-1528964.html> (accessed June 24, 2019); Parker Asmann, “Mexico Police Collude With Criminals to Kidnap, Extort Migrant,” *InSight Crime*, June 20, 2019, <https://www.insightcrime.org/news/brief/mexico-police-collude-criminals-kidnap-migrant/> (accessed June 24, 2019).

<sup>67</sup> *Ibid.*

<sup>68</sup> *Innovation Law Lab v. Nielsen*, US Court of Appeals for the Ninth Circuit, Case No. 19-15716, amicus curiae, Local 1924 June 27, 2019, pp. 22-23.

<sup>69</sup> Human Rights Watch interview with Delfina M. (pseudonym), Ciudad Juárez, Mexico, May 7, 2019.

<sup>70</sup> Human Rights Watch observations of Immigration Court hearing for Rodrigo S. (pseudonym) El Paso, Texas, May 9, 2019.

- Esteban G. (pseudonym), 19, said in immigration court he was robbed when he left his room to go to the store for food. He told police he suspected a neighbor of stealing his cellphone. When police investigated the neighbor, they recovered his cellphone, but after that, the neighbor's family threatened to hurt him.<sup>71</sup>
- Kimberlyn, a 23-year-old Honduran, told Human Rights Watch she had been kidnapped by a taxi driver along with her 5-year-old daughter upon returning to Ciudad Juárez after her first court hearing in the US in April. The driver released them within hours but said he would kill them if her family did not pay a ransom. She showed Human Rights Watch deposit receipts for \$800 in payments made by relatives in Honduras.<sup>72</sup>

Two families who had been forced to remain in Mexico told the immigration judge in court that family members had been “express-kidnapped,” or abducted for a short period of time and extorted, prior to their preliminary hearing in El Paso, according to local lawyers and news reports.<sup>73</sup>

Violence also affects asylum seekers who are waiting to cross into the US.

Central Americans Rafael M. (pseudonym) and Gerald H. (pseudonym), who said they planned to seek asylum in the US, reported that after they had been in Ciudad Juárez for 21 days around April, they were kidnapped at gunpoint in Parque de las Tortugas, which runs along the border just north of the Santa Fe Bridge.<sup>74</sup> Some cars pulled up and men got out with guns. Rafael said he tried to run, but they grabbed him, tearing his shirt. They put a jacket over Rafael’s head, told the two not to scream, and forced them into cars. The kidnapers accused the two of being rival smugglers working their territory. The kidnapers interrogated them and searched Rafael’s phone to confirm they were in fact asylum seekers. They let them go, but not before taking photos of their faces. They also

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<sup>71</sup> Human Rights Watch observations of Immigration Court hearing for Esteban G. (pseudonym) El Paso, Texas, May 9, 2019.

<sup>72</sup> Human Rights Watch interview with Kimberlyn (full name withheld), Ciudad Juárez, Mexico, May 7, 2019.

<sup>73</sup> Human Rights Watch email correspondence with Linda Rivas, executive director and attorney, Las Americas Immigrant Advocate Agency, May 29, 2019; Robert Moore, “I’m in Danger’: Migrant Parents Face Violence in Mexico Under New Trump Policy,” *Texas Monthly*, April 25, 2019, <https://www.texasmonthly.com/politics/im-in-danger-migrant-parents-face-violence-in-mexico-under-new-trump-policy/>, (accessed May 28, 2019).

<sup>74</sup> Human Rights Watch interview with Rafael M. and Gerald H. (pseudonyms and identifying details withheld), Ciudad Juárez, Mexico, May 7, 2019, and May 10, 2019. Their nationality is not identified here to protect them from further reprisal.

recorded information on where they were staying. The abductors told the two that if they reported the incident, they would kill them. Rafael reported he was hit about 30 times; Gerald reported being hit in the back of the head so hard he could taste blood in his mouth.<sup>75</sup>

Organizations providing asylum seekers with humanitarian aid may also be at risk. The Ciudad Juárez-based human rights group, Derechos Humanos Integrales en Acción, showed Human Rights Watch a declaration they collected from two women operating a migrant shelter in the Anapra neighborhood.<sup>76</sup> According to their account, on April 16, they were kidnapped, beaten, and interrogated to determine whether they were involved in smuggling.

Several returned asylum seekers who had not suffered physical harm told us they were terrified of being forced to remain in Ciudad Juárez.

- Gloria O. (pseudonym), a 20-year-old asylum seeker from Honduras, said she fled because a local gang member wanted her to be his girlfriend and threatened to kill her if she refused. She said she was afraid to leave the shelter where she was staying because Ciudad Juárez was too dangerous. She heard that someone was killed close to the shelter and that a pregnant woman had been kidnapped. "I know that in any moment something could happen to me," she said.<sup>77</sup>
- Doris C. (pseudonym) fled Honduras with her 5-year-old child and was headed to Dallas, Texas, where her husband and son are in asylum proceedings. She said that asylum seekers, including herself, were too afraid to leave the shelter. "We don't know anybody, and we don't have any way to be here in Juárez," she told Human Rights Watch. At one point, she was staying at a cathedral, when a pastor arrived with a bus to give asylum seekers a ride to a shelter. Doris said that after several asylum seekers boarded the bus and shortly after it left the cathedral,

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<sup>75</sup> Human Rights Watch interview with Rafael M. and Gerald H., Ciudad Juárez, Mexico, May 7, 2019, and May 10, 2019.

<sup>76</sup> Human Rights Watch interview with Rocío Meléndez Domínguez, attorney, Derechos Humanos Integrales en Acción, Ciudad Juárez, Mexico, May 9, 2019.

<sup>77</sup> Human Rights Watch interview with Gloria O. (pseudonym), Ciudad Juárez, Mexico, May 8, 2019.

“narcos” in several cars pulled the vehicle over and kidnapped the pastor on board.<sup>78</sup>

Shelter operators at Casa del Migrante and El Buen Pastor, two of the oldest shelters with the greatest capacity in Ciudad Juárez, said criminal syndicates as well as petty criminals target asylum seekers.

Cristina Coronado, who works at Casa del Migrante, said local criminals or smugglers have infiltrated the shelter, preying on vulnerable asylum seekers.<sup>79</sup> She said local Mexican journalists are too afraid of organized crime in the area, making it difficult for the public to understand the dangers they face.

As the result of these security concerns, Coronado said Casa del Migrante requires asylum seekers to turn over their phones to shelter workers to stay there and does not permit shelter residents to come and go as they please. She said she recognizes such rules limit asylum seekers’ ability to communicate with attorneys and aren’t sustainable since the MPP has created long-term shelter needs.

Pastor Juan Fierro, who operates El Buen Pastor, said the shelter had to install cameras after suspicious people were lurking outside of the gates. He said asylum seekers have been robbed or kidnapped and that local criminals are aware that some asylum seekers are sent money from relatives in the US and know where asylum seekers frequently go to collect that money.<sup>80</sup>

According to Fierro, one asylum seeker who was express-kidnapped was told that to stay in Ciudad Juárez, he had to “pay the plaza,” or the criminal organization controlling that area or drug-smuggling corridor.<sup>81</sup>

The Mexican government officials who spoke to Human Rights Watch acknowledged that Ciudad Juárez is not a safe place for asylum seekers to remain.<sup>82</sup>

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<sup>78</sup> Human Rights Watch interview with Doris C. (pseudonym), Ciudad Juárez, Mexico, May 8, 2019.

<sup>79</sup> Human Rights Watch observation of Borderland Immigration Council meeting, El Paso, Texas, May 8, 2019.

<sup>80</sup> Human Rights Watch interview with Juan Fierro, pastor at El Buen Pastor, Ciudad Juárez, Mexico, May 7, 2019.

<sup>81</sup> June S. Beittel, “Mexico: Organized Crime and Drug Trafficking Organizations,” *Congressional Research Service*, July 3, 2018, <https://fas.org/sgp/crs/row/R41576.pdf> (accessed June 10, 2019).



Valenzuela, the Mexican official managing the metering list in Ciudad Juárez, called the situation “a pressure cooker,” explaining that though the city has had problems with violence, crime, and impunity in the past, the people who live there have begun blaming migrants.<sup>83</sup>

He said asylum seekers forced to stay on the street – often congregating in Ciudad Juárez’ main square, the Plaza de Armas – are particularly vulnerable, as “anyone can come and take advantage of them.”<sup>84</sup>

Valenzuela said that some of the asylum seekers on the metering list in Mexico become the victims of violent crime while waiting for weeks or months to request asylum and turn themselves in to US authorities. He said he has helped such people to leave Mexico ahead of their number being called, allowing them to cross into the US more rapidly.<sup>85</sup>

Asylum seekers placed into the MPP, however, would be returned back to Mexico.

Many of the migrants that Human Rights Watch interviewed expressed fear at the prospect of talking to Mexican authorities, refusing to report to police any of the crimes they either witnessed or were victim to, and even Mexican officials acknowledged that corruption among Ciudad Juárez police officers was commonplace.<sup>86</sup>

### *Nearly Impossible Standard for Exemption from the MPP Program*

Typically, when Border Patrol agents apprehend someone at the border, they must ask whether that person is afraid to return to their country of origin to ensure they are complying with laws that say a person cannot be returned to a place where they are in

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<sup>82</sup> Human Rights Watch interviews with government officials (names withheld), Ciudad Juárez, Mexico, May 7, 2019, and May 9, 2019.

<sup>83</sup> Human Rights Watch interview with Enrique Valenzuela, general coordinator, Comisión Estatal de Población, Ciudad Juárez, Mexico, May 7, 2019.

<sup>84</sup> Hérica Martínez Prado, “Returnees Sleep in the Streets” (Retornados Duermen en la Calle), *El Diario*, May 18, 2019, <https://diario.mx/juarez/retornados-duermen-en-la-calle-20190517-1516722/> (accessed June 10, 2019); Human Rights Watch interview with Enrique Valenzuela, general coordinator, Comisión Estatal de Población, Ciudad Juárez, Mexico, May 7, 2019.

<sup>85</sup> Ibid.

<sup>86</sup> Human Rights Watch interviews with Mexican government officials (names and details withheld), May 7, 2019, May 9, 2019, and May 10, 2019.

danger of persecution or torture – known as non-refoulement.<sup>87</sup> If that person indicates they are afraid to return, they are supposed to be referred to a trained asylum officer – someone independent of Border Patrol – who will then determine if the asylum seeker’s claim of fear meets certain standards of credibility or not, and has a “credible fear” of return. If so, the asylum seeker will then be scheduled for an asylum hearing before a judge.

That policy has changed under the MPP.

Under the MPP guidance from DHS, Border Patrol agents are not required to ask asylum seekers if they are afraid to be returned to Mexico.<sup>88</sup>

According to program guidelines, asylum seekers subject to them must voluntarily express fear of harm in Mexico, and only then are they entitled to an interview with an asylum officer to assess whether they are “more likely than not” to face persecution or torture or else can be safely returned to Mexico. Asylum seekers who are not from Mexico may not expect to be sent to Mexico and may not be aware of potential harms there, nor be aware that voluntarily expressing fear of return to Mexico is required to trigger an interview that would assess whether they can be returned to Mexico.<sup>89</sup>

When asylum seekers do express fear, their claims are being held to an improperly high standard.

US federal asylum officers condemned the MPP in an amicus (“friend of the court”) brief filed June 26 in the lawsuit against the program, saying the interview process under the MPP “virtually guarantees a violation of the non-refoulement obligation” because it lacks

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<sup>87</sup> 8 C.F.R. 235.3(b)(4) (stating that if an applicant requests asylum or expresses a fear of return, the “examining immigration officer shall record sufficient information in the sworn statement to establish and record that the alien has indicated such intention, fear, or concern,” and should then refer the alien for a credible fear interview). This applies to both Border Patrol agents between ports of entry and officers with the Customs and Border Protection Office of Field Operations at ports of entry. Julie Veroff, “Asylum Officers Are Being Replaced by CBP Agents,” *American Civil Liberties Union*, May 6, 2019, <https://www.aclu.org/blog/immigrants-rights/ice-and-border-patrol-abuses/asylum-officers-are-being-replaced-cbp-agents> (accessed June 27, 2019).

<sup>88</sup> Memorandum from US Department of Homeland Security to US Citizenship and Immigration Services, “MPP Guiding Principles,” January 28, 2019, <https://www.cbp.gov/sites/default/files/assets/documents/2019-Jan/MPP%20Guiding%20Principles%201-28-19.pdf> (accessed June 10, 2019).

<sup>89</sup> Dara Lind, “Exclusive: Civil Servants Say They’re Being Used as Pawns in a Dangerous Asylum Program,” *Vox*, May 2, 2019, <https://www.vox.com/2019/5/2/18522386/asylum-trump-mpp-remain-m> (accessed June 24, 2019).

the safeguards and protections that asylum seekers need to meet the high burden of proof required under the “more likely than not” standard officers have been directed to use under the program.<sup>90</sup> That standard is typically reserved for full-scale removal proceedings in front of an immigration judge, officers explained, whereas asylum officers typically apply lower standards to determine if someone has a “well-founded fear” since an asylum seeker who has passed the officer’s interview will then go before a judge where the high “more likely than not” standard will be applied.<sup>91</sup> In such cases, asylum seekers have access to attorneys, notice of rights, time to prepare their case, and the right to administrative and judicial review.

The MPP program has none of those same protections. Asylum seekers are not provided access to attorneys, and the asylum officer’s decision is not reviewable by a judge.<sup>92</sup>

Outside of the MPP, where the lower “well-founded fear” standard is applied in asylum officer interviews, asylum seekers are informed of their rights, which include the right to consult with an attorney, to request that the officer’s decision be reviewed by an immigration judge, and to rest for 48 hours before the interview.<sup>93</sup> The MPP process does not provide any of these same rights or protections, even though “it imposes a significantly higher evidentiary standard.”<sup>94</sup>

Attorney Linda Rivas, who has represented some returned asylum seekers in these interviews, said the standard for approval appears to be whether the person has already suffered harm in Ciudad Juárez. She represented two families whose claims were approved after the fathers of each were kidnapped for several hours there.<sup>95</sup> If so, that standard is applied inconsistently. Kimberlyn, whose account of being kidnapped with her 5-year-old daughter is referenced above, did not prevail in her non-refoulement interview and was returned to Ciudad Juárez, according to a reporter who observed their second hearing.<sup>96</sup>

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<sup>90</sup> *Innovation Law Lab v. Nielsen*, US Court of Appeals for the Ninth Circuit, Case No. 19-15716, amicus curiae, Local 1924, June 27, 2019, pp. 18-20.

<sup>91</sup> *Ibid.*

<sup>92</sup> *Ibid.*

<sup>93</sup> *Ibid.*, p. 21.

<sup>94</sup> *Ibid.*, pp. 21-22.

<sup>95</sup> Human Rights Watch telephone interview with Linda Rivas, May 7, 2019.

<sup>96</sup> Robert Moore’s Twitter thread, <https://twitter.com/BobMooreNews/status/1130687076226277376> (accessed June 10, 2019).

The Hope Border Institute, a faith-based research and policy group, has monitored nearly all the MPP court proceedings in El Paso and found that although 84 percent of asylum seekers placed in the program expressed in court a fear of persecution in Mexico, only 5 percent were subsequently exempted from the MPP and allowed to stay.<sup>97</sup>

An asylum officer who had been administering these interviews told *Vox*, an online news source, that decisions to let an asylum seeker in the MPP stay in the US are often reviewed — and blocked or overturned — by asylum headquarters, and that in practice the standard for prevailing on claims of fear of return to Mexico was “all but impossible for applicants to meet.”<sup>98</sup>

### *Vulnerable Populations*

The US government asserts that “individuals from vulnerable populations may be excluded on a case-by-case basis” from being forced to wait in Mexico, and that those with “known physical/mental health issues” [sic] are “not amenable to MPP,” though without more specific definitions of what would constitute a “vulnerability”.<sup>99</sup>

US immigration advocates have argued certain populations would face particular challenges supporting themselves in Mexico<sup>100</sup> and accessing the US asylum process and should be excluded from the MPP. Without identity documents, money, and family members and the support they can provide, both financial and otherwise, asylum seekers with certain characteristics -- families with children, migrants with mental health conditions or physical disabilities, pregnant women, and transgender women, for example — are likely to face greater challenges supporting themselves and accessing the US asylum

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<sup>97</sup> Human Rights Watch email correspondence with Edith Tapia, policy research analyst, Hope Border Institute, June 22, 2019.

<sup>98</sup> Dara Lind, “Exclusive: Civil Servants Say They’re Being Used as Pawns in a Dangerous Asylum Program,” *Vox*, May 2, 2019, <https://www.vox.com/2019/5/2/18522386/asylum-trump-mpp-remain-mexico-lawsuit> (accessed June 5, 2019).

<sup>99</sup> “Secretary Kirstjen M. Nielsen Announces Historic Action to Confront Illegal Immigration,” DHS press release, December 20, 2018, <https://www.dhs.gov/news/2018/12/20/secretary-nielsen-announces-historic-action-confront-illegal-immigration> (accessed May 28, 2019); US Customs and Border Protection, “MPP Guiding Principles,” January 28, 2019, [https://www.cbp.gov/sites/default/files/assets/documents/2019-Jan/MPP\\_Guiding\\_Principles\\_1-28-19.pdf](https://www.cbp.gov/sites/default/files/assets/documents/2019-Jan/MPP_Guiding_Principles_1-28-19.pdf) (accessed May 28, 2019).

<sup>100</sup> Carlos Ríos Espinosa, “Life With a Disability in the Migrant Caravan,” commentary, Human Rights Dispatch, December 20, 2018, <https://www.hrw.org/news/2018/12/20/life-disability-migrant-caravan>

process. Transgender women seeking asylum from Central America in particular have reported violence and harassment in Mexico.<sup>101</sup>

Although they would also likely face difficulties supporting themselves in the US, according to data from the Mexican government, nearly 84 percent of asylum seekers placed in the MPP program reported they have relatives in the US.

Human Rights Watch interviews and court observations indicate CBP's decisions to include or exclude such populations have been inconsistent.

In Ciudad Juárez, the Mexican government took note of at least 62 asylum seekers up until May 13 with a vulnerability (as defined by the Mexican government) who were returned under the MPP, including senior adults, LGBT people, at least one person with a physical disability, and 46 people with symptoms of respiratory illness.<sup>102</sup> Over 4,780 children have been returned to Mexico with their parents as of mid-May with 1,654 specifically to Ciudad Juárez, according to the Mexican National Institute of Migration.<sup>103</sup>

Included in a group of 20 people who appeared in court on May 8 in El Paso were a transgender woman and a young man with a “profound mental incapacity,” [sic] according to a psychological evaluation reviewed by the judge. Human Rights Watch asked Border

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<sup>101</sup> Transgender Law Center and Cornell University Law School LGBT Clinic, “Report on Human Rights Conditions of Transgender Women in Mexico,” May 2016, <http://transgenderlawcenter.org/wp-content/uploads/2016/05/CountryConditionsReport-FINAL.pdf> (accessed June 27, 2019). See also, Amnesty International, “Facing Walls: USA and Mexico’s Violations of the Rights of Asylum Seekers,” June 2017, <https://www.amnestyusa.org/wp-content/uploads/2017/06/USA-Mexico-Facing-Walls-REPORT-ENG.pdf> (accessed June 26, 2019) (Amnesty International interviewed 10 transgender women in Southern Mexico; the majority reported they did not feel safe in Mexico and faced discrimination or violent attacks by gangs while awaiting decisions on their asylum claims in Mexico); Human Rights First, “Refugee Blockade: The Trump Administration’s Obstruction of Asylum Claims at the Border,” December 2018, [https://www.humanrightsfirst.org/sites/default/files/December\\_Border\\_Report.pdf](https://www.humanrightsfirst.org/sites/default/files/December_Border_Report.pdf) (accessed June 27, 2019) (Human Rights First interviewed a transgender Mexican woman robbed and threatened with sexual assault while waiting for a chance to seek asylum in the US); Associated Press, “In Mexico Caravan, LGBTQ Migrants Stick Together for Safety,” NBC News, November 13, 2018, <https://www.nbcnews.com/feature/nbc-out/mexico-caravan-lgbtq-migrants-stick-together-safety-n935591> (accessed June 27, 2019).

<sup>102</sup> Estados Unidos Mexicanos Secretaría de Gobernación, Instituto Nacional de Migración, MPP Program—Chihuahua (copy on file with Human Rights Watch), May 13, 2019.

<sup>103</sup> Estados Unidos Mexicanos Secretaría de Gobernación, Instituto Nacional de Migración, MPP Program—Chihuahua and MPP Program—Tijuana and Mexicali (copies on file with Human Rights Watch), June 18, 2019, and June 13, 2019.



“Karen,” a transgender woman returned to Ciudad Juárez, Mexico, under the Trump administration’s “Migrant Protection Protocols,” turns herself in to Border Patrol agents on the Paso del Norte international bridge so that she can cross over into El Paso, Texas, for the preliminary hearing in her asylum case, May 2019. Karen told Human Rights Watch that when she first arrived at the US-Mexico border and was detained by Border Patrol agents, they misgendered her, placing her in a cold, overcrowded cell with 78 men and refusing to call her by her chosen name. © 2019 Ariana Sawyer/Human Rights Watch

Patrol why these people had been included in the MPP. Border Patrol referred us to their guidelines posted online that state such persons may be excluded from the program.<sup>104</sup>

During court proceedings on May 22 in San Diego, the immigration judge asked repeatedly whether a mother and daughter whose primary language was Achi, an indigenous Mayan language, and who understand very little Spanish, were “appropriate” for the MPP.<sup>105</sup>

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<sup>104</sup> Memorandum from US Department of Homeland Security, to US Citizenship and Immigration Services, “Guidance for Implementing Section 235(b)(2)(C) of the Immigration and Nationality Act and the Migrant Protection Protocols,” January 28, 2019, <https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2019/2019-01-28-Guidance-for-Implementing-Section-35-b-2-C-INA.pdf> (accessed June 10, 2019).

<sup>105</sup> Human Rights Watch observation of immigration court proceedings, San Diego, California, May 22, 2019.



According to Linda Rivas, executive director and lead attorney at Las Americas Immigrant Advocacy Center, a woman with two daughters, one of whom is a person with a disability that has high support requirements; a transgender woman; and seven pregnant women, one of whom gave birth shortly after being sent back to Mexico, and another who was separated from her husband and 10-month-old baby with special needs, were placed into the MPP and later removed from the program.

At the same time, attorneys arguing for other pregnant women to be excluded from the MPP have seen them returned to Mexico.<sup>106</sup>

### **Severely Limited Access to Attorneys, Chaotic Court Hearings**

Preliminary court proceedings and interviews with local attorneys as well as asylum seekers returned to Mexico show the MPP program mired in confusion with little to no meaningful access to due process.

Though everyone in the MPP has the right to an attorney at no cost to the US government, for asylum seekers forced to remain in Mexico, getting legal representation has been nearly impossible. Additionally, DHS is not allowing attorneys to participate in fear interviews.<sup>107</sup> For the few who do manage to find a lawyer, the MPP makes ongoing access to attorneys extremely limited.

Of the 54 asylum seekers Human Rights Watch observed in court in El Paso, 50 entered proceedings with no legal representation. In San Diego, 13 out of 15 entered proceedings with no legal representation.

Asylum seekers returned to Mexico are given a list of low-cost attorneys on the US side of the border they can call, which, according to attorneys, is the same list asylum seekers located in the US are given.<sup>108</sup> However, most of the attorneys on it are either unable to go to Mexico or are too overwhelmed to take their cases.

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<sup>106</sup> Hope Border Institute's Facebook page, "Seven Weeks of 'Remain in Mexico,' a Real Time Update From El Paso, TX," webinar, May 21, 2019, <https://www.facebook.com/hopeborderinstitute/videos/1839680246133315/?v=1839680246133315> (accessed May 29, 2019).

<sup>107</sup> Human Rights Watch observation of immigration court proceedings for asylum seekers, El Paso, Texas, May 9, 2019.

<sup>108</sup> Letter from American Immigration Lawyers Association to Kevin McAleenan, acting secretary, US Department of Homeland Security, June 3, 2019, <https://www.aila.org/infonet/aila-sends-letter-to-dhs-acting-secretary-mpp> (accessed June 10, 2019).

Asylum seekers located in the US are not bound to attend immigration court proceedings in US border towns. Instead, they spread out across the US to other immigration court districts, whether because they are detained elsewhere or are residing in cities where they have friends or family. But under the MPP, thousands of asylum seekers have been forcibly concentrated in El Paso and San Diego, overwhelming the limited number of immigration attorneys who practice there.

While private attorneys may have more availability to represent clients, they also have concerns about traveling to Mexico and must charge for their services. Most asylum seekers cannot afford to pay for food, let alone tens of thousands of dollars needed to pay for private representation for the duration of their cases.

At the two preliminary hearings Human Rights Watch observed in El Paso where everyone appeared for the first time, Immigration Judge Nathan Herbert gave more time to everyone who wanted it for the purpose of finding an attorney. Those who appeared in his courtroom on May 10 for their second MPP hearings, mostly women with very small children, still had not found one. Immigration Judge Scott Simpson in San Diego explicitly acknowledged it might be more difficult for asylum seekers to find attorneys in Mexico and gave more time to everyone who wanted time to find an attorney.

Before granting more time to those at their second hearings, Judge Herbert asked each asylum seeker to describe the efforts they had made. One woman, Sol O. (pseudonym), fled Guatemala with her two daughters, one of whom was suffering from a phlegmy cough throughout proceedings. “I have called several and they tell me they can’t help me because they have too many cases,” Sol said. She also said she can’t afford the ones that charge. “Why have they been so unfair with us?” she asked the judge. “We’ve been waiting for months. Other people have gone through just like that.”<sup>109</sup>

According to immigration attorneys, most of the funding available for pro bono legal representation for immigrants in deportation proceedings limits eligibility to clients who are residents of certain geographical areas in the US. As a result, many of the attorneys who would typically be available to low-income clients cannot represent those forced to remain in Mexico. The costs associated with traveling, including the amount of time it

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<sup>109</sup> Human Rights Watch observation of immigration court hearing for Sol O. (pseudonym), El Paso, Texas, May 10, 2019.



takes to cross the border, also impedes their ability to represent people in the MPP.

The few attorneys who can take clients in Ciudad Juárez are overwhelmed and face logistical and security barriers that make getting access to their clients extremely difficult. Attorneys working in Ciudad Juárez and other Mexican border cities cannot ensure their own safety; long wait times at ports of entry mean lawyers have to spend hours of their time commuting; and US-based attorneys do not have their own offices in Mexico where they could meet privately with clients.<sup>110</sup>

Additionally, asylum seekers do not have regular access to phones and rarely have access to computers, meaning there are limited opportunities for the communication required to prepare asylum seekers' cases, according to attorneys and shelter operators.<sup>111</sup>

In a letter to DHS regarding the MPP program, the American Immigration Lawyers Association, the largest national association of immigration attorneys, stated that, "representing an asylum seeker in immigration court conservatively takes between 40-60 hours of work, with an estimated 35 hours of face-to-face communication with the client," especially since many asylum seekers have experienced physical and psychological trauma and will need time to build trust with attorneys.<sup>112</sup> Yet the MPP only guarantees asylum seekers one hour at immigration court just before proceedings, meaning lawyers have mere moments of face-to-face contact with clients.<sup>113</sup>

In one hearing, Human Rights Watch witnessed an asylum seeker cite the difficulty in accessing an attorney as one of the factors pushing her to give up her asylum claim. Karmele G. (pseudonym), who fled Guatemala with her two sons, ages 10 months and 9

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<sup>110</sup> Julian Aguilar, "Long Delays at Border Bridges Bring Anxiety for Businesses as Holy Week Begins," *The Texas Tribune*, April 15, 2019, <https://www.texastribune.org/2019/04/15/delays-border-bring-anxiety-business-owners-during-holy-week/> (accessed June 5, 2019); Holly Bock, "Local Private School Students from Mexico Say Long Wait Times at Bridges Making Them Late," *KDBC News*, April 9, 2019, <http://cbs4local.com/news/local/local-private-school-students-from-mexico-say-long-wait-times-at-bridges-making-them-late> (accessed June 5, 2019)

<sup>111</sup> Human Rights Watch observation of Borderland Immigration Council meeting, El Paso, Texas, May 8, 2019.; Human Rights Watch interview with Imelda Maynard, immigration attorney, Catholic Charities of Southern New Mexico, Las Cruces, New Mexico, May 6, 2019.

<sup>112</sup> Letter from American Immigration Lawyers Association to Kevin McAleenan, acting secretary, US Department of Homeland Security, June 3, 2019, <https://www.aila.org/infonet/aila-sends-letter-to-dhs-acting-secretary-mpp> (accessed June 10, 2019).

<sup>113</sup> Memorandum from Nathalie R. Asher, acting executive associate director, US Department of Homeland Security Enforcement and Removal Operations, to field office directors, Enforcement and Removal Operations, February 12, 2019, <https://www.ice.gov/sites/default/files/documents/Fact%20sheet/2019/ERO-MPP-Implementation-Memo.pdf> (accessed June 10, 2019).

years, was the only asylum seeker in the May 10 proceedings in El Paso who did not want more time to find an attorney. She said she had tried calling attorneys, but they were too expensive and that she just wanted to get on with her case. Where a lawyer would have been equipped to navigate the proceedings, Karmele repeatedly asked the judge to define the important legal terms used, and though the judge expressed concern that she was afraid to return to her country, he ultimately ordered her removed. Karmele insisted that she was afraid to return to Guatemala but said she was even more afraid of being sent back to Ciudad Juárez again, stating that, “they sent me to Mexico, and there I have no job and no family.” She said that at least in Guatemala, her family could care for her children if anything happened to her.<sup>114</sup>

Just as the concentration of thousands of asylum seekers forced to wait in Mexico has overwhelmed attorneys, so too has the program overwhelmed courtrooms. Only a few immigration judges – one in El Paso and three in San Diego – were presiding over the MPP cases when Human Rights Watch observed proceedings.<sup>115</sup>

Because immigration judges and the Board of Immigration Appeals no longer have the ability to perform administrative closures, a tool that allowed judges to manage their dockets by temporarily closing cases, they have been left with little power to manage the backlog in cases.<sup>116</sup> Meanwhile, the Trump administration has been pushing judges to decide cases more quickly with quotas.<sup>117</sup>

The US immigration court system is not designed to hold hearings for people who are residing outside of the country. Human Rights Watch witnessed immigration judges unsure of how to interpret or apply US immigration law in the context of the MPP program and attorneys and asylum seekers scrambled to deal with the unintended consequences of choices that would typically have predictable outcomes.

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<sup>114</sup> Human Rights Watch observation of immigration court hearing for Karmele G. (pseudonym), El Paso, Texas, May 10, 2019.

<sup>115</sup> Morrissey, “San Diego Immigration Court ‘Overwhelmed’ by Remain in Mexico Cases,” *San Diego Union Tribune*; Human Rights Watch observation of immigration court proceedings, El Paso, Texas, May 8-10, 2019, and San Diego, California, May 22, 2019.

<sup>116</sup> Lolita Brayman, “The End of Administrative Closure: Sessions Moves to Further Strip Immigration Judges of Independence,” *Catholic Legal Immigration Network, Inc.*, June 4, 2018, <https://cliniclegal.org/resources/end-administrative-closure-sessions-moves-further-strip-immigration-judges-independence> (accessed June 10, 2019); US Department of Justice, Office of the Attorney General, “Matter of Castro-Tum,” interim decision, May 17, 2018, <https://www.justice.gov/eoir/page/file/1064086/download> (accessed on June 25, 2019).

<sup>117</sup> *Ibid.*

Court documents, which were only provided in English, were full of errors with regard to people's names, and addresses were unusable. Because shelter space in Ciudad Juárez is limited and often temporary, many asylum seekers do not have stable addresses, meaning the court has no way to notify them of changes or decisions in their cases, an important component of due process. When asylum seekers leave Mexico to attend immigration court hearings in the US, they can lose their spots in Mexican shelters, meaning whichever address the court has on file may no longer be correct. In many cases, Border Patrol have recorded simply "address known" or the name of the city or state in Mexico to which Border Patrol agents were sending the asylum seeker.<sup>118</sup>

In San Diego, Immigration Judge Simpson repeatedly questioned how asylum seekers in MPP who had not yet appeared in court would receive adequate notice of their next hearing date and asked the DHS attorney to file a brief showing that it was appropriate to move forward in these cases. Several asylum seekers whose hearings were scheduled did not appear in court. The only person ordered removed *in absentia* in proceedings that day was a man who had appeared at his first hearing. Those who had never appeared in court were not ordered removed. The judge noted that usually, if a person fails to appear, that person is in the US, but that these migrants were in Mexico, had been given a hearing date in another country, which "creates an impediment to come to court." The judge further noted his concern about the ability of asylum seekers to understand the process and referred to two persons in court that day who spoke an indigenous language and understood very little Spanish.<sup>119</sup>

In El Paso, Immigration Judge Herbert has ordered over 150 people removed *in absentia*, according to the Hope Border Institute.<sup>120</sup> Asylum seekers ordered deported *in absentia* are barred from returning to the United States for at least 10 years.

Human Rights Watch witnessed the El Paso judge telling attorneys that errors to names and unusable or incorrect addresses in court records were not as significant considering

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<sup>118</sup> Kate Morrissey, "San Diego Immigration Court 'Overwhelmed' by Remain in Mexico Cases," *San Diego Union Tribune*, June 3, 2019, <https://www.sandiegouniontribune.com/news/immigration/story/2019-05-31/san-diego-immigration-court-overwhelmed-by-remain-in-mexico-cases> (accessed on June 6, 2019).

<sup>119</sup> Human Rights Watch observation of immigration court proceedings, San Diego, California, May 22, 2019.

<sup>120</sup> Hope Border Institute, "Remain in Mexico Updates," June 6, 2019, <https://www.hopeborder.org/remain-in-mexico-052219> (accessed June 10, 2019).

the fact that Border Patrol issues a notice to appear in person when asylum seekers are initially sent to Mexico and then again after each hearing they attend.

But for asylum seekers with no money and no access to transportation, arriving at the border may prove difficult when shelters in Ciudad Juárez can be as many as 17 miles from the designated bridge where they are supposed to present themselves as early as 5 a.m. to attend court proceedings in the US. Asylum seekers waiting in Mexicali are expected to travel more than 100 miles to get to their proceedings in San Diego.<sup>121</sup>

One asylum seeker's good faith effort to withdraw his asylum petition, the first known attempt to do so, quickly became twisted and confused under the MPP. Emilio G. (pseudonym) told the judge in El Paso he needed to return to El Salvador to care of his sick infant. Although Emilio was afraid to return to El Salvador, he "will have to take the risk," he said. He needed to work and make money as soon as possible to pay for his baby's medical care, but with no work visa in Mexico and with his asylum case likely to drag on for months or years, returning to El Salvador was the surest possible way to provide his family with immediate support.<sup>122</sup>

Typically, withdrawing an asylum claim means the applicant must go home immediately but reserves the right to apply again later. In this case, the DHS attorney told the judge he'd been ordered by headquarters to object and appeal. The DHS attorney said that because Emilio only had permission to be in Mexico based on his status as an asylum seeker in the MPP program, as soon as the judge granted the petition to withdraw, Emilio may not necessarily have permission to reenter Mexico, and would therefore have no means to travel home. To complicate matters further, Emilio would have trouble taking a direct flight to El Salvador or even traveling by land since Border Patrol had taken his national identification documents.<sup>123</sup>

Emilio was likely going to be detained by US Immigration and Customs Enforcement for the weeks or months it would take the court to reach a decision, and the consequences for his

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<sup>121</sup> Kate Morrissey, "Asylum Seekers Forced to 'Remain in' Mexicali Face Long Journey to Court Hearings," *San Diego Union Tribune*, May 14, 2019, (accessed June 4, 2019), <https://www.sandiegouniontribune.com/news/immigration/story/2019-05-13/asylum-seekers-forced-to-remain-in-mexicali-face-long-journey-to-court-hearings>.

<sup>122</sup> Human Rights Watch observation of court proceeding for Emilio G. (pseudonym), El Paso, Texas, May 9, 2019.

<sup>123</sup> Ibid.

family back home would be devastating. But at the last minute, an attorney present in the courtroom serving as “friend of the court” agreed to represent Emilio, stepping in to make a deal with the DHS attorney.<sup>124</sup>

The attorney was able to negotiate with the DHS attorney so that Border Patrol would return Emilio to Ciudad Juárez along with his identification document, at which point he would immediately travel to El Salvador and send proof to the US government that he was there. Only then would the judge grant his request to withdraw the asylum application. If his application to withdraw had not been granted, Emilio could have been ordered deported *in absentia*.

As described below, however, even with this arrangement, Emilio was not returned to Mexico with his identification document.

In San Diego, one unrepresented asylum seeker said he wanted to move forward anyway and appeared to have already filled out an asylum application form.<sup>125</sup> When the immigration judge went through the standard process of asking him to affirm or deny the government’s charges against him, things became confused.

In response to the charge of whether he sought to enter the US without proper documentation, the asylum seeker said he’d received a “number” at the El Chaparral port of entry in Tijuana, most likely referring to the metering system. But the judge and the DHS attorney failed to understand what he was saying. The judge stated the man seemed to be denying the charge of lacking valid documentation and set another hearing to address this issue. With no attorney to explain the situation to the judge, the asylum seeker found himself delayed at least another two weeks in pursuing his asylum application.

## US Failure to Return Asylum Seekers’ Documents and Possessions

In several of the interviews Human Rights Watch conducted, as well as in court proceedings we observed, asylum seekers reported that Border Patrol agents took some or all of their documents and personal possessions, refusing to return them. DHS attorneys

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<sup>124</sup> Ibid.

<sup>125</sup> Human Rights Watch observation of immigration court proceedings, San Diego, California, May 22, 2019.

acknowledged the practice and Mexican officials stated they commonly encountered migrants returned without their documents.<sup>126</sup>

According to a Reuters report, a DHS official said it has been federal policy since 2013 to return possessions to migrants no longer in their custody, except for those documents believed to be fraudulent or altered.<sup>127</sup>

Asylum seekers consistently reported that when they were initially detained by Border Patrol, agents took their documents, including government-issued forms of identification, photos, memorabilia and other possessions. A report by the DHS Office of the Inspector General found that agents routinely threw away asylum seekers' personal property, including backpacks, handbags and suitcases.<sup>128</sup>

Asylum seekers who were placed into the MPP program and sent to Ciudad Juárez said that their documents were not returned to them.

Without identification, asylum seekers, who are often destitute, may have difficulty receiving financial support from family or friends abroad. For example, with no government-issued ID, asylum seekers told us they would not be able to pick up cash from a Western Union transfer. Meanwhile, asylum cases are likely to take months or even years, creating a nearly impossible situation for asylum seekers forced to make long-term arrangements in dangerous border cities with little to no access to the resources required to sustain themselves.

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<sup>126</sup> Human Rights Watch observation of immigration court proceedings, El Paso, Texas, May 9, 2019; Human Rights Watch interviews with government officials (names withheld), Ciudad Juárez, Mexico, May 7, 2019, and May 9, 2019. It is regular practice for DHS when taking someone into custody to take their personal property, including identification documents. Even when people are released, US Immigration and Customs Enforcement (ICE) often keep passports and other identity documents as evidence of the person's alienage. ICE often holds these documents until the end of proceedings. This routine practice can adversely impact people who are in the US, but it has a particularly egregious impact on those who have been returned to Mexico. See Lutheran Immigration and Refugee Service, "Asylum Seekers: A Supplement to First Steps, An LIRS Guide for Refugees, Asylum Seekers, and Migrants Released from Detention," 2014, [https://www.lirs.org/assets/2474/asylumseekers\\_english.pdf](https://www.lirs.org/assets/2474/asylumseekers_english.pdf) (accessed June 4, 2019).

<sup>127</sup> Julia Love and Kristina Cooke, "Asylum Seekers Say U.S. Officials Returned Them to Mexico but Kept Their IDs," *Reuters (U.S.)*, May 31, 2019, <https://www.reuters.com/article/us-usa-immigration-returns/asylum-seekers-say-u-s-officials-returned-them-to-mexico-but-kept-their-ids-idUSKCN1T115L> (accessed May 28, 2019).

<sup>128</sup> Memorandum from John V. Kelly, acting inspector general, Office of the Inspector General, Department of Homeland Security, to Kevin McAleenan, acting secretary, Department of Homeland Security, "Management Alert – DHS Needs to Address Dangerous Overcrowding Among Single Adults at El Paso Del Norte Processing Center," May 30, 2019, <https://www.oig.dhs.gov/sites/default/files/assets/2019-05/OIG-19-46-May19.pdf> (accessed June 17, 2019).

- Kimberlyn, the 23-year-old mother from Honduras who was express-kidnapped after being returned to Mexico under the MPP, said that Border Patrol agents took all of her documents when they detained her and never returned them. When they sent her to Mexico, they only gave her a notice to appear in court. She said she now has no proof that her daughter is even her own.<sup>129</sup>
- Delia E. (pseudonym), a 43-year-old asylum seeker from Guatemala who was traveling with her 18-year-old daughter, said Border Patrol agents took all of her documents, mementos, photos, and other possessions. She said she asked agents to give her documents back to her, but they accused her of using a false name and refused. “It infuriates me, the way they took all of my mementos and everything from me,” Delia said.<sup>130</sup>
- Bernardo P. (pseudonym), a 28-year-old asylum seeker from Honduras, said Border Patrol agents took his ID and cell phone. When he tried to get his possessions back, he said they refused, telling him that the law prevents them from returning such items. Though Human Rights Watch could not verify Bernardo’s exchange with agents, returning asylum seekers’ documents is not illegal. As a result, Bernardo said he has had no access to his money and no way to receive financial support from anyone else. Because the shelter he was staying in has a limit on the number of days asylum seekers can stay, he would soon have to search for somewhere else to stay.<sup>131</sup>

Asylum seekers may also have difficulty traveling, meaning they are not free to seek asylum elsewhere or return home.

As noted above, CBP refused to return a government-issued identification to Emilio, the asylum seeker who needed his ID to make an urgent trip home to care for his 6-month-old baby who had become gravely ill.<sup>132</sup>

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<sup>129</sup> Human Rights Watch interview with Kimberlyn, Ciudad Juárez, Mexico, May 7, 2019.

<sup>130</sup> Human Rights Watch interview with Delia E. (pseudonym), Ciudad Juárez, Mexico, May 8, 2019.

<sup>131</sup> Human Rights Watch interview with Bernardo P. (pseudonym), Ciudad Juárez, Mexico, May 8, 2019, and observation of immigration court hearing, El Paso, Texas, May 9, 2019.

<sup>132</sup> Human Rights Watch observation of immigration court hearing for Emilio G. (pseudonym), El Paso, Texas, May 9, 2019; Human Rights Watch observation at Paso Del Norte port of entry, El Paso, Texas, and Ciudad Juárez, Mexico, May 10, 2019.

Emilio appeared at his preliminary court proceeding in El Paso on May 9, where the judge agreed to allow Emilio to withdraw his application for asylum, a process that means he could seek asylum in the future without hurting his case. In order to return to El Salvador, Emilio would need his ID, which Border Patrol had taken.<sup>133</sup>

Yet when CBP officers sent Emilio to Ciudad Juárez, they did not return his ID. The next day, when Human Rights Watch and the Hope Border Institute accompanied Emilio to the border to try again to get his ID, a Border Patrol supervisor refused to see the group.

Human Rights Watch followed up with the Department of Homeland Security to find out why Border Patrol agents were refusing to return documents. A spokesperson referred us to the MPP information page, which says nothing about the practice. When asked for clarification, the spokesperson stopped responding.<sup>134</sup>

Emilio ultimately traveled to a Salvadoran consulate in Monterrey, Mexico, about 722 miles (1,162 kilometers) southeast of Ciudad Juárez, where he received a new form of identification and then left the following day for El Salvador.<sup>135</sup>

## Separation of Families within the MPP Program

Human Rights Watch documented several reports of family separation, where agents split apart families who'd been traveling together at the border. Children, including some with mental health conditions, were separated from non-parental guardians by Border Patrol, classified as "unaccompanied alien children," and placed into the custody of a US Department of Health and Human Services (HHS)-funded shelter in the United States.<sup>136</sup> Meanwhile, the adult family member was sent to Mexico for the duration of their lengthy asylum case.

Staying in touch is especially difficult for families separated under the MPP, since those forced to wait in Mexico may not have access to a cell phone or landline.

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<sup>133</sup> Ibid.

<sup>134</sup> Human Rights Watch email correspondence with April Grant, spokesperson, US Department of Homeland Security Headquarters, May 14, May 23, and June 12, 2019.

<sup>135</sup> Human Rights Watch text message correspondence with Edith Tapia, research policy analyst, Hope Border Institute, El Paso, Texas, June 24, 2019.

<sup>136</sup> Human Rights Watch observation of immigration court hearings, El Paso, Texas, May 8, 2019.



- Wilfredo S. (pseudonym), a 19-year-old Central American asylum seeker, said he had been separated from his 17-year-old sister who has a mental health condition and has not seen her in five weeks. Wilfredo showed the court he carried a power of attorney document that he said gives him power to make decisions about his sister in their parents' absence. DHS attorneys said their records show the girl had already been released from HHS custody to a family friend, but Wilfredo said he had learned the previous day from their mother that his sister remained in custody. He said he had not been able to contact his sister.<sup>137</sup>
- Elias S. (pseudonym), a 19-year-old Central American asylum seeker, said in immigration court that he had been separated from his three minor siblings, ages 9, 13 and 17, one of whom had been raped. DHS attorneys said they had no record that Elias was traveling with younger siblings, let alone that they had been separated. Elias said their mother lives in the US and that while his 13-year-old brother had been released to their mother, his two little sisters remained in HHS custody. Though his mother was in touch with the two girls, he said he had not been able to talk to them.<sup>138</sup>
- Gil X. (pseudonym), a 28-year-old asylum seeker from Guatemala, said he was separated from his 15-year-old brother for whom he is the primary caregiver. Gil showed the court a power of attorney form, which he said he had carried since their father died. He said it had been over five weeks since he was separated from his brother and that they had not been able to speak in that time because the process is too complicated and expensive.<sup>139</sup>
- Amanda M., a 19-year-old asylum seeker from Guatemala, said that after she and her 14-year-old sister turned themselves in to Border Patrol and she told them she was afraid to return to her country, an agent told her, "We can't help you here." She said she was separated her from her little sister, who was ultimately released to their brother in the US. Meanwhile, Amanda was returned to Mexico, where she

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<sup>137</sup> Human Rights Watch observation of court hearing for Wilfredo S. (pseudonym), El Paso, Texas, May 8, 2019.

<sup>138</sup> Human Rights Watch observation of court hearing for Elias S. (pseudonym), El Paso, Texas, May 8, 2019.

<sup>139</sup> Human Rights Watch observation of court hearing for Gil X. (pseudonym), El Paso, Texas, May 8, 2019.

said she is too afraid to leave the hotel room she shares with some other girls. Sometimes, they don't eat so that they can pay for shelter, Amanda said.

- Josefa C. is a 53-year-old grandmother who raised her three granddaughters after their mother moved to Texas. When she fled from Honduras, she took her granddaughters, then ages 7, 12 and 15, with her. She said Border Patrol took the girls away, forcibly removing the children as the 7-year-old clung to Josefa's pants and all four cried. She was returned to Mexico alone, while the three girls were eventually released to their mother in Texas.<sup>140</sup>

The MPP is applied selectively, and not everyone seeking asylum in the US is placed in the MPP program. According to Mexican officials, and verified by local attorneys and advocates, nearly all of those placed into the MPP are Central Americans from Northern Triangle countries, the vast majority of whom told Mexican officials they had family in the US.<sup>141</sup> Recently, under the expansion of the MPP, Cubans and some others have also been included in the program.<sup>142</sup>

Human Rights Watch also documented non-custodial family separations that occurred when asylum seekers were returned to Mexico while their family members were released in the US to pursue their asylum cases from within the country.

- Christopher E. (pseudonym) fled Honduras with his pregnant wife. He told a research analyst with the Hope Border Institute who interviewed him that as they were traveling through Mexico, they were kidnapped in Nuevo Laredo, Tamaulipas, for two months. When their kidnappers couldn't get ahold of a family member, they were eventually released. By the time they turned themselves in to Border Patrol, Christopher's wife was six-months pregnant. Border Patrol separated them, sending Christopher back to Ciudad Juárez and releasing his wife to his brother in Tennessee who has epilepsy. He said he was worried about them both. He also

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<sup>140</sup> Human Rights Watch interview with Josefa C. (pseudonym), El Paso, Texas, May 7, 2019, and observation of immigration court hearing, Ciudad Juárez, Mexico, May 8, 2019.

<sup>141</sup> Estados Unidos Mexicanos Secretaría de Gobernación, Instituto Nacional de Migración, MPP Program—Chihuahua, May 13, 2019, and MPP Program—Tijuana and Mexicali, (copies on file with Human Rights Watch) May 14, 2019.

<sup>142</sup> Ibid.

said he was too afraid to leave the home where he was staying with a local pastor. “One feels as if one is not a human being,” Christopher said.<sup>143</sup>

- Jose C. (pseudonym) fled Central America with his brother, his brother’s wife and their baby. When they were detained by Border Patrol, agents separated them, sending Jose to Ciudad Juárez and his brother, sister-in-law, and their child to the US where they were also in asylum proceedings. At Jose’s preliminary hearing, the immigration judge told him that Border Patrol separated the family because Jose is considered a single adult, while his brother, brother’s wife and their baby are considered a family unit. The judge also said their cases could possibly be consolidated later on, but that it would depend on how quickly each case moved.<sup>144</sup>

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<sup>143</sup> Human Rights Watch interview with Edith Tapia, policy research analyst, Hope Border Institute, El Paso, Texas, May 7, 2019. Tapia interviewed Christopher E. May 7, 2019 in Ciudad Juárez, Mexico, alongside Human Rights Watch researchers.

<sup>144</sup> Human Rights Watch observation of immigration court hearing for Jose C. (pseudonym), El Paso, Texas, May 8, 2019.

## US Law and International Refugee Law

The United States in 1968 committed to the central guarantees of the 1951 Convention relating to the Status of Refugees (the Refugee Convention) by its accession to the Refugee Convention's 1967 Protocol.<sup>145</sup> The US government then enacted the Refugee Act of 1980 to bring US law into compliance with the Refugee Convention and Protocol. The Refugee Act incorporated into US law the convention's definition of a refugee and adopted the principle of nonrefoulement, which prohibits the return of refugees to countries where they would face persecution.<sup>146</sup>

The US, as a party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, is also obligated not to return anyone to a country "where there are substantial grounds for believing that [they] would be in danger of being subjected to torture."<sup>147</sup> The UN Human Rights Committee, in its general comment on the prohibition against torture and other ill-treatment, stated that governments "must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement."<sup>148</sup>

As described above, Human Rights Watch's findings indicate that under the Migrant Protection Protocols program, the US fails to comply with its international legal obligations to ensure that asylum seekers can fairly exercise their right to seek asylum and are protected from refoulement. The MPP defeats mechanisms already in place in US law

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<sup>145</sup> Convention Relating to the Status of Refugees, 189 U.N.T.S. 150, entered into force April 22, 1954, <http://www.unhcr.org/3b66c2aa10.html>; UN Protocol Relating to the Status of Refugees, 606 U.N.T.S. 268, entered into force October 4, 1967. The United States acceded to the 1967 Protocol in 1968.

<sup>146</sup> The US incorporated the provisions of the 1967 Protocol into domestic law through the Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat 102 (1980). As the Supreme Court has confirmed, a primary purpose of Congress in passing the Refugee Act "was to bring United States refugee law into conformance with the 1967 United Nations Protocol." *INS v. Cardoza-Fonseca*, 480 U.S. 421, 426 (1987); see also *INS v. Stevic*, 467 U.S. 407, 416-24 (1984) (providing a history of the incorporation of the Refugee Convention standards into US law through the 1967 Protocol and the Refugee Act of 1980).

<sup>147</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, article 3(1).

<sup>148</sup> UN Human Rights Committee, General Comment 20, Article 7 (Forty-fourth session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 30 (1994), para. 9.

(specifically the asylum process in US immigration courts) to ensure that asylum seekers are identified and have a fair process through which to present their claims. Under the MPP, asylum seekers are returned to a country where they may be at risk of serious harm and where their vulnerability is compounded by the lack of access to humanitarian visas or work permits.

As of June 2019, US courts were considering whether the MPP was legal under US law. The American Civil Liberties Union, Southern Poverty Law Center, and Center for Gender & Refugee Studies filed a lawsuit challenging the MPP on February 14, 2019. A federal court issued a preliminary injunction in April, and in early May, the Ninth Circuit issued a stay, allowing the program to proceed while the Ninth Circuit considered the government's appeal of the preliminary injunction.<sup>149</sup>

Two main questions were being argued:

- 1) Whether the Immigration and Nationality Act (INA) authorizes the Department of Homeland Security to carry out the MPP;
- 2) If DHS does have the authority to carry out the MPP, whether the program is in compliance with US laws that prohibit migrants from being returned to a territory where they would be subjected to persecution or torture (nonrefoulement).

At issue are provisions of INA section 235. Section 235 deals with procedures for inspecting foreign nationals entering the US and the treatment of those who do not have the legal authorization to do so, which includes people who apply for asylum at the US border.<sup>150</sup>

Section 235(b)(2)(C) states that “in the case of an alien . . . who is arriving on land (whether or not at a designated port of arrival) from a foreign territory contiguous to the

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<sup>149</sup> *Innovation Law Lab v. Nielsen*, US District Court, Northern District of California, Case No. 19-00807, order granting preliminary injunction, April 8, 2019; *Innovation Law Lab v. Nielsen*, US Court of Appeals for the Ninth Circuit, Case No. 19-15716, stay order, May 7, 2019.

<sup>150</sup> Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing, *US Congress*, 8 USC 1225, 1952, <http://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title8-section1225&num=0&edition=prelim> (accessed June 10, 2019).

U.S.,” the Secretary of Homeland Security “may return the alien to that territory pending a [removal] proceeding” under INA section 240.<sup>151</sup>

The district judge, in issuing the preliminary injunction initially blocking the MPP, said the statute could not be read to apply to asylum seekers being forced to wait in Mexico.<sup>152</sup>

The district judge’s opinion states that Congress defines two categories of aliens. Asylum seekers are among those described under the first paragraph. The second paragraph describes “other aliens.” The decision finds the contiguous territory return provision “shall not apply to an alien to whom paragraph one (1) applies” and can only be applied to the second category of migrants described in paragraph two, which includes those “suspected of being, inter alia, drug addicts, convicted criminals, terrorists, or alien smugglers, and who would therefore be inadmissible.”<sup>153</sup>

The US government, however, argues that paragraphs one and two create overlapping categories, which would mean asylum seekers arriving on land from a contiguous territory could be sent back to that territory for the duration of their asylum cases at DHS discretion.

In reversing the district court’s decision, the Ninth Circuit agreed with the US government’s interpretation of these provisions. It also found that the likelihood of harm upon return to Mexico is “reduced somewhat by the Mexican government’s commitment to honor its international law obligations and to grant humanitarian status and work permits to individuals returned under the MPP.”<sup>154</sup> Nonetheless, two of the three judges on the panel that issued the decision wrote separate opinions expressing reservations about the program’s legality.<sup>155</sup>

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<sup>151</sup> “Migrant Protection Protocols,” DHS press release, January 24, 2019, <https://www.dhs.gov/news/2019/01/24/migrant-protection-protocols> (accessed June 10, 2019).

<sup>152</sup> *Innovation Law Lab v. Nielsen*, US District Court, Northern District of California, Case No. 19-00807, order granting preliminary injunction, April 8, 2019.

<sup>153</sup> *Ibid.*

<sup>154</sup> *Innovation Law Lab v. Nielsen*, US Court of Appeals for the Ninth Circuit, Case No. 19-15716, stay order, May 7, 2019.

<sup>155</sup> *Ibid.*

With respect to the question of nonrefoulement under the MPP, DHS acknowledged in its internal MPP policy guidance that it has a responsibility to ensure migrants are not returned to conditions where they are likely to face persecution or torture.<sup>156</sup>

As the findings in this report make clear, the Ninth Circuit relied on assurances by the Mexican government that have not been borne out in reality – asylum seekers placed into the MPP program do not have meaningful access to the US asylum process and are at risk of return to dangerous conditions.

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<sup>156</sup> Memorandum from Kirstjen Nielsen, secretary, Department of Homeland Security, to L. Francis Cissna, director, US Citizenship and Immigration Services, Kevin McAleenan, commissioner, US Customs and Border Protection, Ronald Vitiello, deputy director and senior official performing the duties of director, US Immigration and Customs Enforcement, January 25, 2019, [https://www.dhs.gov/sites/default/files/publications/19\\_0129\\_OPA\\_migrant-protection-protocols-policy-guidance.pdf](https://www.dhs.gov/sites/default/files/publications/19_0129_OPA_migrant-protection-protocols-policy-guidance.pdf) (accessed June 10, 2019).

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The Trump administration has pursued a series of policy initiatives aimed at making it harder for people fleeing their homes to seek asylum in the United States, separating families, limiting the number of legal entries, prolonging detentions, and narrowing the grounds of eligibility. In January 2019, the administration expanded its crackdown on asylum to a wholly new practice: that of returning asylum seekers to Mexico where they are expected to wait until their US asylum court proceedings conclude, for months and perhaps even for years.

*“We Can’t Help You Here”*: *US Asylum Seeker Returns to Mexico* details serious abuses associated with the US Department of Homeland Security’s so-called Migrant Protection Protocols (MPP). Based on interviews with asylum seekers in Ciudad Juárez, Mexico, attorneys, advocates, and Mexican and US government officials, as well as court monitoring in El Paso, Texas, the report reveals asylum seekers are trapped in dangerous Mexican border cities with limited shelter space where they lack meaningful access to due process in the US and face risks to safety and security.

Human Rights Watch calls on the Department of Homeland Security to immediately end the MPP program and cease returning asylum seekers to Mexico in order to ensure their safety, access to humanitarian support, and due process in their asylum proceedings. The US government should also reduce the backlog in the immigration court system and avoid detaining migrants, especially asylum seekers, children, families, those with physical or mental health concerns, and other vulnerable populations.

*(above)* A sign in front of a migrant shelter in Ciudad Juárez, Mexico, informs asylum seekers that they have no space, May 2019. This shelter is located in a particularly dangerous neighborhood, and asylum seekers there said they were afraid to leave, even to go to the store just blocks away.

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*(front cover)* Immigrants attempt to enter the US between Ciudad Juarez, Mexico and El Paso, Texas, on April 29, 2019. Family apprehensions in El Paso area have topped about 60,000 individuals, an increase of 1,670%, up from about 3,000 last year, according to officials.

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# EXHIBIT S

## Barred at the Border:

### Wait “Lists” Leave Asylum Seekers in Peril at Texas Ports of Entry

While President Trump reportedly [demanded](#) that former Secretary of Homeland Security Kristjen Nielsen resign over her failure to block all asylum seekers from entering the country, the United States has been closing its borders to many asylum seekers for years by illegally [turning away](#) and restricting people seeking refuge at official land border crossings. Customs and Border Protection (CBP) agents have physically blocked access to ports of entry and refused to refer people seeking asylum to a protection screening interview or immigration court proceedings where they can request asylum.

In March 2019, CBP Commissioner Kevin McAleenan acknowledged this practice of so-called “metering” or “queue management” in testimony to the Senate Judiciary Committee, but [claimed](#) that only three ports of entry have long wait times for asylum seekers and that at “most ports of entry [...] [t]here is no waiting at all.” McAleenan also denied that restrictions on asylum processing at ports of entry push asylum seekers to cross illegally between ports.

Yet recent [research](#) by Human Rights First, other [human rights monitors](#), and [academic researchers](#) shows that asylum seekers remain stranded for weeks or months in Mexico often on waiting “lists” now common in at least [ten](#) border towns from Tijuana to Matamoros. In danger and at risk of *refoulement* to their home countries, asylum seekers are at the mercy of the individuals in Mexico who run these “lists” in order to seek asylum in the United States. Some cross the border between ports of entry—afraid to wait in danger in Mexico or at times unaware of how to even get on a “list.”

In late February and early March, Human Rights First visited three ports of entry in Texas, at Del Rio, Eagle Pass and Laredo, where researchers found hundreds of asylum seekers waiting for weeks and in some cases months because of CBP restrictions on asylum processing. These included asylum seekers from the group of 1,800 Central American migrants whom the Trump Administration attempted to block from reaching the Eagle Pass port in early February by deploying hundreds of active-duty military troops, Border Patrol agents, and Texas state troopers in a [“show of force.”](#) This report is based on field observations and interviews with asylum seekers, attorneys, researchers, migrant shelter directors, and government officials.

The findings include:

- ☑ **Systematic illegal turn-backs of asylum seekers by CBP forced hundreds of asylum seekers to wait for one or more months to seek asylum by late February 2019.** Asylum seekers who intended to seek protection at an official crossing point reported that they crossed elsewhere because they were unable to physically reach the port of entry and feared remaining in Mexico.
- ☑ **CBP directly collaborated with the Mexican *Instituto Nacional de Migración* (National Migration Institute or INM) and other Mexican government officials to prevent asylum seekers, including Mexican nationals, from reaching ports of entry and in dictating the number and demographics of asylum seekers accepted.** These actions violate the right of refugees to seek international protection, including the right of Mexican nationals to leave their country to request asylum.

- ☑ **Asylum seekers marooned in Mexico have been kidnapped, assaulted, and extorted and are at risk of deportation by Mexican migration officers (INM).** In Piedras Negras, a young Honduran man was beaten by a state police officer, and INM deported three asylum seekers who were arrested for loitering. In Nuevo Laredo, many asylum seekers are kidnapped including a gay couple from Honduras who were separated, beaten, threatened, and extorted.
- ☑ **The use of “lists” placed asylum seekers waiting to request protection in the United States at risk of being identified and located in Mexico and susceptible to extortion by “list” managers.** In Piedras Negras, where private individuals have run the list on behalf of the municipality, a previous “list” manager allegedly extracted payments from asylum seekers to join a parallel, expedited “list.” In Ciudad Acuña, Grupos Beta allegedly extorts between \$500-\$1,300 from migrants to move their names to the top of the list.

Rather than continuing these orchestrated restrictions on asylum processing at ports of entry in violation of U.S. law and international treaty obligations, Human Rights First [urges](#) the Trump Administration to:

- ☑ **Direct CBP to deploy more officers to U.S. ports of entry to restore orderly asylum processing.**
- ☑ **Work with Congress to increase, not cut, support for initiatives to counter the human rights abuses, economic deprivations, and climate displacement prompting people to flee Central America.**
- ☑ **Work with Congress to bolster UN Refugee Agency efforts to expand and improve regional refugee protection systems—including in Mexico, Costa Rica, Belize, and Panama—so more refugees can seek protection in these countries.**



## CBP “Metering” of Asylum Seekers at Ports of Entry and Resulting Wait “Lists” (Late February 2019)

U.S. Port of Entry	Del Rio, TX (Ciudad Acuña, Coahuila, Mexico)	Eagle Pass, TX (Piedras Negras, Coahuila, Mexico)	Laredo, TX (Nuevo Laredo, Tamaulipas, Mexico)
# of Asylum Seekers CBP Processes	0 to 1 per day, sometimes 1 family	~ 12 per day	5 to 15 per day, sometimes 0
Who Controls the Wait “List”?	Grupo Beta	Private citizen engaged by municipal government	Instituto Nacional de Migración (INM)
# of Asylum Seekers on “List”	~ 218	~ 180	> 500
Estimated Wait	> 40 days	~ 1 to 2.5 months	~ 3 weeks

## CBP Illegally Turns Back Asylum Seekers in Coordination with Mexican Officials

U.S. immigration laws enshrine the right to seek asylum. Sections 208 and 235 of the Immigration and Nationality Act (INA) make clear that asylum seekers at official U.S. border posts—known as ports of entry—must be permitted to request protection. Asylum claimants with credible fears of persecution cannot legally be turned away under domestic law and pursuant to the principle of *non-refoulement* under the Refugee Convention.

Yet U.S. border officers continue to rebuff asylum seekers at ports of entry, often claiming that ports are full. Since 2017, Human Rights first and other groups have [documented](#) many of these illegal turnbacks. CBP describes this practice as “metering” (restricting the flow of asylum seekers) and misleadingly suggests that it is a form of “queue management.” In fact, this practice reflects the administration’s [policy](#) to limit and reduce the number of asylum seekers CBP processes at ports of entry. Nor does CBP “manage” waiting asylum seekers. Instead, informal wait “list” systems have developed in border towns operated by Mexican government officials, private citizens, NGOs or asylum seekers themselves. Mexican migration and other officials also often act in concert with CBP to prevent asylum seekers from setting foot on U.S. territory or reaching ports of entry unless they submit to the “list” system.

During its recent monitoring of ports of entry on the Texas-Mexico border Human Rights First found:

- At the Eagle Pass Port of Entry, CBP officers directed a private citizen acting on behalf of the Piedras Negras municipal government to remove asylum seekers from international bridges and relied on a “list” managed by that individual to process asylum seekers.**
  - **CBP does not process any asylum seekers on International Bridge I, and only accepts asylum seekers on International Bridge II who have been called from the “list.”** Human Rights First observed multiple CBP officers deployed at the international border line on both bridges conducting checks of travel documents thereby blocking asylum seekers from entering U.S. territory or approaching the port of entry structures.
  - **Asylum seekers were placed on a “list” that contains their names, dates of birth, sex, nationality, phone number, photograph and a local address.** As of late February 2019, approximately 180 asylum



seekers were on the “list.” The “list” manager asked asylum seekers to send this information via WhatsApp message and instructs asylum seekers without telephones or the application to use another individual’s mobile phone because he prefers to receive all asylum seeker information in this manner. Officials from the municipal government also had access to the “list.”

- **CBP officers on these bridges contacted the private businessperson who serves as the link between the municipal government of Piedras Negras and U.S. immigration officers by telephone**, often using WhatsApp – an end-to-end [encrypted messaging service](#), when people try to seek asylum at the bridge and request that the list manager remove them from the area. Asylum seekers were not allowed to remain on the bridge to request protection.
- **Unaccompanied children could not place their names on the “list” and any unaccompanied children encountered by the “list” manager are taken to a local shelter** run by the *Sistema Nacional para el Desarrollo Integral de la Familia* (National System for Integral Family Development or DIF). Permanent migrant shelters in Piedras Negras reportedly could not accept unaccompanied minors.
- **On days that CBP processed asylum seekers, a CBP officer informed the “list” manager via WhatsApp voice message of the number and demographics (families, single males, single females, etc.) of the asylum seekers the port will accept.** The manager sent a list of the asylum seekers with their photographs to CBP and his staff picked up the asylum seekers from local shelters and dropped them off on the Mexican side of International Bridge II to cross on foot.
- **During a meeting between Human Rights First researchers with the “list” manager, he received a voice message on WhatsApp from an individual he identified as a CBP officer instructing him to send six asylum seekers to the port.** The day prior CBP had accepted 12 individuals from the list. According to the “list” manager and shelter directors in Piedras Negras, the port generally accepted a maximum of 12 to 15 asylum seekers per day, and on some days takes no asylum seekers.
- ☑ **At the Del Rio Port of Entry, CBP officers asked officials from Grupo Beta, an arm of INM, to remove asylum seekers from the international bridge leading to the port and accept asylum seekers only from the “list” maintained by Grupo Beta.**
  - **Asylum seekers attempting to request protection at the Del Rio port of entry were similarly turned away from the international bridge by CBP or Mexican officials guarding on the pedestrian walkway.** Human Rights First did not observe any Mexican immigration officials stationed on the bridge on the day of its monitoring visit; however, several CBP officers were positioned at the international line on the bridge checking travel documents.
  - **When asylum seekers tried to cross the international bridge to the Del Rio port of entry, CBP officers called Mexican officials from Grupo Beta to remove them from the bridge.** Asylum seekers were not permitted to wait on the bridge.
  - **In late February, Human Rights First researchers were shown the “list” of waiting asylum seekers in the Ciudad Acuña offices of Grupo Beta, which controls the asylum seeker “list.”** It contained 218 named asylum seekers along with their nationality (or state for Mexican asylum seekers) and date of birth. Approximately 80% of the asylum seekers were Mexican. The list was reportedly shared with CBP, Mexican civil protection authorities and local shelter directors.
  - **With one person processed per day generally, and some days no asylum seekers processed, the individual at the front of the “list” had already been waiting 40 days** and a Grupo Beta representative estimated that the wait time would likely grow to two months or more. Although the Del Rio port previously

did not accept any family units, it reportedly began to accept some families but reduced asylum seeker processing after taking in a family.

- **Hundreds of asylum seekers were reportedly accommodated in a temporary shelter in the city located in a converted gymnasium** provided by the [municipality](#) as the number of asylum seekers blocked from the port of entry grew. A few asylum seekers stayed in private accommodations in the city and at least one family with suspected tuberculosis was reportedly being transferred to the city's permanent migrant shelter.



CBP officers at the international borderline checking travel documents on the bridge leading to the Del Rio port of entry (March 2019)

- ☑ **At the Laredo Port of Entry, CBP only accepted asylum seekers from the INM-controlled “list” but INM only permitted individuals with valid migration status in Mexico to place their names on the “list.”**
  - **On the international bridge between Nuevo Laredo and Laredo, CBP officers were stationed at the international boundary line checking travel documents to prevent asylum seekers from reaching the port.** Only asylum seekers who had been called from the INM controlled “list” were permitted to approach the port of entry.
  - **Asylum seekers attempting to reach the U.S. port of entry were directed by INM to the city’s two primary migrant shelters – *Casa Migrante AMAR* and *Casa de Migrante Nazareth* – and told to register their biographical information for the waiting “list.”**
  - **However, non-Mexican asylum seekers who lacked valid temporary transit permits, humanitarian visas, or other valid migration status were [not permitted](#) to add their names to the “list.”** A shelter directed confirmed to Human Rights First that because of this requirement his shelter does not accept individuals without valid migratory status in Mexico.
  - **CBP informed INM of the number of asylum seekers it will accept, and INM transmitted this information to shelter directors who transport asylum seekers to the international bridge.** Human Rights First observed 50 to 60 asylum seekers (with more individuals arriving as the monitoring team departed), including a large number of young children, sleeping in the cold on the concrete sidewalk adjacent to the bridge roadway waiting to be processed at the U.S. port of entry.

- **Asylum seekers at the front of the physical queue reported that they had been on the bridge for three days after having been transported from the shelter where they had been staying for two and a half weeks.** They said that during their time waiting on the bridge that between five and 15 asylum seekers had been permitted into the port of entry each day.
- **At one shelter Human Rights First visited, nearly 250 asylum seekers from Africa, Central and South America, and the Caribbean were being accommodated in extremely cramped conditions in a facility meant to house less than one hundred.** Asylum seekers reported that dozens of individuals were forced to sleep in corridors as well as in an open concrete yard and that several women who were pregnant or had recently given birth were sleeping on the floor.

## Blocking Access to the Eagle Pass Port of Entry Pushed Asylum Seekers to Cross the Border Away from the Port

CBP's efforts to physically block access to ports of entry and restrict the processing of asylum seekers across the southern border led some asylum seekers to cross into the United States between official border posts—even when they originally intended to seek protection at a port of entry. The DHS Office of the Inspector General (OIG) explained in a September 2018 report that limiting the number of individuals allowed to seek asylum at a port of entry leads some “who would otherwise seek legal entry into the United States to cross the border illegally.” The OIG reported that a CBP official acknowledged that the port of entry backlogs “likely resulted in additional illegal border crossings.” Human Rights First has previously [documented](#) cases of asylum seekers who considered crossing or crossed the border between ports of entry due to the port-processing reductions.

In early February 2019, a group of 1,800 asylum seekers and migrants mainly from Central American arrived in Piedras Negras, Mexico, across from the Eagle Pass, Texas port of entry. In response, U.S. officials sent more than 200 active-duty [troops](#) to the US side of the border, deployed CBP officers in riot gear to international bridges, and temporarily halted traffic between Piedras Negras and Eagle Pass to conduct readiness exercises aimed at preventing groups of asylum seekers from approaching the port. The Trump administration also sent over 100 police vehicles to the scene in what Border Patrol called a “[show of force](#)” to deter Central American migrants from crossing the border. On the Mexican side, INM and local officials involuntarily detained the group in a disused body-bag factory in [poor conditions](#) with insufficient food, bedding and clothing. While hundreds of individuals registered to seek asylum, the Eagle Pass port continued to [limit processing](#) to fewer than 20 asylum claimants per day—creating a likely months-long backlog for those detained in the factory.

### Efforts by CBP and Mexican officials to block access to the Eagle Pass port pushed some asylum seekers who would have otherwise requested asylum at the port to cross the border elsewhere:

- A Honduran woman with a ten-month-old baby told Human Rights First that she was held in the Piedras Negras factory for more than a week. When a guard took pity on her and allowed her to temporarily leave the facility with her infant to purchase food, she immediately proceeded to the Rio Grande and crossed the river into the United States without any belongings or her important documents. She feared her baby would not survive a months-long wait in the factory with hundreds of sick children and adults before they would be allowed to request asylum off of the waiting “list.”
- A Nicaraguan asylum seeker reported that he had arrived in Piedras Negras in February with the intention of crossing the international bridge to seek asylum at the port of entry. But with U.S. and Mexican forces blocking the bridge on the night he arrived, the man crossed the Rio Grande into the United States with his young son because he was afraid to spend the night sleeping outside in the notoriously dangerous



border region. He turned himself in to Border Patrol the next day and was awaiting a credible fear interview while detained at the Karnes family detention center at the time of interview.

## Putting U.S. Asylum Processing in the Hands of “List” Managers in Mexico Endangers Asylum Seekers

Although CBP refers to its policy of turning away asylum seekers as “queue management,” the agency does not manage the line of waiting asylum seekers in Mexico. Instead, the ad hoc organization of the “lists” of asylum seekers that have developed in border towns from Tijuana to Matamoros has fallen to a variety of actors, including Mexican migration officials, municipal authorities, and civil society organizations. CBP officers closely coordinate with these “list” managers to dictate the number and demographics of asylum seekers the ports of entry will process. In abdicating the management of refugee processing to Mexico and neglecting to restore prompt asylum processing at ports of entry, CBP fails to ensure that asylum seekers can actually request protection and fails to protect individuals fleeing immediate danger in Mexico.

Human Rights First identified a variety of concerns with respect to the operation of these “lists” including:

- The rules and procedures imposed by “list” managers limit asylum seekers’ access to protection in the United States.**

  - In Nuevo Laredo, INM only permitted asylum seekers with legal migration status in Mexico (such as a temporary transit permit, humanitarian visa, or other visa) to register on the asylum wait “list” for the Laredo port of entry. Further, migrant shelters in the city refused to accept asylum seekers who are not eligible to place their names on the “list.” One shelter director also reported that asylum seekers not staying in one of the city’s migrant shelters, despite their lack of capacity, are not eligible for the INM-controlled “list. **These unofficial local rules leave asylum seekers without valid Mexican migration documents in extreme peril in a city where kidnapping of migrants is extremely common.**
- Asylum seekers, particularly those with limited resources and those who do not find space in permanent migrant shelters, were unaware of asylum “lists” and/or lacked information about how to access them.**

  - For instance, only one person out of more than 40 migrants at a temporary church shelter visited by Human Rights First in Piedras Negras was aware that they were required to send their biographical information to the “list” manager via a WhatsApp message in order to apply for asylum. Three families of Honduran asylum seekers who had been staying in private accommodation in Piedras Negras for several weeks also reported that they were unaware of how to request asylum or access the “list” there despite speaking with officers from Grupo Beta. A Congolese family in Nuevo Laredo reported that they had slept on the dangerous city streets for five days before learning that they had to secure beds in a migrant shelter to access the asylum “list.”
- Asylum seekers are vulnerable to extortion by “list” managers.**

  - Several individuals with knowledge of the asylum “list” in Piedras Negras alleged that the man who previously managed the process for the prior municipal government extorted payments from asylum seekers to join a parallel, expedited “list.”
  - In Ciudad Acuña, officials from [Grupo Beta](#) also have reportedly charged asylum seekers between \$500-1,300 to get their names higher up on the “list” to enter the U.S. more quickly.
- Allowing Mexican government officials to control or access wait “lists” places asylum seekers at risk.**

- In Ciudad Acuña, Piedras Negras and Nuevo Laredo, government officials or agents managed the “lists.” That Mexican officials control these “lists” raises concerns about the safety of asylum seekers as Mexican migration officials have been implicated in organized crime and extortion of migrants. In [Reynosa](#), for example, top-level INM officials have been implicated in kidnapping and extortion schemes for migrants from Central America and the Caribbean.
  - Further, requiring Mexican asylum seekers to disclose their biographical information, photograph, and location to a Mexican local or federal official places them at risk of being discovered by their persecutors – whether members of the government or non-state persecutors who can [access](#) supposedly private Mexican government files. At some ports of entry, like Del Rio, Mexican nationals make up the vast majority of waiting asylum seekers.
- ☑ **Apparent efforts to increase “list” transparency expose sensitive asylum seeker information.**
- Several “list” managers noted that their processes were open to review by federal or local officials. This practice, while ostensibly aimed at increasing transparency and accountability, multiplies the number of government officials with access to a list that contains the names of individuals who fear persecution by or have not been offered the protection of the Mexican government. Additionally, asylum seeker “lists” were publicly posted at shelters in several locations to allow asylum seekers to verify their positions in line. While this practice allows asylum seekers to confirm that they have not been bypassed on the “list,” publicly publishing the names and locations of asylum seekers exposes them to additional risk.



Officers from Grupo Beta, the humanitarian arm of INM, speak with asylum-seeking families in Piedras Negras (February 2019)

## Stranded Asylum Seekers Face Danger and the Risk of Deportation from Mexico

Asylum seekers are often marooned for weeks and sometimes months in Mexican border towns waiting for CBP to process their requests for protection. However, Mexico is [not](#) safe for many asylum seekers, as migrants have been victims of murder, shootings, rape, kidnappings, and human trafficking and may be [targeted](#) on account of their race, nationality, gender, sexual orientation, gender identity, and refugee status, among other factors. Various groups “[including](#) the lesbian, gay, bisexual, and transgender (LGBT) community, people with indigenous heritage, and foreigners in general” face persecution in Mexico.

Asylum seekers reported numerous extreme dangers to Human Rights First. For example:

- A director of a migrant shelter hosting hundreds of asylum seekers reported that kidnappings and extortion are extremely common in Nuevo Laredo and that **many of those staying in the shelter had been previously kidnapped by criminal organizations that target migrants in local hotels, bus stations, and on the streets.**
- A gay couple from Honduras was kidnapped upon arriving at the Nuevo Laredo bus terminal in early February 2019. The kidnappers threw them in separate cars, taking one man to a carwash where he was threatened but ultimately released because he claimed to have no relatives willing to pay for his release. His partner was driven to a house where more than a dozen other migrants were also being held. **The kidnappers struck him in the head, stole what money he had, took his photograph and recorded his biographical details – essentially registering him for further targeting.**
- An asylum seeker reported that she fled Honduras after death threats by gang members who were attempting to extort her there. She feared that the gang had found her in Mexico after an unknown Honduran man randomly attacked her in the street, cutting her ear, injuring her head and knocking her unconscious when she fell to the ground.
- A Guatemalan asylum seeker and three other men left the migrant shelter where he was staying to look for day work while waiting to be called from the asylum “list” at the Laredo port of entry. A group of heavily armed members of the Zetas cartel stopped and threatened the group, taking photographs of them. Two days later, one of the other men was kidnapped.
- A 17-year-old unaccompanied boy from Honduras who was staying at a makeshift shelter in a church in Piedras Negras reported to Human Rights First that he had been robbed of his phone, money and identity documents at knifepoint about four blocks from the shelter.
- A university student who fled Honduras after death threats feared being on the streets outside the migrant shelter where he was staying in Piedras Negras because an officer with *Fuerza Coahuila*, the state police force, had stopped, beaten, and threatened him because he was an undocumented migrant in Mexico.



A gay, asylum-seeking Honduran couple, who were kidnapped from a Nuevo Laredo bus station, display their matching rings while waiting on the Gateway to the Americas bridge to seek asylum at the Laredo port of entry (March 2019)

**Reports by Human Rights First, Human Rights Watch, Amnesty International and other observers document numerous deportations by Mexican authorities of refugees with credible fears of persecution in their home countries without a hearing or, in some cases, any consideration of their protection needs.**

For example:

- Mexican migration authorities told a Salvadoran man and around 30 other men held in the locked factory in Piedras Negras in February 2019 that they would be taken to Reynosa where they could apply for asylum at the McAllen port of entry. Instead, armed Mexican federal police boarded their bus and drove them south away from Reynosa. The man was ultimately deported to El Salvador without being provided information by Mexican authorities on his right to seek asylum in Mexico, nor an opportunity to do so.
- A shelter director in Piedras Negras noted that three Honduran asylum seekers in his shelter who were waiting on the “list” to seek asylum were arrested by local police after a neighbor complained about the men loitering outside the shelter near her home, turned over to INM without appearing before a judge, in violation of Mexican law, and deported.

# EXHIBIT T





# NEEDS ASSESSMENT REPORT

## Mexico: Northern Border

March 25, 2019



**Sectors:** Violence Prevention and Response; Health; Economic Recovery and Development

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**Data Collection:** March 12 – 22 (10 days)

**Locations in Mexico:** Nogales, Sonora; Juarez, Chihuahua; Nuevo Laredo, Tamaulipas

### INTRODUCTION AND JUSTIFICATION

For the first time, Mexico was featured in the International Rescue Committee (IRC) 2019 [Watchlist](#), signaling that IRC's crisis analysis team believes multiple risk factors in country are combining to increase the likelihood of humanitarian crises. One of those factors is the increasing rates of mixed-migration both through Mexico (originating from Northern Triangle countries, and others) and from Mexico – towards the United States. To better understand the humanitarian needs at the border, a decision was taken to assess to determine: 1) what assistance others (including civil society and Mexican government) are providing 2) what the largest needs are, of mixed-migrants at the border 3) modalities of assistance that would maximize IRC's value-add to meet the delta between current assistance and needs.

#### Context Overview

The border between the U.S. and Mexico spans 1,969 miles and has more than 20 checkpoints along its route.<sup>1</sup> The border fence between the two countries covers much of the area between Tijuana/San Diego in the east, and Juarez/El Paso in the center. The border fence has driven many people east towards the more porous border in Texas.<sup>2</sup> All along the border, but particularly in the east, organized crime controls the majority of the border areas which are plagued by crime and violence including trafficking of drugs, weapons, money, and people.<sup>3</sup>

Recent changes in U.S. policy (detailed below) have resulted in long waiting times to present at a port-of-entry along the border, which are most extreme in Tijuana. This coupled with the insecurity in the east, is resulting in a 'funneling' of more mixed-migrants into the central areas such as Nogales and Juarez.<sup>4</sup>

Others avoid the wait by choosing more dangerous crossing routes, such as Nuevo Laredo, Reynosa, Matamoros, and between ports-of-entry; some of these routes had high numbers of border crossings, even before the metering process.<sup>5</sup>

An average of 2,200 people are crossing the border every day.<sup>6</sup> Central Americans, Mexicans, Cubans, and Africans are among those crossing or waiting to cross. Those who have made the long journey have done so on foot, by bus, train, truck, and in some cases, by plane, to reach the U.S./Mexico border, where they are at particular risk of being targeted by criminal groups – who take advantage of their vulnerability.<sup>7</sup> Many either choose to work with - or are

<sup>1</sup> <https://reliefweb.int/report/mexico/mexico-salesian-center-tijuana-provides-meals-shelter-and-other-critical-resources>

<sup>2</sup> <https://www.nytimes.com/2019/01/29/us/border-wall-crossings.html?module=inline>

<sup>3</sup> <https://reliefweb.int/report/mexico/mexico-salesian-center-tijuana-provides-meals-shelter-and-other-critical-resources>

<sup>4</sup> Interviews with Kino Initiative and ACLU

<sup>5</sup> <https://www.azcentral.com/story/news/politics/border-issues/2019/02/20/migrant-caravan-families-us-mexico-border-tijuana-struggle-madre-assunta-shelter-immigration-dhs/2876119002/>; <https://www.nytimes.com/2019/03/05/us/border-patrol-deaths-migrant-children.html?action=click&module=inline&pgtype=Homepage>; <https://www.nytimes.com/2019/01/29/us/border-wall-crossings.html?module=inline>

<sup>6</sup> <https://www.nytimes.com/2019/03/05/us/border-patrol-deaths-migrant-children.html?action=click&module=inline&pgtype=Homepage>

<sup>7</sup> <https://reliefweb.int/report/mexico/msf-cares-migrants-and-refugees-stranded-tijuana-mexico>

victims of migrant smuggling – who reportedly have spread word across Central America that adults who arrive with a child will be able to enter and remain in the U.S., sometimes offering two-for-one pricing.<sup>8</sup>

While waiting to cross the border, mixed-migrants stay in shelters (mostly run by religious groups), in rented rooms, or on the street. The services that are available to them are almost entirely delivered by civil society, and they vary dramatically in both quality and availability, between locations and service providers. The one constant is that service

providers are overwhelmed – in all locations visited services that were established to host, for example, 100 people a day for a maximum of three days, were now accommodating at least three times that many, for well over a month- and they do not have the resources needed.

### U.S. Immigration Policies

To fully understand the situation of mixed-migrants on the border, it is necessary to outline some of the key U.S. policies that affect them. First, there are two ways to enter the U.S.:

- Though a legal port-of-entry- at any of the official border crossings mixed-migrants can arrive and either 1) have a valid U.S. visa and cross (which most do not) or 2) request asylum.
- Between ports-of-entry – mixed-migrants can cross the border anywhere between border points, either on their own or with the help of human smugglers (called coyotes), which some note is the preferred way to migrate. If they are either caught by U.S. border patrol, or surrender to border patrol (which is reportedly more common), they can then either be deported or claim asylum. Among those who indicate a fear of return or intention to seek asylum, Department of Homeland Security is prohibited from returning to their home countries without further evaluation of their claim. Some are sent to ICE detention facilities while others are allowed to pursue their claim in the community, often with an ankle bracelet and other conditions of release (such as regular supervision appointments) as they await their court hearings.<sup>9</sup>

However, the ability of persons to claim asylum at legal ports-of-entry has changed in recent years. The U.S. government has instituted a practice of ‘metering’ at all ports, such that they only allow a certain number of people every day to present themselves at the port and request asylum.<sup>10</sup> Metering has resulted in long lines of people waiting at the boarder. The U.S. has reportedly shut the border point for several days until the people disperse.<sup>11</sup> This leaves a long back-log of people, and has resulted in civil society in Mexico creating ‘waitlists’ at each port of entry – where



Central American migration routes through Mexico. (MAP: news.nationalgeographic.com)

<sup>8</sup> [https://www.washingtonpost.com/news/national/wp/2019/03/04/feature/after-cold-busy-month-at-border-illegal-crossings-expected-to-surge-again/?utm\\_term=.5e9581ba5528](https://www.washingtonpost.com/news/national/wp/2019/03/04/feature/after-cold-busy-month-at-border-illegal-crossings-expected-to-surge-again/?utm_term=.5e9581ba5528); <https://www.nytimes.com/2019/03/05/us/border-crossing-increase.html?module=inline>

<sup>9</sup> <http://www.irinnews.org/photo-feature/2019/01/28/honduras-us-mexico-border-migration>

<sup>10</sup> <https://reliefweb.int/report/mexico/phr-raises-alarm-about-us-human-rights-record-border-advance-president-trump-s-rally>; <https://www.nytimes.com/2019/01/29/us/border-wall-crossings.html?module=inline>

<sup>11</sup> Interviews with service providers

theoretically those wishing to access the ports (largely asylum seekers) register their name, and wait until it is their turn to approach the port and request asylum. These lists are managed differently in every location by a combination of asylum seekers themselves, civil society, and the Mexican National Immigration Institute (INM).

The U.S. government issued an official policy in January called the Migrant Protection Protocol (or “Remain in Mexico” plan), which requires that after a person has indicated their intention to seek asylum to the U.S., they are returned to Mexico to await their US court hearings.<sup>12</sup> So far, this policy has only been piloted in Tijuana; the U.S. administration has signaled its intention to roll it out to all ports of entry, in some cases holding meetings with Mexican municipalities who would be the recipients of those forcibly returned to Mexico to await U.S. proceedings.<sup>13</sup>

On April 1<sup>st</sup> the Department of Homeland Security Secretary ordered the expansion of the Remain in Mexico policy. Meanwhile, a lawsuit has been filed on behalf of the first asylum seekers subject returned to Mexico under the Protocol – requested the protocol is declared illegal.<sup>14</sup> The case was heard on March 22, 2019 – and the ruling is anticipated any day. If the lawsuit is won, it would stop the implementation of the Protocol while the case proceeds through the U.S. court system. If the lawsuit is lost, it is expected Remain in Mexico will be rolled out to other ports-of-entry imminently. If this happens, the scale of need and people at risk on the Mexican border would grow exponentially.

### Mexican Immigration Policies and Context

Mexico’s president Lopez Obrador has repeatedly promised to protect mixed-migrants seeking to enter the U.S.,<sup>15</sup> and the Mexican National Migration Institute (INM) claims that Remain in Mexico is a unilateral U.S. policy, and that it is only responding in accordance with humanitarian principles by allowing the returns to Mexico.<sup>16</sup> However, it is unclear why the Mexican government allowed the Metering and Protection policies to create additional burden and humanitarian need on the Mexican side of the border instead of pushing back on them.

At the same time, there are wide-spread reports, both in the media and in discussions with persons along the border, that both Mexican officials and organized criminals are using the new U.S. policies to extort and victimize mixed-migrants.<sup>17</sup> The metering process, in particular, lends itself to the abuse of affected people. Migrants are reportedly either apprehended and detained by Mexican officials – requiring a bribe to be released (rather than deported) and have their names placed on the metering list; kidnapped by criminal groups while they await their turn on the list, and released only after payment of a ransom.<sup>18</sup>

The risk of deportation and/or kidnapping while in Mexico is constant for mixed-migrants. In order to transit through Mexico, migrants are required to register for a humanitarian visa, which many do not have as they crossed through unofficial border points; being found without one can result in deportation.<sup>19</sup> Kidnappings are conducted by organized criminal groups (and are more common in the east), typically on buses, where they kidnap a large group of people at one time. Ransom demands reportedly range from \$500 to \$10,000.<sup>20</sup>

The Mexican government is taking some steps to assist with the issue of kidnapping. Their newly formed National Search Commission has launched efforts to locate and free kidnapped migrants.<sup>21</sup> They have expanded the program

<sup>12</sup> <https://reliefweb.int/report/mexico/msf-cares-migrants-and-refugees-stranded-tijuana-mexico>; <https://www.azcentral.com/story/news/politics/border-issues/2019/02/20/migrant-caravan-families-us-mexico-border-tijuana-struggle-madre-assunta-shelter-immigration-dhs/2876119002/>

<sup>13</sup> <https://www.wsj.com/articles/more-migrant-families-arrested-at-border-in-five-months-than-any-previous-full-year-11551810657>; interview with ACLU; [https://www.washingtonpost.com/news/national/wp/2019/03/04/feature/after-cold-busy-month-at-border-illegal-crossings-expected-to-surge-again/?utm\\_term=.5e9581ba5528](https://www.washingtonpost.com/news/national/wp/2019/03/04/feature/after-cold-busy-month-at-border-illegal-crossings-expected-to-surge-again/?utm_term=.5e9581ba5528)

<sup>14</sup> <https://www.azcentral.com/story/news/politics/border-issues/2019/02/20/migrant-caravan-families-us-mexico-border-tijuana-struggle-madre-assunta-shelter-immigration-dhs/2876119002/>; [https://www.nogalesinternational.com/news/migrant-shelter-saturated-by-influx-of-mexican-asylum-seekers/article\\_de7144b2-3633-11e9-8c11-9fe8b768a0cd.html](https://www.nogalesinternational.com/news/migrant-shelter-saturated-by-influx-of-mexican-asylum-seekers/article_de7144b2-3633-11e9-8c11-9fe8b768a0cd.html); <https://www.latimes.com/world/la-fg-mexico-missing-migrants-20190313-story.html>

<sup>15</sup> <https://www.latimes.com/world/la-fg-mexico-missing-migrants-20190313-story.html>

<sup>16</sup> <https://www.azcentral.com/story/news/politics/border-issues/2019/02/20/migrant-caravan-families-us-mexico-border-tijuana-struggle-madre-assunta-shelter-immigration-dhs/2876119002/>

<sup>17</sup> [https://news.vice.com/en\\_us/article/kzdy4e/exclusive-mexican-officials-are-extorting-thousands-of-dollars-from-migrants-to-apply-for-asylum](https://news.vice.com/en_us/article/kzdy4e/exclusive-mexican-officials-are-extorting-thousands-of-dollars-from-migrants-to-apply-for-asylum)

<sup>18</sup> [https://news.vice.com/en\\_us/article/kzdy4e/exclusive-mexican-officials-are-extorting-thousands-of-dollars-from-migrants-to-apply-for-asylum](https://news.vice.com/en_us/article/kzdy4e/exclusive-mexican-officials-are-extorting-thousands-of-dollars-from-migrants-to-apply-for-asylum)

<sup>19</sup> [https://news.vice.com/en\\_us/article/kzdy4e/exclusive-mexican-officials-are-extorting-thousands-of-dollars-from-migrants-to-apply-for-asylum](https://news.vice.com/en_us/article/kzdy4e/exclusive-mexican-officials-are-extorting-thousands-of-dollars-from-migrants-to-apply-for-asylum)

<sup>20</sup> <https://www.latimes.com/world/la-fg-mexico-missing-migrants-20190313-story.html>

<sup>21</sup> <https://www.latimes.com/world/la-fg-mexico-missing-migrants-20190313-story.html>



for humanitarian visas and job opportunities for asylum seekers, and saw a more than ten-fold increase in asylum claims last year, from 2014.<sup>22</sup>

## Population of Concern

For the purposes of this assessment, the IRC defines our population of concern as mixed-migrants (of any nationality, including Mexican) that reach the U.S.-Mexico border and are 'stuck' for one reason or another. This could be due to any of the following:

1. Being on the waitlist to request asylum
2. Intending to cross the border, not through a legal port-of-entry
3. Deportees (Mexican nationals)
4. Having reached the border, but became discouraged with the process and now unsure of next steps

There is no data on how many people in each of these groups is currently at the border.<sup>23</sup> The best statistics available are those from U.S. Customs and Border Protection. The below table outline this data summed for the last three months prior to the assessment. Inadmissible most closely align with those presenting at an official port-of-entry, apprehensions align with those who cross the border not at a port-of-entry. Broadly, this table represents the number of people we expect to cross the border in a three-month time-period.

Location	Total Population	Population of Concern: US Customs & Border Protection Statistics Dec-Feb 2019 <sup>24</sup>			
		Inadmissible	Apprehensions	Mexican Deportees	Total
Tijuana	1.3 M	8,869	15,385	Data not available	24,254
Nogales	212 K	3,884	13,922		17,806
Juarez	1.3 M	6,378	32,332		38,710
Nuevo Laredo	374 K	10,857	7,810		18,667
Reynosa	612 K	Data not available*	61,440**		61,440 +
				Total	160,877 +

\* It is possible that this figure is included in the statistics for the Nuevo Laredo figure, but it is unclear in CBP data.

\*\* this figure includes the full Rio Grande Valley, which includes additional ports of entry.

## STATEMENT OF INTENT: PRIMARY DATA COLLECTION

### Objectives

- Document the priority needs as perceived by the population of concern, along with expected needs that may not be as readily prioritized (i.e. more sensitive protection concerns). As well as how these needs vary by type of affected person.
- Understand the types of services provided by NGOs, civil society, and in some cases the Mexican government, who services are/are not available for and any difference between needs and available services
- Identify feasible modalities for IRC to either directly implement, partner, or otherwise improve access to services – in line with any gaps identified.

### Methodology

The assessment included: (1) 21 stakeholder interviews focused largely on access to services for the population of concern (defined above), (2) Six focus group discussions with men and women staying in shelters in border towns, and (3) a family survey with 202 families (representing 569 individuals) using a stratified convenience sample. The assessment covered three locations: Nogales, Sonora; Juarez, Chihuahua; Nuevo Laredo, Tamaulipas. Informed

<sup>22</sup> <http://www.irinnews.org/photo-feature/2019/01/28/honduras-us-mexico-border-migration>

<sup>23</sup> However a recent attempt at this led to some interesting findings available [here](#).

<sup>24</sup> <https://www.cbp.gov/newsroom/stats/sw-border-migration>, data included is for total inadmissalbes and apprehensions, including family units, UAM and adults.

consent was received before all interviews. Full explanation of the methods and links to the tools used can be found in Annex 1.

**Limitations**

Due to the serious protection concerns for participants in this assessment, all focus groups and surveys occurred within a secure service provision location. This means that we were only able to capture the views of people who are able to access these locations. By default, this largely excludes the following groups:

- People working with a coyote (by choice) who is providing shelter and services
- People with enough money to stay in a hotel, or who have community connections
- People who have been denied access to services for any reason, real or perceived
- People who have been kidnapped or trafficked (against their will) and are residing in ‘safe houses’

This assessment used a convenience sample is that is not considered to be representative of the entire population of interest. However, because of this non-representation, the sample size is increased to help to control for this expected bias. This is why the survey aimed to include 10% of family units present in the survey area (who met the definition of population of concern). The number who responded to each question is reported as n=x because not all survey participants answered all the questions.

**KEY FINDINGS**

Key needs and gaps in services have clear trends across locations assessed and are outlined here. However, there are variances in security, types of service providers, and modes of functioning in each location. The high level differences by location are outlined in the ‘profile of assessed locations’ section below

Population of Migrants/Deportees Represented in Survey					
Demographics		Nogales	Juarez	Nuevo Laredo	Total
Adults	Male	28 + 26	43 + 55	35 + 21	208
	Female	20 + 26	42 + 35	21 + 20	164
	Other	1	3	2	6
< 18	Male	2 + 68	4 + 27	0 + 33	134
	Female	1 + 24	0 + 23	0 + 9	57
<b>Total</b>	Interviewees	52	92	58	202
	Population covered	196	232	141	569
	# on waitlist	800	3000	700	4500

The following analysis draws on data from service provider interviews, focus groups

\* Red = interviewees, Green = interviewees’ family members traveling with them

with men and women, as well as the family survey. The profile of families surveyed is as follows:

Of those interviewed, 70% had at least one family member traveling with them. On average, those traveling as families were a unit of three or four people, though families of up to 16 people were identified. The only group more likely to be traveling with fewer family members were those from Cuba and deportees. In contradiction to media reports which mention large numbers of single adults traveling with individual children, reportedly because they believe it will be easier to cross the border and remain in the U.S., only 6% of those surveyed were adults traveling with only one child.

The average age of those surveyed was 32 years old (min: 16, max: 54), this did not vary by location or gender.

Country of origin	N = 569
Mexico	169 (30%)
Honduras	141 (25%)
Cuba	136 (24%)
Nicaragua	29 (5%)
Guatemala	28 (5%)
El Salvador	25 (4%)
Venezuela	12 (2%)
Angola	9 (2%)
Democratic Republic of the Congo	8 (1%)
Togo	6 (1%)
Other (not shared)	6 (1%)

Of all those represented in the survey, the majority were Mexican, then Honduran, Cuban, and other, as noted in the table at right. The majority of Mexicans surveyed were from Guerrero (66%), no other state made up more than 7%.

Each town surveyed had a very different make up of nationalities (Nogales – high numbers of Mexicans, Juarez – high numbers of Cubans). The survey population most closely aligns with the ‘inadmissible’ population from CBP statistics, as 87% of them were trying to cross the border this month, almost all of whom had placed their names on the waitlist. While CBP data is not specific enough to make a direct comparison as they do no list nationality by port of entry, nor

do they list nationalities for single adults – trends across the border for UAM and families for FY19 show 44% Mexican, 27% Cuban, 14% Guatemalan, 12% Honduran, and 4% from El Salvador.<sup>25</sup> We expect the variation between this data and our own to be based on three things: 1) port of entry – it is likely that a higher percentage of Central Americans are arriving at the California ports of entry (as the caravans recently have) – which were not surveyed; 2) Mexicans are more likely to have community connections and not be accessing the surveyed service providers; 3) while less credible, anecdotal information notes that Guatemalans are more likely to be using the services of coyotes, and thus not accessing service providers.

Of families surveyed, 22% had one or more members with a stated vulnerability including 8% of families who had a member with a chronic health condition, 6% of families that included a pregnant woman, and 4% that included a lactating woman.

Families with a vulnerable member	N=178
Chronic health condition	15 (8%)
Pregnant	10 (6%)
Lactating	7 (4%)
Physical disability	3 (2%)
Broken bones	2 (1%)
Mental disability	1 (1%)

When asked what their families' biggest needs in Mexico are right now, the most common answers were food (39%), money (36%) and medicine (26%). A point of interest is that nearly all families surveyed were staying in a shelter, where four of the top five noted needs were provided (food, medicine, shelter and clothes/shoes). This may be because respondents were not satisfied with this service provision, or because they were not permanently staying in the shelters, they still perceived these as large needs, in the near future. Also of interest is that an unusually high number of families prioritized non-physical needs such as safety (20%) and protection from violence/gangs (19%). More information on specific safety and protection concerns can be found in the protection section below.

While there were no statistically significant differences in how women and men responded to this question – there are some trends. When looking only at how female respondents prioritized, these needs are ranked slightly differently: money, medicine, clothing/shoes, healthcare, safety and protection. Those traveling with children were more likely (statistically significant) to prioritize medicine (41%) and healthcare (30%) than those without children (17% and 11% respectively) – no other differences between these two groups trended.

Stated need	N=178
Food	39%
Money	36%
Medicine	26%
Shelter	24%
Clothes/shoes	23%
Job	21%
Safety	20%
Protection from violence/gangs	19%
Healthcare	19%
Water	19%
Bathrooms	10%
Legal aid	10%
School	6%
Services for women/girls	4%
Services for LGBTQ	2%
Other (no trends)	14%

The rates of those reporting needs for safety, protection from violence/gangs, and legal aid were higher in Nuevo Laredo than in the other two locations (though not statistically significant). Notably, the two highest ranked needs in Nuevo Laredo were for protection and money (40% each), followed closely by safety (38%).

### Economic Needs (Food/Shelter etc.) and Gaps

The vast majority of those surveyed were residing in free shelters (93%), however, this is not surprising as the survey was carried out predominantly in shelters. It is expected that the percent of those on the waitlist living in shelters is 60% in Nogales, 30% in Juarez and 70% in Nuevo Laredo.<sup>26</sup> According to service providers, there were minimal or no reports of anyone living/sleeping on the street in all three locations (one surveyed). Instead, those who were not found in the shelters were said to be renting (seven surveyed), or staying with relatives/friends (two surveyed). It is expected that others are also present, but un-surveyed, as they are residing in coyote-provided shelters and not accessing services.

<sup>25</sup> <https://www.cbp.gov/newsroom/stats/sw-border-migration/fo-sw-border-inadmissibles>

<sup>26</sup> These may be under-estimates as they are based on the total shelter population divided by the total number of people currently on the waitlist (whereas in many locations people whose names are on the waitlist may have already crossed using a different method).

It is interesting that 24% of this population reported shelter as one of their largest needs (noted above) - while most of them are currently residing in a shelter. This could mean one of two things 1) while the question asked what is your biggest need right now, it is possible some interpreted it to me 'along your journey' – and thus noted shelter; 2) that there were concerns (over-crowding, strict rules, etc.) at the shelter where they were currently residing- and they would prefer to have a different option.

Only 5% of non-Mexican families surveyed noted a family member who was able to earn money in Mexico.

For those who noted money was a priority need, they were asked what they would spend the money on. Most prioritized food, followed by hygiene items and clothing/shoes. Similarly, when asked about their needs, four of six focus groups focused on goods in kind or vouchers for items such as: diapers, baby formula, sanitary pads, shoes, clothing, food, and blankets.

In respect to food security, on average families reported eating 2.7 meals a day. The most common coping strategies mentioned were relying on assistance from others, limiting portion sizes, and restricting food eaten by adults so children could eat (in order). Of those surveyed, 68% reported having spent their savings in the last month, 25% noted they had taken on debt in the last month, however only 4% reported themselves or their children begging for money.

Money expenditure	N=64
Food	70%
Hygiene	28%
Clothing/shoes	23%
Other (no trends)	13%
Shelter	11%
Transport in Mexico	11%
Transport to leave Mexico	9%
Diapers/baby formula	8%

### Protection Needs and Gaps

Both men and women had similar responses when asked what kinds of risks have been faced, either traveling to the town where they were surveyed, or in that town itself, focusing first on the risks of theft, threats and kidnapping – see full data in table at right (information on risks by location can be found in the 'profile of assessed locations' section below).

MSF in the country reports that “some 90 percent of the patients treated by our teams have suffered some kind of psychological harm or physical violence”.<sup>27</sup> This is coupled with anxiety about the waitlist, fear of deportation and stress from family separation as some of the symptoms experienced by migrants.<sup>28</sup> That said, when asked if any family members had taken to dangerous or unhealthy work since coming to Mexico, 99% noted that they had not.

In terms of access to services by various groups, two focus groups noted that barriers had to do with xenophobia/ Mexican IDPs receiving preferential treatment over others, while one female focus group noted that along the route men receive the least access, with women and children receiving services at priority. They also noted that big families (10 members or more) were more likely to be denied shelter and assistance.

Focus groups also discussed leadership among themselves, with four groups noting that informal leaders are found among themselves (both among women and men). They often follow nationalities, and are the people who are more proactive in getting information about services (shelters, medical care, etc.). One group additionally noted that often they are the ones with more 'clothes' – indicating that people who traveled with, or who still have, more goods are seen as leaders.

The other two focus groups noted that there were no leaders among the migrants, and this was because people felt unsafe and generally did not know each other, so were afraid to engage. They noted that the information they had came from the civil society organizations, not from others (migrant 'leaders'). One group further noted that it is

Reported Risks	N = 188
Theft	36%
Nothing	36%
Threats/intimidation	27%
Kidnapping	23%
Extortion	21%
Physical violence	19%
Deportation	12%
Gangs	11%
Trafficking	8%
accident	7%
Xenophobia	4%
Participation in illegal economies	3%
Other	2%

<sup>27</sup> <https://reliefweb.int/report/mexico/msf-cares-migrants-and-refugees-stranded-tijuana-mexico>

<sup>28</sup> <https://reliefweb.int/report/mexico/msf-cares-migrants-and-refugees-stranded-tijuana-mexico>

necessary to be extremely cautious of who you trust - providing first hand experiences of 'coyotes and organized crime who will infiltrate the shelter houses and recruit from inside... in one instance there was a woman [who came] – she tried to lure a few migrants to go out and eat, the migrants who went with the woman have not returned and it has been a week since we last saw them.'

The three male focus groups made long lists of the risks to men. The primary risk remained kidnapping followed closely by robbery and extortion, and lastly coyotes and armed groups (drug dealers) and sexual violence (noted by one FGD).

### Women

Sexual violence against migrant women and girls is common in Mexico. Criminal gangs engaged in human trafficking and sexual exploitation often take advantage of the extreme vulnerability of female migrants and refugees, making them particular targets for abuse.<sup>29</sup> All three female focus groups in the IRC assessment noted that kidnapping and rape were the largest safety risks for women.

Mexico has a mandatory protocol (law) titled 'NOM 046' which dictates response to female survivors of domestic or sexual violence involving medical (including Post Exposure Preventive - PEP), psychological and physical assistance.<sup>30</sup> However, only one service provider we spoke with referenced this protocol, all 20 others were unable to outline a clear referral pathway for GBV. The service provider who was aware of NOM 046 noted that 40% of the budget to uphold the service provision required by the law has been cut this year, straining the resources available to provide services.

In some cases, women who spoke with the IRC noted feeling comfortable to seek help from shelters and aid groups for violence, in other cases they noted that they were coping by forming close knit groups with other women along the route, a sort of ad-hoc support group. In one location women noted that there were psychologists available at the shelter, but that they would prefer more organized support group activities.

### Children

The largest risks reported for children were gang recruitment/violence (34%), sexual abuse/violence (28%), physical violence (19%) (see full table on following page). When asked where these risks are most likely to occur, respondents were most concerned about the time in transit (66%) followed by here in the border town (53%), then back home (41%), and lastly while crossing the border (37%). Notably, these responses were different in Nuevo Laredo, where the

biggest risk by location was considered here at the border town (78%, statistically significant difference), followed by in transit (59%).

All six focus groups included kidnapping as a main risk for children. Three groups focused on the risks of extortion and robbery both by the Mexican police as well as others along the route. Two groups focused on the health risks in overcrowded shelters and not being able to afford/access health care for more serious health issues on time. Two groups mentioned the risk of overcrowding in the shelters and the lack of enough shelters noting people with children who had been turned away. Two groups spoke about physical risks along the journey including crossing the jungle in Panama and falling off of trains. One group noted having seen sexual violence cases in the route, and mentioned that 'women and some men just keep moving forward.' One group noted that physical violence against children was most likely to occur from the parents themselves, trying to keep their children quiet and well behaved in the shelters.

Risks faced by children	N = 152
Gang recruitment/violence	36%
Sexual abuse/violence	28%
Physical violence	19%
Abandonment	15%
Drug abuse	16%
Kidnapping*	9%
Health risks*	3%
None	38%

\*Due to survey error, neither kidnapping nor health risks were options, but both were written in under the category 'other' as such, they are likely higher risks than noted.

<sup>29</sup> <https://reliefweb.int/report/mexico/msf-cares-migrants-and-refugees-stranded-tijuana-mexico>

<sup>30</sup> [https://www.ecoi.net/en/file/local/1401475/1226\\_1496997659\\_accord-coi-compilation-mexico-domestic-violence-17may-2017.pdf](https://www.ecoi.net/en/file/local/1401475/1226_1496997659_accord-coi-compilation-mexico-domestic-violence-17may-2017.pdf)



Two focus groups noted that violence against children would be reported to the shelter director. In two other groups, they mentioned that they trusted a specific aid organization (varied by location) which is where they would report. No information was provided as to what would happen as a result of this report.

Mexico's National System for Integral Family Development (DIF) is legally responsible for all unaccompanied minors, whether Mexican nationals or migrants. However, during interviews with service providers, the information on exactly how they receive and handle cases of non-Mexican UAM varied, sometimes dramatically. Part of the variance is that DIF operates at a federal, state and municipality level – with each level being responsible for different parts of the process - thus the process varies across locations. What is certain is that civil society organizations are expected to refer all UAM (Mexican and migrant) to DIF. DIF is expected to conduct a best interest determination (BID) and follow up with the required care. For Mexicans, this is standard and includes options of return home, placement with relatives or remaining in a DIF shelter. For non-Mexicans, the options and process less clear. However, there are reports of all the following occurring: being deported, contacting their parents for permission to stay in a non-DIF shelter (and presumably allowed access to the asylum list), remaining in the Mexican DIF system (shelters with no freedom of movement). In terms of reports of UAM, only 8% of those surveyed reported knowing of any children who were living without adults.

As the numbers for UAM are higher on the U.S. side, it is possible that either UAM are taking different routes (possibly with coyotes), and/or they are a hidden population on the Mexico side either because 1) they know they are likely to be reported to DIF and either put in the state care (Mexicans) or potentially deported (non-Mexicans), so they intentionally avoid being identified as a UAM or 2) service providers are not trained or proactively identifying them.

### Health Needs and Gaps

Seventy percent of families surveyed noted that they had access to potable water where they were staying, with 31% noting that they were buying water. In terms of access to bathroom facilities, all the shelters visited had both toilets and showers available, which corresponded to the 91% of respondents who noted they had access to both. However, 18% of female respondents said there were safety or privacy concerns for women who wanted to use these facilities. This is not surprising, as long lines to use the restroom were noted several facilities, in an extreme case one shelter hosting 300 people has only two bathrooms.

In terms of access to healthcare, Mexican law provides the right for anyone, including migrants to access the healthcare system. They do this by accessing Ministry of Health facilities and available (free) medications, but must first register for what is called 'seguro popular', and insurance that covers out of work Mexicans, migrants and others for three months (but can be extended). All service providers who responded to questions regarding health noted that migrants and deportees have access to this system. Admittedly not all services and medications are available due to resource shortage.

Of survey respondents, 68% had not tried to use health facilities in Mexico, of these, 81% noted that this was because they did not need services, while 19% noted that they needed health services, but did not think they would be assisted at Mexican facilities. Of the 32% who did try to access healthcare in Mexico, 94% were able to access care, which was free for 97% of them. However, 22% reported that the medication that they needed was not free. Note that women were more likely than men to try to access healthcare in Mexico (statistically significant) at 43% vs. 21%.

The most common reason respondents noted seeking healthcare (n = 62) was for an illness (74%), followed by reproductive health (11%) and chronic illness (6%) (13% reported seeking for some other reason). Those who sought health care for illness most commonly noted colds (70%), coughs (51%), fevers (40%), diarrhea (23%) and vomiting (13%). Notably, there was an ongoing outbreak of chicken pox affecting a substantial number of migrant children staying in the shelters in Nogales.

Women seeking reproductive health care most commonly noted this was for routine pregnancy care (75%). None reported seeking care for delivery or problematic pregnancies.

There were no trends in the type of chronic or 'other' care sought.

Of the non-Mexican’s surveyed (n = 132), 64% felt that there were no barriers to seeking healthcare in Mexico. The 36% that thought there were barriers noted the largest concern was in affording medical care (45%). Focus groups mentioned there were general practitioners available for free, but they needed specialist care (gynecologists and pediatricians). This was followed by a lack of free medications (30%).

Focus groups who noted concerns accessing healthcare referenced both the problem of feeling unsafe to leave the shelter to go to a hospital,, and limited freedom of movement.

Access to healthcare and medication varied greatly by location. A few similarities were:

- Two focus groups reported occasional xenophobia/denial of services at Mexican health providers.
- All shelters had at least a general practitioner who visited the shelter on (at least) a weekly basis.
- No reproductive health services were available at the shelters – two female FGDs noted this was not a main concern for them (they had more pressing needs), while one noted the need for a gynecologist.
- Women sometimes receive minimal menstrual hygiene (pads) and other hygiene supplies from the shelters- but they note that it is not sufficient and most often they have to buy their own.

**Information Needs and Gaps**

In terms of information gaps, three focus groups noted they were the largest barrier to accessing services, with multiple groups noting the following priority concerns:

- How to sort out your paperwork (humanitarian visas, loss of documents, metering lists)
- What support services are available – specifically shelters
- Understanding of how the asylum process works/ not knowing they could not directly cross the border when they arrived
- Information about their rights
- Better communication and transparency about the asylum process; specifically, the metering list. Many rumors that people skip the list, or are never called are circulating and increasing the anxiety of those who are waiting.
- Not knowing which routes to take
- No information specific to women traveling with children, pregnant women

Some noted there was more information available in the southern regions of Mexico, but once you arrived north, there was no information. One group noted that the Jesuits (in Mexico City) were providing information on which routes were safest, while one group noted they were told by others that Juarez was the safest route/destination.

Overall, there was frustration with information gaps. Focus groups noted that they were not allowed to use their phones at some shelters due to security concerns, while others did not have phones to use (deportees in particular reported having their phones confiscated and not having access to the phone numbers/contacts of their family/relatives).

The type of information that was reported as most needed, yet hardest to access was information on the US asylum process (74%), followed by information on the border crossing (20%), and information on legal services (14%). This trend was mimicked in terms of information that was received, and was considered ‘most valuable’.

Type of information (n = 166)	Hardest to access	Most valuable received
US asylum process	74%	53%
Information on the border crossing	20%	13%
Legal aid services	14%	2%
Shelters	8%	12%
Employment	8%	1%
Medicine	8%	1%
Food	5%	2%
Healthcare	6%	3%
Mexican asylum process	4%	5%
Women/girl services	4%	0%
Requirements for accessing services	4%	1%
Services for children	3%	0%
Psychological services	3%	0%

Per survey respondents, the most common information sources while in Mexico have been migrants en route and Facebook (33% each), Whatsapp (29%), family/friends and shelters (22% each). When asked where they received the

*most valuable* information, they noted the most common source was other migrants en route (37%) – this was confirmed by five focus groups, family and friends (21%), shelters (17%), community organizations (9%), and Facebook (5%). Focus groups also reported getting information from the Mexican government (Grupo Beta and INM) (3/6 FGDs). Many noted that they used (and preferred) their phones, often searching Google for information (3/6 groups). Others mentioned they got information from churches/shelters (2/6 groups). Some noted they received a map of routes from Grupo Beta, while others said there were no maps available. One group mentioned UNHCR provided information when they crossed the border into Mexico.

When asked what problems people have accessing information, the most common response was that they do not know where to go/who to ask for information (41%), followed by the information that is provided being confusing (34%).

Problems accessing information	N = 153
Do not know where to go/who to ask for info	41%
Info that is provided is confusing	34%
I have not received any info	27%
I don't trust the information that is provided	15%
The information is in the wrong language	4%

Of those surveyed, 98% could read Spanish, 16% could read English, while another 5% could read in another language. Only 1% could not read in any language. 65% of the families surveyed owned a cell phone, and of those, 79% could access the internet on their phone (51% of families, overall). 91% of respondents used some form of social media. Most common by far were Facebook (70%) and Whatsapp (69%). Less common were Instagram (10%) and Twitter (6%). There were no significant differences by gender. Only 45% of migrants noted that they shared the important information they received with others, of those who did share, only 18% did so digitally.

## RECOMMENDATIONS

### General

- Prioritize one, or maximum two locations that are a priority for the IRC based on gaps in services and potential partners.
- Strongly consider a partnership approach, acknowledging that most civil society organizations may not currently provide services at international standard. This is important to address security concerns for affected persons and staff, to ensure a value add, rather than a duplication of services offered - as many are currently housed under one roof in the shelter system, and to ensure capacity building of service providers who will continue to provide services for years to come.
- If direct services are offered, consider embedding those services with local organizations, or taking a more 'rapid impact' approach with NFI fairs, hygiene kits, etc.

### Economic Recovery and Development

- Due to the extreme risks of extortion in all three locations, cash and vouchers are not being provided by any service providers in the area, and are not recommended. Non-food item kits (NFI), hygiene kits, or potentially small NFI fairs held at service providers – may provide a feasible and safe alternative, but should be done in partnership with existing service providers.

### Child Protection

- Consider improving services for children by partnering with, or embedding IRC field-level staff into one or more civil society organizations to provide psychosocial support and case management.

### Women's Protection and Empowerment

- Consider improving services for women and girls by 1) working with civil society to establish clear GBV referral mechanisms, 2) training MOH and civil society on CCSAS and referral pathways needed/possible 3) partnering with, or embedding IRC field-level staff into one or more civil society organizations to provide psychosocial support and case management.



**Health**

- Consider providing information about which health services are available and how to access them, potentially via a digital platform.
- Potentially partner with one or more civil society organizations that is already providing health services to gap fill (salary of medical staff, funding for transport to referral facilities, etc.).
- Consider partnering with shelters that do not have sufficient access to water and sanitation to provide support to build additional facilities.
- Address health risks due to poor hygiene by providing hygiene kits in kind, or through an NFI fair.

**Protection and Information**

- Bolster existing information services to meet the gap that people do not know what to expect when they reach the border and have limited information on safe routes to take/services available. This may include the IRC's SignPost program or other means of information provision. Examples of this include how to access legal aid, health care, shelter, through existing mechanisms.
- Note: before a decision on information programming is taken a do no harm analysis needs to be completed to ensure IRC's activities do not increase the risks to migrants by inadvertently directing them towards sub-standard or unethical services, providing out of date information in an environment with continual security and polity shifts, etc.

**ANNEX-****A. [Methods Doc/Assessment Tools](#)**

# EXHIBIT U

## A Sordid Scheme: The Trump Administration's Illegal Return of Asylum Seekers to Mexico

On January 29, 2019, the Trump Administration began implementing its perversely dubbed “[Migration Protection Protocols](#).” In reality, this policy is about denying—not providing—protection to refugees, and is not a “protocol,” but an attempt to circumvent the Protocol Relating to the Status of Refugees and the laws passed by Congress. The latest in a series of efforts to ban, block, and deter refugees from seeking asylum in the United States, this “Remain in Mexico” scheme violates U.S. and international law, returns asylum seekers to danger in Mexico, creates disorder at the border, and makes a mockery of American due process and legal counsel laws.

This report is based on Human Rights First’s field observations, legal analysis, meetings with U.S. and Mexican government officials and NGOs, interviews and communications with attorneys, legal organizations, and asylum seekers, as well as review of documents provided by the U.S. and Mexican governments to asylum seekers stranded in Mexico. Human Rights First’s legal teams conducted [research](#) at the U.S.-Mexico border in November and December 2018, and again in January and early February 2019. Our teams were in Tijuana both before and as the Trump Administration began returning asylum seekers to Mexico. Researchers also visited the United States-Mexico border in late February and early March 2019, visiting ports of entry at Laredo, Eagle Pass and Del Rio, Texas and the Mexican cities of Nuevo Laredo, Piedras Negras and Ciudad Acuña.

Human Rights First’s principal findings include:

- ☑ The Remain in Mexico plan violates asylum provisions in the Immigration and Nationality Act (INA) as well as U.S. treaty obligations to protect refugees.
- ☑ At least 150 asylum seekers had been returned to Mexico through February 2019. The people returned so far had sought asylum from El Salvador, Guatemala, and Honduras, and include an LGBTQ asylum seeker, an individual with a serious medical condition, and families with at least 13 children (three under the age of five).
- ☑ Implementing Remain in Mexico has not increased “efficiency” but created disorder and will likely encourage attempts to cross the border between ports of entry as have other disruptive and illegal efforts to block or reduce asylum requests at ports of entry.
- ☑ Remain in Mexico makes a mockery of legal representation and due process rights of asylum seekers, undermines their ability to prepare or even file an application for asylum, and ignores the protection screening safeguards created by Congress, instead inventing a farcical “procedure” to screen asylum seekers for fear of return to Mexico.
- ☑ The United States has returned asylum seekers to acute dangers in Mexico and to potential deportation to the countries where they fear persecution. According to the administration, Remain in Mexico will expand to return more asylum seekers, including families, to Mexico—including to some of the most dangerous Mexican states on the U.S.-Mexico border, where murders and kidnappings of asylum seekers have occurred.

- ☑ Mexico has participated in the implementation of this policy. While Mexico insists it has no “agreement” with the United States, Mexican immigration officers are helping American officers block ports of entry and return asylum seekers to Mexico.

Human Rights First continues to urge the Trump Administration to:

- ☑ **Cease all efforts that violate U.S. asylum and immigration law and U.S. Refugee Protocol obligations** including the return of asylum seekers and the orchestrated restrictions on asylum processing at ports of entry.
- ☑ Direct U.S. Customs and Border Protection (CBP) to deploy more officers to U.S. ports of entry to restore timely and orderly asylum processing.

## Illegal Returns to Tijuana Begin

On January 29, 2019, CPB began implementing the Remain in Mexico scheme in coordination with officials from the Mexican *Instituto Nacional de Migración* (National Migration Institute - INM). As Mexican immigration officers continued to control access of asylum seekers to the San Ysidro port of entry, they also began to oversee their return to Tijuana.

Through the end of February, asylum seekers returned to Tijuana under Remain in Mexico had all sought to request protection at the San Ysidro port of entry. Their names had been inscribed and called from a waiting “list” that developed as a result of CBP’s illegal practice of restricting the number of asylum seekers accepted each day at ports across the southern border. While asylum seekers take turns taking down names and information from fellow asylum seekers and calling “numbers” from this highly flawed “list,” INM officers essentially manage the “list” at the behest of CBP, which tells them how many asylum seekers CBP will process each day. Mexican migration officials have enforced and facilitated the U.S. policy of “metering” by preventing asylum seekers from approaching the port of entry unless they have been called from the “list.”

During the period Human Rights First observed the port, Mexican officials allowed an average of 41 asylum seekers each day from the “list” to approach the U.S. port of entry—a decline from late November and early December 2018 when researchers saw around 60 asylum seekers processed per day. This is far below CBP’s acknowledged capacity to process 90 to 100 people per day there. On average, these people had waited 5-6 weeks in Tijuana to seek asylum. After their names were called and they lined up to approach the port of entry, officers of *Grupo Beta*, the INM body responsible for migrant care, verified the identity documents of asylum seekers before transporting them to the U.S. port of entry for CBP processing.

Between January 29 and the end of February, CBP returned around 150 Salvadoran, Guatemalan and Honduran asylum seekers to Mexico. CBP escorted the first, a man from Honduras, out of the west pedestrian entrance of the San Ysidro port of entry to the border line, where INM officers brought him back to the Chaparral plaza on the Mexican side of the port of entry. After reporters swarmed him, INM officials hurtled him into a waiting vehicle and apparently deposited him at a Tijuana migrant shelter. INM has continued to escort returnees to Chaparral and transport some of them to shelters. On February 13, CBP expanded these returns to families with children. Thirteen children, including three children under the age of five, were returned to Mexico on February 13 and 14.

On February 14, the ACLU and the Southern Poverty Law Center filed suit against DHS in *Innovation Law Lab v. Nielsen* on behalf of eleven asylum seekers returned to Mexico and several legal services organizations that serve asylum seekers to challenge the legality of the Remain in Mexico scheme. A federal district court in San Francisco will hear the plaintiff’s request for a preliminary injunction.

The accounts of asylum seekers returned to Tijuana, U.S. government documents provided to asylum seekers, and the Department of Homeland Security's (DHS) own written descriptions of its policies reveal that the entire process is a farce. CBP officers have conducted interviews in the middle of the night and asylum seekers reported that they were not asked if they fear return to Mexico. This scheme interferes with basic due process and legal counsel protections both in immigration court proceedings and because it prevents asylum seekers from being represented by counsel during fear screening interviews—interviews that have life and death consequences.

Indeed, despite DHS's "Migrant Protection Protocol Guiding Principles" and assurances from the INM Commissioner that vulnerable individuals, including those with medical problems, would not be returned, Human Rights First found that, among others:

- A lesbian woman from Honduras was returned to Tijuana despite widely reported dangers for LGBTQ asylum seekers in Mexico.
- A Honduran man suffering from epilepsy was returned to Mexico without his medication, which CBP had confiscated—making clear that the agency was aware of his condition.
- Single women with children including, a Salvadoran woman with three children who fled El Salvador after a deadly gang that operates with impunity throughout the country tried to recruit her 11-year-old son, and a Guatemalan woman and her three children who left Guatemala after her domestic partner, who had become involved with a transnational criminal gang, nearly killed her.

As discussed in detail in the legal appendix, returning asylum seekers to Mexico violates the specific requirements Congress created under the INA to protect individuals seeking refugee protection at U.S. borders. Further, this scheme contravenes U.S. obligations under the Refugee Convention, the Protocol Relating to the Status of Refugees, and the Convention against Torture. These treaties prohibit the return of individuals to persecution or torture, including return to a country that would subsequently expel the person to such harm. In Mexico, asylum seekers face both potentially deadly harm and the risk of deportation to the countries they fled in search of refuge in the United States. A leaked draft memorandum prepared by DHS and commented on by a Department of Justice (DOJ) official prior to the program's rollout concedes that the plan "would implicate refugee treaties and international law."

Despite Remain in Mexico's evident and potentially fatal flaws, the Trump Administration has reportedly expanded this scheme as of early March 2019 to the San Diego border patrol sector, meaning that it would be applied to asylum seekers who crossed the border between ports of entry. The Administration also has plans to implement the scheme in additional areas of the border reportedly next expanding to asylum seekers who request protection at the El Paso, Texas port of entry or after crossing the border in that area.

## Return of Asylum Seekers to Dangers and Risk of Deportation

The Trump Administration knows there is no safe way to return asylum seekers to Mexico. The leaked DHS/DOJ memorandum reveals that the Trump Administration recognizes that it cannot legally enter into a "safe third country" agreement with Mexico. Under the INA such agreements allow the United States to return asylum seekers to a country they crossed on the way to the United States if that country guarantees protection from persecution and provides a "full and fair" asylum procedure. The memo states that a safe third country agreement is "years" away, as Mexico must still "improve its capacity to accept and adjudicate asylum claims and improve its human rights situation." Yet, the Trump Administration has pushed ahead with its plan to return asylum seekers to Mexico, knowing full well that it places refugees in mortal danger and at serious risk of deportation by Mexican migration authorities.

## Who Is DHS Returning?

The DHS memoranda and policy documents give CBP officers wide latitude to return noncitizens (at ports of entry or after crossing the border) who lack “proper documentation,” including asylum seeking adults and family units, unless certain limited exceptions apply. The exceptions are outlined in an unsigned document, rather than an official memorandum, entitled “MPP [Migrant Protection Protocols] Guiding Principles.” Under these vague “principles,” the categories of asylum seekers not “amendable” to Remain in Mexico, include Mexican nationals, unaccompanied children, those with “known physical/mental health issues,” “criminals/history of violence,” previously deported individuals, and others as identified at the discretion of the U.S. or Mexican government and CBP port of entry directors. While the head of INM reportedly stated that Mexico would not accept children under 18 or adults over 60, the “principles” document does not exempt these categories. Indeed, DHS began to return families with children to Mexico on February 13.

The asylum seekers returned to Tijuana face grave dangers. Although Tijuana was previously regarded as a somewhat safer area on the U.S.-Mexico border, the city is now one of the deadliest in the world—with over 2,500 murders in 2018. The state of Baja California, where Tijuana lies, had the largest number of reported murders in Mexico in 2018. This follows “a record increase in homicides in 2017” as well as an increase in reported rapes in all five of the state’s municipalities—Tijuana, Mexicali, Ensenada, Rosarito, and Tecate. The U.S. State Department acknowledges that “[c]riminal activity and violence, including homicide, remain a primary concern throughout the state.” 2019 has seen no abatement in violence, with 196 murders in the first 29 days of the year.

Asylum seekers have been the direct targets of violence in Tijuana. In late December 2018 two teenagers from Honduras were kidnapped and murdered in Tijuana. The case underscores the particular vulnerability of unaccompanied children forced to wait in Mexico to seek asylum—a friend who escaped the attack was scheduled to be escorted by Members of Congress to a port of entry to request asylum with other refugee youth, but was subsequently placed in protective custody after their murders. Earlier in May 2018, a shelter for transgender asylum seekers in Tijuana was attacked and set on fire.

Human Rights First researchers interviewed asylum seekers in Tijuana in November and December 2018 who faced violence in the city, including:

- A transgender Mexican woman was robbed of her documents and possessions and nearly sexually assaulted in Tijuana while waiting to seek asylum.
- A Cameroonian asylum seeker was stabbed in the hand and robbed in Tijuana. He did not report the incident to the police because he feared he could be arrested and deported.

In late January and early February 2019, asylum seekers in Tijuana reported additional dangers there:

- A Mexican asylum seeker fled with her husband from the state of Michoacán to Tijuana after being threatened by an armed criminal group. Since late December when her husband disappeared, she had not left the shelter where she has been staying, fearing that she and her two children—one and three years old—could also be kidnapped or killed.

- An indigenous Guatemalan asylum seeker with two black eyes and a broken arm told a Human Rights First researcher that he had been threatened and attacked by groups of Guatemalan and Mexican criminals while he waited to request asylum at the San Ysidro port of entry.
- A man from Honduras waiting to seek asylum in the United States after the murder of his brother reported that he had been repeatedly stopped and harassed by the police in Tijuana and that a Salvadoran asylum seeker with him had been robbed by the police there.
- A staff member from a shelter in Tijuana reported that in the week prior, three migrants had been robbed outside the shelter—two at gunpoint and one at knifepoint.
- The Trump Administration has already returned individuals to Tijuana who suffered threats and violence in Mexico, including a youth pastor from Honduras who fled death threats after he publicly denounced gang activities on television was attacked by men in Tijuana who threw rocks at him, while other local armed themselves with sticks and other weapons.

Despite claims by Secretary of Homeland Security Nielsen that Mexico will protect the “humanitarian rights” of returned asylum seekers, individuals returned under Remain in Mexico have not been guaranteed housing or other support by the Mexican government:

- In a January 2019 meeting before the implementation of Remain in Mexico, the INM Commissioner told Human Rights First that his agency had no system in place to house, care for, or otherwise ensure the safety non-Mexican asylum seekers returned from the United States and had no plans to study how to implement such support.
- A joint letter by a network of 31 migrant shelters along the U.S.-Mexico border makes clear that their facilities lack capacity to safely house the potentially large numbers of returned asylum seekers for the months they are likely to remain in Mexico.
- A *Grupo Beta* official overseeing the closure of the local government-run Barretal shelter, which resulted in the eviction of nearly 100 asylum seekers, told a Human Rights First researcher that he was not aware of any additional plans to provide housing to large numbers of migrants, whether they be caravan arrivals or those who are returned to Mexico.
- Tijuana has just three shelters for women and children and few spaces for families with adult women, men and older teenage boys. As of mid-February, the Tijuana shelter *Instituto Madre Asunta*, which has capacity for about 45 individuals was already housing 150 people. With new migrants and asylum seekers arriving each day, the shelters can typically provide housing for only a few days or weeks, not the many months asylum seekers returned under Remain in Mexico are likely to face. A Salvadoran woman returned with her three children to Tijuana reportedly told a U.S. immigration officer that she “had nowhere to go, and he just shrugged and looked at [her] like [she] was crazy.”
- Shelter space is also limited for adult men. An asylum-seeking man returned to Tijuana tried to return to the shelter where he had been staying but was turned away for lack of space. He found temporary accommodation for a few nights but has no place to sleep while he awaits his proceedings in the United States.

Asylum seekers forced to remain in Mexico are also at risk of *refoulement*, or illegal return to countries that threaten their lives or freedom, because Mexican migration authorities routinely fail to provide humanitarian protection to asylum seekers as required under domestic and international law. The U.S. State Department’s 2017 human rights report on Mexico noted that an independent Mexican advisory body found “incidents in which immigration agents had been known to threaten and abuse migrants to force them to accept voluntary deportation



and discourage them from seeking asylum.” A 2018 report by Amnesty International found that, of a survey of 500 asylum seekers traveling through Mexico, 24 percent had indicated fear of persecution to Mexican officials but were ignored and arbitrarily deported back to their countries of persecution.

Human Rights First researchers have documented the arbitrary detention and deportation of asylum seekers in Mexico, including:

- **Three gay men from El Salvador, Honduras, and Guatemala who were detained in Tijuana in late November 2018.** Police officers illegally transferred them to the custody of Mexican migration authorities, despite their lawyer’s efforts to bail them out. During a visit, the attorney confirmed that at least two of the men wished to request asylum in Mexico to prevent their deportation to persecution. However, the Mexican National Human Rights Commission informed the lawyer that the men were sent to Mexico City and deported.
- **A Honduran asylum seeker staying at Casa del Migrante, one of the largest migrant shelters in Tijuana, who was arrested on a minor infraction in early October.** After his arrest, police transferred him to Mexican migration authorities for deportation. Despite the attorney’s request to the local representative of the Mexican migration agency to halt the asylum seeker’s deportation, the man was swiftly deported before the attorney for Casa del Migrante could visit him in the detention facility.
- **Some asylum seekers returned to Mexico under Remain in Mexico were previously subjected to detention and deportation by Mexico in contravention of its obligation to provide asylum seekers an opportunity to seek protection.** Mexican authorities had previously deported one of the asylum seekers without providing him an opportunity to apply for asylum or inquiring whether he feared return to his home country. Mexican authorities had also previously detained another of the returned asylum seekers his wife, separated them and deported her even though she informed INM that she was pregnant and feared returning to Honduras.
- **Multiple asylum seekers reported that they were deported from Piedras Negras in February 2019 after Mexican migration officials offered to transport them to other cities within Mexico.** A Salvadoran man told Human Rights First that he and around 30 other men were told they would be taken to Reynosa where they could apply for asylum at the McAllen port of entry. Instead their bus was boarded by armed Mexican federal police and driven south away from Reynosa, and the man was ultimately deported to El Salvador without being provided information by Mexican authorities on his right to seek asylum in Mexico nor an opportunity to do so. Another man from Honduras who had intended to seek asylum in the United States was transported from Piedras Negras with his girlfriend and cousin to Saltillo and then to Mexico City where INM officers had promised them assistance. Instead, they were held in a migrant detention center where gang members attacked other detainees in full view of the guards. Afraid to remain in the detention center to pursue asylum, the man was deported to Honduras.
- **In late February 2019, police in Piedras Negras arrested three Honduran asylum seekers on the “list” to seek asylum at Eagle Pass, Texas, after a neighbor complained about the men loitering near her home.** Several days after their arrests, the men had still not been released. The director of the migrant shelter where the men had been staying told Human Rights First that they were likely transferred to INM custody and deported.



## Confusion and Encouraging Crossings Between Ports of Entry

DHS claims that Remain in Mexico “will provide a safer and more orderly process that will discourage individuals from attempting illegal entry,” but the rollout of the scheme demonstrates precisely the opposite.

In reality, it puts returned asylum seekers at risk and disrupts the processing of asylum seekers:

- On January 29, Secretary Nielsen visited the San Ysidro port of entry in an evident effort to generate maximum media attention to the return of asylum seekers as processing began. That afternoon Human Rights First researchers observed a swarm of reporters surround the first individual returned, attempting to interview him. Although he quickly left the area after providing his nationality and first name, Mexican government officials released his full name. Media outlets later published photographs that included his face and as well as his name, raising concerns that his persecutors would be easily able to identify and locate him in Mexico.
- After Secretary Nielsen’s visit Human Rights First observed a steep decline in processing of asylum seekers, with 20 or fewer asylum seekers processed each day for the next three days. The day of her visit, with international media present and perhaps in an attempt to generate a pool of potential returnees, CBP processed 80 asylum seekers—more than the agency had processed in a day in nearly a year, according to legal observers.
- Because of these wide swings in processing and commotion at the plaza, several asylum seekers missed their names being called from the asylum seeker wait “list.” One was a pregnant asylum seeker from Mexico. She reported to Human Rights First that she was uncertain if the shelter where she was staying would continue to house her and her children while they wait to be called again.

Further, processing of asylum claims at San Ysidro remains well below U.S. capacity. During the first week of Remain in Mexico, CBP allowed approximately 41 asylum seekers per day to approach the port of entry at San Ysidro—well below CBP’s acknowledged capacity to process 90 to 100 asylum seekers per day there. Indeed, administration assertions that Remain in Mexico is a response to capacity constraints in processing asylum seekers at ports of entry are simply not credible. As Human Rights First previously documented, the number of asylum seekers accepted at ports of entry has fallen sharply, often to levels well-below capacity, and administration officials have failed to deploy staff and resources to process asylum claims. For instance, Customs and Border Protection (CBP) in the San Diego region processed more asylum seekers in fiscal year (FY) 2014 under President Obama than in FY 2018 under the Trump Administration and handled twice as many cases in FY 2015 than in the last fiscal year.<sup>1</sup> Based on these figures, CBP processed 68 asylum seekers on average per day, every day in FY 2015. Yet Human Rights First researchers observed CBP process an average of 41 asylum seekers per day at San Ysidro—40% fewer than in 2015. Analyses of CBP’s data by Human Rights First, the Cato Institute, WOLA and others make clear that processing slowdowns at ports of entry reflect a deliberate choice by the administration to reduce the number of asylum seekers who can request protection at the southern border.

Restrictions on seeking asylum at ports of entry encourage asylum seekers to cross the border between ports of entry. In 2018, a CBP official confirmed to the Office of Inspector General for DHS that the “backlogs” created by these policies “likely resulted in additional illegal border crossings.” Indeed, some asylum seekers planning to

<sup>1</sup> See, Exhibit 2, Docket No. 192-4, *Al Otro Lado v. Nielsen*, 3:17-cv-02366-BAS-KSC (S.D. Cal. Nov. 29, 2018) (showing that the San Diego CBP Field Office processed approximately 15,000 fear claims in FY 2014 and 24,923 in FY 2015); Customs and Border Protection, “Office of Field Operations Claims of Credible Fear Inadmissibles By Field Office,” available at <https://www.cbp.gov/newsroom/stats/sw-border-migration/claims-fear/inadmissibles-field-office> (stating that the San Diego CBP Field Office processed 12,432 fear claims in FY 2018).

seek protection at the port of entry reported to Human Rights First in early February that they were considering crossing the border because they feared danger in Tijuana if they were returned to Mexico by the United States and they did not have the resources to survive the potentially months-long wait in Mexico.

- On February 2, Human Right First spoke with a Honduran asylum-seeking couple and their two young children in Tijuana. Concerned by insecurity in the migrant shelter where they had been staying, they found lodging far from the port of entry. They worried they could not safely wait in Tijuana if returned to Mexico and wondered whether they “should just cross outside of the gate.”

## Due Process Mockery

Asylum seekers involuntarily returned to Mexico face significant barriers in exercising their right to be represented by a lawyer as well as in preparing and presenting their asylum claims. These obstructions to asylum seekers’ due process rights are likely to diminish their chances of being granted asylum. Indeed, asylum seekers with lawyers are four times more likely to be granted asylum than those without legal counsel.

Section 292 of INA guarantees individuals in immigration removal proceedings “the privilege of being represented (at no expense to the Government) by such counsel, authorized to practice in such proceedings, as [t]he[y] shall choose.” Yet, Remain in Mexico imposes numerous barriers for returned asylum seekers to find or effectively work with legal counsel. Returned asylum seekers cannot enter the United States to search for or meet with an attorney, yet CBP has provided asylum seekers returned at San Ysidro with lists of legal service providers (in English) located in California and the state of their intended destination. An “Initial Processing Information” sheet provided by CBP to returned asylum seekers advises that they exercise the privilege of being represented by an attorney:

- “by telephone, email, video conference, or any other remote communication method”
- “in person at a location in Mexico” or
- “[o]n the day of your immigration hearing, you may arrange to meet with your counsel in-person, in the United States, at your assigned court facility, prior to that hearing.”

These cynical suggestions do not provide asylum seekers who are allowed back into the United States only on the day of their immigration court hearings meaningful access to attorneys authorized to practice law in U.S. immigration court:

- ☑ **Remote communication is costly, insecure, difficult and insufficient:** Indigent asylum seekers marooned in Mexico will have great difficulty even contacting attorneys in the United States. Remote communication presents multiple concerns including confidentiality, costs, and barriers in forming the kind of trusting attorney-client relationship necessary to uncover crucial information that traumatized individuals may be reluctant to share over the phone or by email. Nor will a remote attorney be able to review original documents and other evidence with the client, have the client’s affidavit signed before a U.S.-authorized notary, or prepare the client in person to give testimony in court.
- ☑ **Barriers to U.S. attorneys operating in Mexico:** Meeting in person with counsel in Mexico raises questions surrounding the legal authorization of U.S. lawyers to practice in Mexico. In February 2019, local authorities in Piedras Negras, Mexico threatened to arrest and charge a U.S. attorney for the unlicensed practice of law in Mexico when she attempted to escort asylum seeking clients to the port of entry at Eagle Pass, Texas. In addition, few non-profit legal services organizations with U.S.-qualified lawyers operate along the Mexican side of the U.S.-Mexico border. For instance, the San Diego based

organizations on the list of legal service providers given to returned asylum seekers do not have locations in or and do not currently practice in Mexico.

- ☑ **Absurd to expect asylum seekers to prepare their cases at immigration court:** Conferring with an attorney for a few minutes or even hours prior to a hearing is not sufficient to receive adequate legal representation. An attorney cannot reasonably interview a client, examine and identify errors in immigration documents, or complete and review the [12-page asylum application](#), let alone draft and finalize a client's affidavit or prepare a client to offer testify and be cross-examined. Asylum cases in immigration court often take [hundreds](#) of hours to prepare. Further, many immigration courts, including the San Diego immigration court, do not provide space for individuals to meet with their attorneys in a private and confidential manner. Because returnees will be transported to the immigration court from the port of entry under the custody of DHS, they may be [shackled](#). Suggesting that shackled asylum seekers meet with an attorney in the corridor outside the courtroom in the moments before an immigration hearing to prepare their cases makes a mockery of the INA's guarantee of access to counsel.
- ☑ U.S. citizen attorneys who have crossed into Tijuana to provide assistance to asylum seekers face the risk of high levels of violence. In addition, [attorneys](#) from *Al Otro Lado*, a migrants-rights organization with a location in Tijuana, were refused entry to Mexico in late January 2019 as Remain in Mexico was implemented and deported to the United States raising serious concerns they were targeted for assisting and advocating on behalf of asylum seekers. Recent reports recount targeting, including extensive search and questioning by CBP, of U.S. citizens [volunteering](#) with humanitarian groups as well as [journalists](#) interviewing migrants and asylum seekers. Leaked CBP [documents](#) indicate that U.S. and Mexican authorities have been gathering intelligence dossiers on journalists, an *Al Otro Lado* attorney, and migrant-rights advocates and flagging their passports for additional screening when they attempt to cross the U.S.–Mexico border.

## Screening Farce

The screening process created by DHS to determine whether an asylum seeker is returned to Mexico is a farce designed to evade the credible fear process created by Congress to protect asylum seekers. Remain in Mexico's procedures elevate "efficiency" in returning asylum seekers to Mexico over ensuring that they receive an even minimally adequate assessment of whether they face persecution or torture there—a higher and different standard than the credible fear screening Congress established.

CBP officers are required to refer asylum seekers potentially subject to Remain in Mexico for a screening by a United States Citizenship and Immigration Services (USCIS) asylum officer of their fear of return to Mexico, but procedures under the new plan provide this interview only if the person [affirmatively](#) express a fear. This practice diverges from the [requirement](#) that CBP officers read arriving asylum seekers a summary of their rights and specifically question them about their fear of return before deporting them through the expedited removal procedures. The DHS memoranda do not require CBP officers to ask asylum seekers if they fear return to Mexico and, in practice, they have often not informed asylum seekers of the need to affirmatively express a fear of return to Mexico to trigger the full assessment nor screened asylum seekers for such fear.

- Human Rights First asylum legal experts reviewed the sworn statements in English (Form I-877, Record of Sworn Statement in Administrative Proceedings) recorded by CBP officers that include questions asked to and responses of several asylum seekers requesting protection at the San Ysidro port of entry in January 2019. They reported that **CBP failed to ask about danger they could face if returned to Mexico**. In these documents the CBP officers did not record having explained the Mexico fear screening

or having asked any questions about feared harm in Mexico. Rather, CBP officers' questions focused on whether the asylum seekers had hired smugglers or knew the names and contact information of the individuals who organize migrant caravans.

- Asylum seekers were reportedly asked to sign these written sworn statements without interpretation into a language they speak. One asylum seeker from Honduras fled death threats by gang members who later murdered the man's brother. He was asked to signed documents by CBP without interpretation, and later learned that these documents contain inaccurate information that he did not tell the officer, including that he was offered asylum in Mexico – a misstatement that ICE could subsequently attempt to use to argue against his asylum eligibility.
- An attorney with *Al Otro Lado* who has consulted with several returned asylum seekers reported that CBP officials are “not routinely asking people” whether they have a fear of returning to Mexico.
- Multiple returned asylum seekers reported to Human Rights First and other observers that they were awoken while in CBP custody and **interviewed in the middle of the night**. One asylum seeker reported having been questioned at around 1am and another was interviewed at 3am. Documents reviewed by Human Rights First confirm that a third individual received an information sheet regarding Remain in Mexico at 1 o'clock in the morning.
- An asylum seeker returned to Tijuana who has a first-grade education and suffers from a learning impairment due to a childhood traumatic brain injury alleged that he attempted to explain his fear of returning to Mexico but that the CBP officer who briefly interviewed him repeatedly shouted “no” at him, instructed him to sign documents in English he could not understand and failed to refer him for a fear screening with an asylum officer.
- An asylum seeker from Honduras reported that he was not asked about any danger he faced in Mexico but when he tried to affirmatively raise his fear, the CBP officer told him: “Honduras wasn't safe, Mexico wasn't safe, and the U.S. isn't safe either . . . He told me I'd have to figure out how to survive in Tijuana.”

The USCIS screening imposes an extraordinarily high standard to establish a likelihood of harm in Mexico and eliminates due process protections for fear screenings. The January 25 Nielsen memorandum states that asylum seekers can be returned to Mexico unless they would “more likely than not be persecuted on account of race, religion, nationality, membership in a particular social group, or political opinion . . . or would more likely than not be tortured”—the “same standard used for withholding of removal and CAT [Convention against Torture] protection determinations” normally applied after a full hearing in immigration court to make a final decision.

- ☑ **Extraordinarily High Legal Requirement:** Under the INA, asylum seekers placed in expedited removal must be referred for a fear screening. Asylum seekers must show a credible fear of persecution in the country they fled—meaning a *significant possibility* that they can establish ultimate eligibility for asylum after a full immigration court hearing. They are not required to actually prove their asylum cases at this stage—as Congress created a screening standard purposefully lower than the asylum standard. But under Remain in Mexico, asylum seekers must establish *full legal eligibility* for withholding of removal or CAT protection during this initial screening interview to avoid being returned to Mexico. Not only is the standard to qualify higher than for asylum itself, but asylum seekers must establish they qualify without an attorney or a chance to present in an evidentiary hearing in immigration court. **Under Remain in Mexico, asylum seekers must prove that they have an even greater fear in Mexico than in their home country in order to come into the United States to pursue their asylum claims.**

- ❑ **Lack of immigration judge review:** U.S. immigration law allows asylum seekers to request review by an immigration judge of a negative credible fear determination. Yet under Remain in Mexico, asylum seekers are not entitled to immigration judge review of the asylum officer determination regarding their fear of harm in Mexico. The lack of a review mechanism contravenes Congress’s intent for immigration judges to conduct an “independent review that will serve as an important though expedited check on the initial decisions of asylum officers.”
- ❑ **Denial of representation:** U.S. immigration law guarantees asylum seekers the right to consult with an individual, including a lawyer, of their choosing prior to a credible fear interview and to have that person attend the interview. Yet the USCIS policy memo states that “DHS is currently unable to provide access to counsel during the assessments given the limited capacity and resources at ports-of-entry and Border Patrol stations as well as the need for the orderly and efficient processing of individuals.” Restricting access to counsel for asylum seekers detained in DHS custody undermines the ability of asylum seekers to prepare for interviews and present evidence that demonstrates the danger(s) they face in Mexico. Further, these restrictions may violate the Orantes injunction, which guarantees certain rights, including access to counsel, for Salvadoran asylum seekers in DHS custody.
- ❑ **Denial of Rest:** Asylum officers have also reportedly been instructed to deny “rest periods”—the 48-hour respite asylum seekers are offered before a fear interview. These rest periods are crucial to ensuring due process because they allow asylum seekers who may be hungry and sleep-deprived after arduous and difficult journeys to recuperate before undergoing a screening interview about the persecution they fear.
- ❑ **Lack of Transparency:** Asylum seekers who do not pass credible fear screenings are entitled to a written notice and explanation of the asylum officer’s determination; however, asylum seekers referred for screenings by USCIS under Remain in Mexico reported that they did not receive an oral or written explanation of the asylum officer’s decision – leaving substantial questions about the basis for those determinations. Among those returned after USCIS screening was a Honduran asylum seeker who had been robbed at gunpoint in Tijuana just days before being allowed to approach the San Ysidro port of entry by men who said they knew he was Honduran and threatened to kill him if they saw him again in Tijuana. The man had also previously been kidnapped and held for ransom by a Mexican cartel before he managed to escape. Without any explanation from USCIS it is unclear why this man was returned to Mexico despite his fear of persecution there on account of nationality – an exemption ground laid out in the January 25 Nielsen memorandum.

## An Address to Nowhere

The DHS memoranda and guiding principles do not explain how asylum seekers will receive hearing notifications from the immigration court. These notices are crucial to inform individuals in removal proceedings of changes in hearing dates, which occur frequently including tens of thousands of hearings that must be rescheduled due to the partial government shutdown in December 2018 and January 2019. Immigration judges may order asylum seekers who fail to appear at a hearing removed in their absence.

In order to receive hearing notices, individuals in immigration court must provide their address, but asylum seekers returned are unlikely to have a place to live in Mexico, let alone a readily available mailing address to supply. For example, one of the returned asylum seekers Human Rights First spoke with had been staying in the temporary shelter established in December 2018 at the former Barretal nightclub that closed suddenly on January 30, 2019. Further, notices to appear served on returned asylum seekers failed to record addresses in Mexico where mail can be received. On three notices to appear reviewed by Human Rights First, CBP officers recorded asylum seekers' addresses as merely "*domicilio conocido*" (literally "known address") in Tijuana.

Asylum seekers who attempt to update their addresses, as required by the immigration regulations, will not be able to deliver that form in person at the immigration court because they are not able to enter the United States. Instead, to send mail internationally they must rely on *Correos de Mexico*, the unreliable government postal system in decay due to a lack of federal resources and suffering from sluggish international delivery times of up to a month. While theoretically an alternative, the use of a private international courier services such as DHL or FedEx is likely prohibitively expensive for most indigent asylum seekers.

## Mexico Complicit in Asylum Return Scheme

While the Mexican government has repeatedly characterized the Remain in Mexico plan as a "unilateral" action by the United States, Mexico is facilitating and assisting in the effort to block asylum seekers from approaching U.S. ports of entry. Mexico has already accepted the return of dozens of Central American asylum seekers in Tijuana. The January 25 Nielsen memo describing the exchange of messages between the two governments claims that Mexico will "allow" asylum seekers returned a "stay for humanitarian reasons," permit them to enter and exit Mexico for court hearings in the United States, and give returned asylum seekers an "opportunity to apply for a work permit."

Although Mexican regulations provide that so-called "humanitarian visas" are good for one year, renewable periods, the INM Commissioner, one of the officials with discretion to issue and renew such visas, reportedly indicated that humanitarian visas for returned asylum seekers would be valid for only four months and expressed his understanding the immigration proceedings in the United States would conclude within 90 days. However, visas issued by INM to several individuals and reviewed by Human Rights First were general visitor visas—the box for the humanitarian visa was not checked—with a 76-day validity period and did not provide authorization to take paid work. Recent changes in policy reflect the uncertainty and discretionary nature of the humanitarian visa program. In January 2019, Mexican President Andres Manuel Lopez Obrador implemented changes to the humanitarian visa process to facilitate access to the visa for Central Americans in need of humanitarian protection, but the program was cancelled less than two weeks later.

As discussed above, Mexico has repeatedly deported Central American asylum seekers to potential persecution without accepting or considering their requests for protection. Deportation by Mexico of individuals in need of



protection has resulted in grave consequences. For instance, in December 2018, a young Honduran man was murdered in Tegucigalpa, Honduras after being deported from Tijuana the previous week by INM. Even if Mexico were to follow through on its supposed offer of humanitarian visas to asylum seekers, asylum seekers in Mexico remain at risk of deportation to persecution, as Amnesty International found in its 2018 report documenting Mexico's *refoulement* of asylum seekers.

## Plans to Expand Remain in Mexico Despite Dangers

Although returns to date have occurred only at the San Ysidro port of entry, a CBP memo implementing Remain in Mexico makes clear that DHS believes it has authority to return asylum seekers along the entire border both from ports of entry and those who cross between the ports of entry. Despite the violence and other grave harms asylum seekers could face if returned to other parts of the U.S.-Mexico border, DHS officials have already extended the program to return individuals who cross the border in the San Diego sector and plan to expand the scheme "in the near future" spreading next to El Paso. As Human Rights First has documented in reports and analyses, asylum seekers south of the U.S.-Mexican border face acute risks of kidnapping, disappearance, sexual assault, trafficking, and violent crimes.

The U.S. State Department 2017 human rights report on Mexico lists "violence against migrants by government officers and organized criminal groups" as one of the "most significant human rights issues." It notes that the dangers for Central American refugees in the country has grown as "Central American gang presence spread farther into the country and threatened migrants who had fled the same gangs in their home countries." Migrants are also targets for kidnapers, making up a disproportionately large percentage of reported disappearances – approximately 1 in 6—despite representing a tiny fraction of Mexico's total population.

Refugees in Mexico are targeted due to their inherent vulnerabilities as refugees but also on account of their race, nationality, gender, sexual orientation, gender identity, and other reasons. Certain groups—"including the LGBTQ community, people with indigenous heritage, and foreigners in general"—face consistent persecution in Mexico and are often forced to seek protection outside of the country. Gay men and transgender women, for example, flee discrimination, beatings, attacks, and a lack of protection by police in Mexico. A January 2019 survey conducted by the American Immigration Council, AILA, and the Catholic Legal Immigration Network, Inc. among 500 detained asylum seeking women and children in Texas found that 46% of respondents reported that they or their child experienced at least one type of harm while crossing through Mexico, and 38.1% of respondents stated that Mexican police mistreated them. Amnesty International reports that criminal investigations of massacres and crimes against migrants remain "shrouded by impunity."

Violence across Mexico has been climbing: 2018 was the deadliest year in the country's recorded history, averaging 91 homicides per day and surpassing the previous record in 2017 by 15 percent. The northern border states, where refugees forced to return to Mexico are likely to stay, all experienced jumps in homicide rates in 2018 making them among the most dangerous in the country. President Trump tweeted in January 2019 that the murder rate in Mexico had risen substantially making the country "[w]orse even than Afghanistan."

Research by Human Rights First, reports by the U.S. and Mexican governments as well as media accounts demonstrate the dangers migrants face in the Mexican states bordering the United States where CBP appears to be planning to return asylum seekers through ports of entry:

## TAMAULIPAS

### U.S. ports of entry: Laredo, McAllen & Brownsville, TX

Tamaulipas, the Mexican state that shares a long border with Texas, is “notoriously violent” and “one of the most lawless states in the country,” riven by cartel violence. Tamaulipas was the state with the largest registered number of missing or disappeared people in Mexico according to the U.S. State Department 2017 human rights report. The U.S. State Department ranks Tamaulipas as a category four level—“Do Not Travel”—the same threat assessment that applies to travel to Afghanistan, Iraq, and Syria. In Tamaulipas:

Violent crime, such as murder, armed robbery, carjacking, kidnapping, extortion, and sexual assault, is common. Gang activity, including gun battles and blockades, is widespread. Armed criminal groups target public and private passenger buses as well as private automobiles traveling through Tamaulipas, often taking passengers hostage and demanding ransom payments. Federal and state security forces have limited capability to respond to violence in many parts of the state.

U.S. government employees are restricted from intra-state highways in Tamaulipas and under evening curfew in the cities of Matamoros (across from the Brownsville port of entry) and Nuevo Laredo (across from the Laredo port). The U.S. State Department’s bureau of diplomatic security ranks “corruption of police and rule of law officials” as “the most serious concern” in its report on security in Nuevo Laredo. According to the bureau, “the municipal police force in Nuevo Laredo was disbanded among allegations of large-scale corruption” in July 2011 and as of January 2019 still had not been reconstituted. Mexican marines deployed to Nuevo Laredo to address cartel violence in the city have themselves been accused of disappearances and murder.

Human Rights First researchers spoke with multiple asylum seekers in Nuevo Laredo in late February 2019 who had been victims of violence, kidnapping, extortion, and other crimes while waiting to seek asylum at the Laredo port of entry:

- A director of a migrant shelter hosting hundreds of asylum seekers reported that kidnappings and extortion are extremely common in Nuevo Laredo and that many of those staying in the shelter had been previously kidnapped by cartel members who target migrants in local hotels, bus stations, and on the streets.
- A gay couple from Honduras were kidnapped upon arriving at the Nuevo Laredo bus terminal in early February 2019. The kidnappers threw them in separate cars taking one man to a carwash where he was threatened but ultimately released because he claimed to have no relatives willing to pay for his release. His partner was driven to a house where more than a dozen other migrants were also being held. The kidnappers struck him in the head, stole what money he had, took his photograph and recorded his biographical details – essentially registering him for further targeting.
- An asylum seeker reported that she fled Honduras after death threats by gang members who were attempting to extort her there. She feared that the gang had found her in Mexico after an unknown Honduran man randomly attacked her in the street, cutting her ear, injuring her head and knocking her unconscious when she fell to the ground.
- The husband of a Guatemalan asylum seeker left the migrant shelter where they were staying with three other men to look for day work while waiting for their names to be called from the asylum “list” at the Laredo, Texas port of entry. A group of heavily armed members of the Zetas cartel stopped and threatened the group, taking photographs of them. Two days later, one of the men was kidnapped.



In the city of Reynosa (across from the McAllen port of entry), disappearances, kidnapping, ransom, and murder of migrants by criminal groups have become so frequent that at least one migrant shelter forbids any migrants from leaving the premises. In December 2018, a Mexican television network reported that three Yemeni asylum seekers were kidnapped by men in vehicles marked “police” in Reynosa while en route to seek asylum in the United States. Taken to a house and stripped to their underwear, the men were held with other kidnapping victims from El Salvador, Guatemala, and Honduras. The kidnappers beat them, threatened to cut off their fingers and toes and extorted thousands of dollars from family members in Yemen. The group escaped only when another criminal gang attacked the house and released the three in exchange for additional extortion payments. The recent rescue of 22 Central American migrants held in a house in Reynosa suggests that the number of kidnappings remains high.

## SONORA

### U.S. ports of entry: San Luis, Nogales & Agua Prieta, AZ

For the state of Sonora, the U.S. State Department recommends that U.S. citizens “reconsider travel due to crime”—the same level of caution urged for travel to El Salvador and Honduras. According to the warning, “Sonora is a key location used by the international drug trade and human trafficking networks.” On the Mexican side of the border in the city of Nogales (across from the U.S. port of the same name), U.S. government employees are not permitted to use taxi services. Further, long-distance intrastate travel is limited to the daytime, and U.S. government employees may not venture outside of the city limits in the border-region towns of San Luis Colorado (across from the San Luis port), Cananea and Agua Prieta (across from the Agua Prieta port of entry). In its 2018 report on security in Nogales, the U.S. State Department’s diplomatic security bureau notes that “[a]nyone who projects the perception of wealth and is unfamiliar with the area can easily become a target of opportunity by being in the “wrong place at the wrong time.” The bureau recommends against the use of public transportation including taxis, given the “depth of narco-trafficking influence over the taxis.”

## CHIHUAHUA

### U.S. ports of entry: El Paso, TX

The U.S. State Department warns travelers to “reconsider travel due to” “widespread” “[v]iolent crime and gang activity” in the Chihuahua. In fact, U.S. government employees are limited to travel to a handful of cities and largely prohibited from traveling at night or away from major highway routes. On January 17, 2019, the State Department’s diplomatic security bureau warned of a series of attacks on police officers in Ciudad Juarez (across from the U.S. ports in El Paso) and Chihuahua City carried out by organized criminal groups, “which [we]re expected to continue” and warned its personnel “to avoid police stations and other law enforcement facilities in both cities to the extent possible until further notice. Earlier in October 2018, the diplomatic security bureau had warned that criminal groups in Ciudad Juarez were “actively trying to obtain armored vehicles” and had “made a brazen attempt to carjack a police armored vehicle.” In August 2018, the security bureau extended restrictions on travel to downtown Ciudad Juarez “[b]ecause the higher rates of homicides during daylight hours that prompted [a July 2018] restriction [had] not decreased.” As of February 2019, those restrictions had not been lifted.

Asylum seekers in Ciudad Juarez fear for their lives while waiting to be processed in the United States particularly with the arrival of the Jalisco New Generation cartel there. By mid-January 2019, the city had already had 46 homicides since the beginning of the year. Residents fear the potential for another vicious cartel fight: inter-cartel violence reportedly resulted in some 10,000 deaths between 2008 and 2012.

## COAHUILA

### U.S. ports of entry: Del Rio & Eagle Pass, TX

The [U.S. State Department](#) warns travelers to “reconsider travel due to” “[v]iolent crime and gang activity [which] are common in parts of Coahuila state.” Employees of the U.S. government travelling in the border towns of Piedras Negras (across from the Eagle Pass port) and Ciudad Acuña (across from the Del Rio port) are subject to a nighttime curfew. In June 2018, the mayor of Piedras Negras who had taken a hardline stance against crime was [assassinated](#) while campaigning for a seat in the Chamber of Deputies. Drug cartels in Coahuila [have reportedly](#) long sought to influence Mexican officials through bribes to policemen and politicians. In November 2018, a wave of [kidnappings](#) hit Piedras Negras with four women disappeared in a week. Overall, [homicides](#) rose in the state by 20 percent between 2017 and 2018. LGBTQ rights [activists](#) in the state have complained that murders of LGBTQ persons have gone uninvestigated and registered dozens of complaints of physical violence by police officers in the towns of Monclova, Frontera, Castaños, Piedras Negras, Acuña, San Pedro, Viesca, Torreón and Saltillo.

Migrants are targets of violence and discrimination in Coahuila. Migrant women and children are reportedly at high risk of [forced labor](#) on farms in Coahuila. In 2018, a hotel in Piedras Negras [kicked out](#) a family of Honduran asylum seekers in the middle of the night because the owner refused to accommodate “foreigners.” Asylum seekers in migrant shelters in Piedras Negras have been [threatened](#) by smugglers who threaten to kidnap and kill the migrants and their family members, if they do not pay them. In February 2019, a Honduran migrant managed to [escape](#) from a house where he was being held by kidnapers.

In February 2019, researchers from Human Rights First spoke with asylum seekers who had been attacked in Piedras Negras:

- A 17-year-old unaccompanied boy from Honduras who was staying at a makeshift shelter at a church in Piedras Negras reported that he had been robbed of his phone, money and identity documents at knife-point about four blocks from the shelter.
- A university student who had fled Honduras after death threats by extortionists feared being on the street outside the migrant shelter where he was staying because an officer with *Fuerza Coahuila*, the state police force, had stopped, beaten and threatened him because he was an undocumented migrant in Mexico.

## Legal Appendix: Remain in Mexico Violates U.S. Laws and Treaty Obligations

U.S. law makes clear—in both Sections 208 and 235 of the INA—that people can seek asylum at a U.S. port of entry or after crossing in to the United States. The Trump Administration has already taken steps to block or turn away asylum seekers at ports of entry and to ban those who seek protection after crossing between ports of entry. Remain in Mexico is an attempt to circumvent the asylum laws passed by Congress in order to return some asylum seekers to Mexico.

Launched through a January 25, 2019 DHS action [memorandum](#), Secretary Kirstjen Nielsen purported to invoke authority under [Section 235\(b\)\(2\)\(C\)](#) of the INA to return non-Mexican nationals, including asylum seekers,

requesting admission at a U.S.-Mexico land port of entry or who have crossed that border “without proper documentation” to Mexico.<sup>2</sup> Asylum seekers subject to the scheme are issued a Notice to Appear (NTA) and returned to Mexico. While they are permitted to physically reenter the United States to attend immigration court proceedings, they are not allowed to enter in advance to attempt to secure, meet with and work with U.S. attorneys who can represent them in immigration court.

The use of this provision to return asylum seekers to Mexico directly contradicts the statutory scheme Congress laid out in the INA. First, Section 208 of the INA makes clear that asylum seekers who arrive at official border posts can apply for asylum. Second, Section 235(b)(1) establishes specific “expedited removal” procedures for individuals who lack visas or other entry documents (at ports of entry or stopped after crossing the border), which includes most asylum seekers on the southern border. The provision further provides that asylum seekers be given a credible fear interview and that those who pass the screening be held in U.S. detention or released on parole—under INA 212(b)(5)—during consideration of their applications. **Returning refugees to Mexico directly contradicts Congress’ clear and specific instruction that asylum seekers remain in the United States while their asylum claims are pending.** Indeed, Section 235(b)(2)(C)—the very provision DHS relies on for Remain in Mexico—incorporates an explicit exception at 235(b)(2)(B) for individuals covered by Section 235(b)(1), i.e. the asylum seekers the agency now attempts to return to Mexico.

The safe third country provision of the INA does allow the United States to return some asylum seekers to a contiguous country they passed through, Mexico does not meet the legal criteria. Specifically, to be a safe third country, Mexico would have to (1) guarantee asylum seekers protection from persecution; (2) provide access to “full and fair” procedures to assess asylum requests; and (3) enter into an agreement to be designated a safe third country. None of these conditions has been met.

Congress passed the 1980 Refugee Act to bring domestic law in line with U.S. obligations under the Refugee Convention. Article 33 of the Refugee Convention, which the United States is bound to respect, prohibits states from returning refugees “**in any manner whatsoever**” to territories where they face a threat to their life or freedom. Returning Central American and other refugees to a country—such as Mexico—violates Article 33 as it puts refugees at risk of return to their country of persecution as well as the prohibition on returning individuals to any country where they may face persecution. The United States has also adopted the U.N. Convention against Torture (CAT), which prohibits returning a person to any country where that person would face torture. This obligation has been interpreted to prohibit a country from deporting someone who faces torture to a third country that would subsequently expel the person to a place where he or she faces torture. Returning individuals to Mexico also violates U.S. obligations under CAT as it puts returned asylum seekers at risk of expulsion by Mexico to their countries where they face torture. As outlined below, Mexican officers often return asylum seekers to their countries of persecution despite prohibitions in Mexican law, the Refugee Convention and CAT.

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<sup>2</sup> In a January 31, 2019 email, an official from the Office of Management and Budget (OMB) informed Human Rights First that on January 29, 2019, DHS officially withdrew an interim final review to implement the Migrant Protection Protocol submitted for review to OMB’s Office of Information and Regulatory Affairs, the authority established by statute to review executive branch regulations.

# EXHIBIT V

# The Refugee Brief – 20 March 2019

By [Kristy Siegfried](#) | 20 March, 2019

## WHAT YOU NEED TO KNOW

**Italy seizes NGO rescue boat in Lampedusa.** Sicilian prosecutors on Tuesday [ordered the seizure](#) of the Italian NGO ship, the Mare Jonio. The vessel was then escorted into the port of Lampedusa by police and the 49 refugees and migrants on board, including 12 minors, were allowed to disembark. Reuters reports that the boat will be impounded, and the crew will face possible questioning as part of an investigation into its possible role in aiding and abetting illegal immigration. In an earlier statement, the Mediterraneo collective that organized Monday's rescue off the coast of Libya said it had acted in accordance with international human rights and maritime law. Italy's interior minister Matteo Salvini said on Monday that the Mare Jonio should have let Libya's coastguard carry out the rescue. UNHCR has repeatedly stated that refugees and migrants should not be [returned to Libya](#) and called for the reinstatement of effective rescue capacity on the Mediterranean.

**Asylum-seekers returned to Mexico attend US court hearings.** A group of asylum-seekers sent back to Mexico in late January under a new US policy returned to the United States on Tuesday to attend their first hearings in a San Diego immigration court. Some 240 people have reportedly been sent back to Mexico to await US court proceedings since the policy was introduced in late January. Reuters reports that three of the asylum-seekers asked to be allowed to [remain in the](#)

US until their next hearings in early August because they feared for their safety while waiting out the process in Mexico. A federal judge in San Francisco is set to hear arguments by the American Civil Liberties Union and other advocacy groups that are [suing to halt the policy](#) later this week.

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## WHAT'S ON OUR RADAR

**European court clears way for Germany to return asylum-seekers to other EU countries.** The European Court of Justice ruled on Tuesday that Germany was within its rights to return asylum-seekers to other EU Member States, even if they would encounter [poor living conditions](#). Under the Dublin Regulation, asylum-seekers can be returned to the EU country where they first lodged an asylum-claim. The ECJ case involved a Gambian man who lodged an asylum application in Italy before traveling to Germany and filing another claim there. He argued he should not be returned to Italy because of poor conditions for asylum-seekers there. The judges ruled that only extreme cases where the individual would be deprived of the “most basic needs” should be grounds for preventing a transfer.

**Satellite imagery shows “immense” damage to Syrian cities.** A [“Damage Atlas of Syrian Cities”](#), produced using satellite imagery collected over five years, gives an insight into the level of damage caused by eight years of war. The Atlas, produced by REACH and UNOSAT, measures infrastructural damage in 16 towns and cities across Syria and the impact on residents’ lives. It finds that damage across Syria is “immense” with children unable to attend school and no access to medical care in many areas. More than half of the Syrian population living in urban areas has been affected by aerial bombardments and fighting. Eastern Ghouta near Damascus was found to have the largest number of destroyed buildings while Aleppo had the highest concentration of severely damaged structures.

**UK home office accused of using debit cards to monitor asylum-seekers.** The Times reports that prepaid debit cards issued to asylum-seekers in the UK are microchipped and have been used by the Home

Office to [track users' movements](#). If they leave their “authorized city” where they have been provided with temporary housing, the card can be revoked. According to the Times, of more than 27,000 cards issued, fewer than 200 people have been penalised for leaving their designated city. Civil rights group, Liberty, said the policy infringed on basic rights while the Scottish Refugee Council described it as “insulting and invasive”.

**Canada allots additional US\$1 billion over five years for border, asylum system.** The government said it would spend an additional \$902 million over the next five years to [strengthen the border](#) and speed up the asylum process, given the challenges posed by the tens of thousands of asylum-seekers who reportedly crossed the US border into Canada last year. The new money was announced as part of Canada’s annual budget. Additional funding was also allocated to provide refugees with access to [temporary health coverage](#).

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## GET INSPIRED



Zamira Abbasova, a refugee from Armenia, is a “business buddy” to other refugees who dream of starting their own businesses. She works with the [Entrepreneurial Refugee Network](#) to help people like Muna, a Somali refugee who wants to start a cleaning service, to turn their ideas into sustainable businesses.

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## DID YOU KNOW?

In the Syrian city of Aleppo, more than **30,000** buildings have been [moderately or severely damaged](#) by the conflict and

nearly **5,000** buildings have been completely destroyed. The city's pre-war population of **2.5 million** has fallen to an estimated **1.6 million**.

## Latest issues

The Refugee Brief – 12 November 2019

The Refugee Brief – 11 November 2019

The Refugee Brief – 8 November 2019

The Refugee Brief – 7 November 2019

The Refugee Brief – 6 November 2019

The Refugee Brief – 5 November 2019

The Refugee Brief – 4 November 2019

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The Refugee Brief – 30 October 2019



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# EXHIBIT W



February 6, 2019

The Honorable Kirstjen M. Nielsen  
Secretary, Department of Homeland Security  
3801 Nebraska Ave. NW  
Washington, D.C. 20016

Submitted via email: [DHSSecretary@hq.dhs.gov](mailto:DHSSecretary@hq.dhs.gov)

**RE: Substantial Evidence Demonstrating Catastrophic Harms That Will Befall Migrants in Mexico with Continued Implementation and Further Expansion of Migrant Protection Protocols**

Dear Secretary Nielsen:

The Department of Homeland Security (DHS) recently announced implementation of the “Migrant Protection Protocols” (MPP), a deeply troubling policy that prevents asylum seekers from entering the United States by forcing them to remain in Mexico pending their request for protection.<sup>1</sup> The Dilley Pro Bono Project (DPBP) submits this letter to express its grave concern over the impact the MPP will have on the due process rights and well-being of migrants.<sup>2</sup> The DPBP is well-positioned to understand this impact. Since Spring 2015, the DPBP has provided legal services to tens of thousands of asylum-seeking mothers and their children detained in the South Texas Family Residential Center (STFRC) in Dilley, Texas—many of whom recently crossed the U.S. border from Mexico seeking humanitarian relief.

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<sup>1</sup> January 28, 2019 Policy Memorandum, Guidance for Implementing Section 235(b)(2)(C) of the Immigration and Nationality Act and the Migrant Protection Protocols, PM-602-0169.

<sup>2</sup> The Dilley Pro Bono Project (formerly the CARA Pro Bono Project) is an initiative of the American Immigration Lawyers Association (AILA), the American Immigration Council, Catholic Legal Immigration Network, Inc. (CLINIC), and other partners.

The MPP represents a unilateral decision by the U.S. government that threatens to jeopardize meaningful access to asylum and other humanitarian protections under our immigration laws. For example, applicants forced to remain in Mexico for months or longer will find it especially difficult—if not impossible—to have access to counsel familiar with U.S. immigration and asylum laws, to file necessary paperwork in a timely manner, and to secure evidence to demonstrate their claims for asylum or other relief.

Equally important, and of great concern to the DPBP, the MPP will exacerbate a humanitarian crisis on our southern border in a way that is entirely avoidable. DPBP details below the great risks that asylum seekers subject to the MPP will face.

Quite simply, Mexican border towns are not safe places for asylum seekers—much less vulnerable unaccompanied children and families—to wait for a U.S. immigration court hearing. U.S. law has adopted the international legal principle of *non-refoulement*, which requires that governments do not return individuals to a country where their life or freedom would be threatened.<sup>3</sup> Importantly, this mandate refers to *any* country where an individual’s life or freedom may be at risk, not just a person’s country of origin. For this reason, current conditions in Mexico are extremely relevant to any analysis of the appropriateness and legality of implementing the MPP.

The MPP could potentially affect thousands of people, including many vulnerable individuals and children. Enclosed, you will find the first-hand testimonies of ten families whose sworn declarations attest to the violence and harm—including rape, beatings, kidnappings, and ransom—they faced on the Mexican side of our southern border. The DPBP also presents the results of 500 surveys completed by recent border arrivals conducted since January 16. Alarming, we found that:

- 90.3% of respondents said that they did not feel safe in Mexico.
- 46% of respondents reported that they or their child experienced at least one type of harm while in Mexico.
- 38.1% of respondents stated that Mexican police mistreated them.

#### Increasing Levels of Violence and Instability in the Mexico Border Region

The violence and instability that migrants face on the Mexican side of the U.S.-Mexico border is well-documented. Some regions of the U.S.-Mexico border are considered by the State

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<sup>3</sup> UNHCR, States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, <https://www.unhcr.org/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html>

Department to be among the most dangerous locations in the world. For example, the border state of Tamaulipas, through which tens of thousands of asylum seekers travel each year on their way to the United States, has been designated a Level 4 “Do Not Travel” risk by the State Department.<sup>4</sup> As of January 2019, only 12 countries in the world are designated at Level 4, including Afghanistan, North Korea, Syria, and Yemen.<sup>5</sup>

The State Department has also documented numerous risks to Central American migrants in Mexico. In the 2017 Country Report on Human Rights Practices for Mexico, the State Department listed “violence against migrants by government officers and organized criminal groups” as one of the “most significant human rights issues” in Mexico.<sup>6</sup> The report also lists major threats to migrants from kidnappings and homicides. These threats come not just from Mexican criminal organizations and corrupt government officials, but also from the very organizations that many Central American migrants are fleeing. As the State Department observed, “Central American gang presence spread farther into the country [in 2017] and threatened migrants who had fled the same gangs in their home countries.”<sup>7</sup>

Tijuana—the Mexican city where the MPP has first been implemented—was the site of 2,518 murders last year, a record high and nearly seven times the total in 2012.<sup>8</sup> Last year, the State Department’s Overseas Security Advisory Council observed that “Tijuana is an important and lucrative location for Transnational Criminal Organizations, narco-traffickers, and human smuggling organizations,” and that in 2017, the state of Baja California saw an overall 84% increase in murders.<sup>9</sup> Not surprisingly, many asylum seekers have already suffered significant violence while being forced to wait in Tijuana; in December 2018, two Honduran children were murdered while forced to wait—due to the unlawful practice of metering—their turn to request asylum at the San Ysidro Port of Entry.<sup>10</sup>

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<sup>4</sup> U.S. Dep’t of State, Bureau of Consular Affairs, *Mexico Travel Advisory*, TRAVEL.STATE.GOV, November 15, 2018, <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/mexico-travel-advisory.html>.

<sup>5</sup> U.S. Dep’t of State, *Travel Advisories*, TRAVEL.STATE.GOV (last accessed Feb. 5, 2019), <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories.html/>.

<sup>6</sup> U.S. Dep’t of State, *Country Reports on Human Rights Practices for 2017: Mexico* (2018), available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2017&dliid=277345>.

<sup>7</sup> *Id.*

<sup>8</sup> Kate Linthicum, *Meth and murder: a new kind of drug war has made Tijuana one of the deadliest cities on Earth*, L.A. Times (January 30, 2019), available at: <https://www.latimes.com/world/mexico-americas/la-fg-mexico-tijuana-drug-violence-20190130-htmstory.html>.

<sup>9</sup> U.S. Dep’t of State, Bureau of Diplomatic Security, *Mexico 2018 Crime and Safety Report: Tijuana, United States*, OSAC.gov, <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=23376> (last accessed Feb. 4, 2019).

<sup>10</sup> Wendy Fry, *Two migrant caravan teens killed in Tijuana*, The San Diego Union-Tribune (Dec. 18, 2018), available at <https://www.sandiegouniontribune.com/news/border-baja-california/sd-me-migrant-children-killed-12182018-story.html>. See generally *Al Otro Lado, Inc. v. Nielsen*, No. 3:17-cv-02366-BAS-KSC (S.D. Cal. File July 12, 2017) (class action litigation challenging the turning away of asylum seekers at ports of entry along the U.S.-Mexico border).

## Evidence of Harm To Asylum Seekers In Mexico

The DPBP has documented the great risks faced by female asylum seekers traveling through Mexico to the United States. Five hundred female asylum seekers detained with their minor children at the STFRC responded in writing in Spanish to a survey disseminated by the DPBP. All detained families doing a legal services intake with the DPBP between January 16 and January 29, 2019, were presented with the opportunity to complete the survey, but were advised that survey participation was optional. Participants were instructed to limit their answers to what they had experienced and witnessed while traveling through Mexico on their way to the United States. Of the respondents, 54.6% were Honduran, 27.4% Guatemalan, 15.5% Salvadoran, and 2.5% from other Latin American countries. Furthermore, 93.3% of respondents were native Spanish speakers, while the remainder were native speakers of Mayan languages with Spanish as their second language.

Overall, the asylum seekers reported overwhelmingly that Mexico was a dangerous place for them and their children: 90.3% of respondents said that they did not feel safe in Mexico, and 46% reported that they or their child experienced at least one type of harm while in Mexico, with some reporting multiple types of harm.

- Robbery or attempted robbery (32.8%)
- Threats (17.2%)
- Physical Harm (12.6%)
- Kidnapping or attempted kidnapping (5.1%)
- Sexual assault (2%)

Many respondents also reported fearing for their safety in Mexico because they had witnessed incidents of harm that happened to others: 48% of respondents reported that they witnessed at least one type of harm to another person while in Mexico.

- Robbery or attempted robbery (29.4%)
- Threats (20.4%)
- Physical Harm (17.2%)
- Kidnapping or attempted kidnapping (7.2%)
- Sexual assault (6.3%)

Furthermore, asylum seekers reported that not only did the Mexican government fail to protect them from these dangers, but government officials were often the perpetrators of crimes against

migrants: 38.1% of respondents stated that a Mexican official mistreated them in at least one way.

- Demanded bribes (28.2%)
- Verbal intimidation (18%)
- Made them feel uncomfortable (15.5%)
- Threatened them (9.5%)
- Harmed them physically or sexually (1.5%)

### First-Hand Accounts of Violence Faced by Asylum Seekers in Mexico

Additionally, ten mothers detained at the STFRC who took part in the survey also provided detailed sworn statements regarding the harm they experienced in Mexico. They provided first-hand accounts of the grave violence encountered by vulnerable asylum seekers, which could befall thousands of migrants if MPP implementation continues and is expanded. These statements are representative of the hundreds of examples reported in the above survey. Pseudonyms are used in the following case summaries for the safety of the participants. Complete pseudonymized statements are also included in the attached Appendix.

**Rape and Threats to Her Child** – *Concepción* fled through Mexico from Honduras. While traveling through Mexico, a cartel member grabbed her while she lay in bed with her 5-year-old son and raped her. She recounts: “He threatened me, saying he would kidnap me to sell me in prostitution and would take my child to sell his organs if I did not have sex with him. He said that he had connections in the Gulf Cartel [and] that white women like me sold the best, and that children’s organs also sold very well.” She does not trust that Mexican police would protect her from this type of harm because they required bribes of her and other migrants, and strip searched those who did not pay.

**Kidnapped and Sold by Police and Held for Ransom** – *Aracely* and *Fatima* fled Mexico separately with their 4-year-old daughter and 6-year-old son, respectively. They were both kidnapped by Mexican police a few days apart and sold to a cartel who held them for ransom. *Aracely* reported: “A man told us that they were from a cartel and that everything would be fine if our families paid the ransom. They took everything we had and they made us call our families and have them send \$7,000 dollars [for each of us]. I heard the men saying that . . . the police who guard the river, had sold us to them.” *Fatima* stated: “We saw some people there who had been beat up. I saw a man whose whole face and arm were bruised and swollen, and he was vomiting blood . . . . My son has been

shaking and can't sleep because of what happened to us. He frequently tells me that he is still afraid."

**Sexual Assault and Police Extortion** – While fleeing from Honduras through Mexico, *Viviana* was sexually assaulted on three occasions while sleeping with her 10-year-old son next to her. She stated: "I didn't have anywhere else to go to be safe, and I didn't feel that I could ask for help from the Mexican police because every time we took a bus, they demanded money. If a woman didn't have money, they would tell her that they were going to deport her and take her child."

**Sexual Assault** – *Maybelin* and her 2-year-old daughter were persecuted in her native Guatemala due to her membership in an indigenous group. On her way to safety in the United States, she was repeatedly sexually assaulted at a house in Mexico where she was staying. She recalls: "I felt that I could not leave that unsafe situation, because I had nowhere to go in Mexico, and I had heard that the Mexican police did not protect migrants and might even deport me back to danger in Guatemala." She therefore had to continue staying there until she could enter the United States.

**Sexual Harassment and Threats of Sexual Violence** – *Ximena* is a Mexican woman fleeing sexual assault and threats with her 10-year-old daughter and 12-year-old son. Despite presenting herself at two ports of entry and telling U.S. immigration officials that she was afraid to stay in her home country of Mexico, the U.S. officials forced her and her children to wait 20 days to enter the United States. They had nowhere to sleep and had very limited access to food but had to leave a migrant shelter after three nights due to sexual harassment there and fear of sexual violence to Ximena or her children. Ximena says: "I was afraid . . . knowing that the gang has ties to the larger Sinaloa cartel with connections throughout the country. I felt that we were in danger for every moment we were still in our country."

**Extortion and Death Threats by Mexican Police** – *Luisa* escaped gang threats in El Salvador with her 15-year-old daughter. While traveling through Mexico, they were forced to pay the Mexican police three times. The final time, they didn't have the amount of money the police demanded. She states: "They grabbed my daughter, who was crying, and took her off the bus. Then they order[ed] me to get off the bus in the middle of nowhere. The uniformed men said to give them 7,000 pesos for each of us or we would both die there. The men said that if we didn't pay, he would tell the driver to leave and we would be kidnapped and killed."

**Extortion and Threats to Children by Mexican Police/Witnessed Sexual Assault** – *Carolina* fled Guatemala with her 9-year-old son, her sister, and her nephew. She was extorted and threatened twice by armed Mexican federal police. During one of these incidents, the police entered a house in which she was staying. She reports: “The officers were wearing black uniforms, bullet-proof vests, with their faces covered except for their eyes . . . . They said that if we did not pay, they would take our children from us and tie and lock them up.” *Carolina* and her son then witnessed the sexual assault of another woman who did not have enough money to pay.

**Witnessed Extortion/Threats/Apprehension by Mexican Police** – *Belkis* fled domestic violence in Guatemala with her 11-year-old son. She was terrified her husband was following them and could find them in Mexico, and felt she would only be safe from him once she arrived to the U.S. One day, the Mexican state police approached them in a group of about 40 migrants, and randomly selected 26 people to go with them on a bus. They said that they would extort those migrants’ families and beat them, including the children, if the families did not cooperate. *Belkis* says: “The people were crying, and begging God for help. The officials ordered them onto the bus. I do not know what happened to those people.”

**Attempted Kidnapping** – *Valery* escaped domestic violence in Honduras to seek asylum in the United States with her 10-year-old son. On her way through Mexico, they narrowly escaped attempted kidnapping by two unknown men, who tried to force a group of migrants they were a part of into a car. She states: “I felt unsafe the entire time I was traveling [in Mexico]. I knew that the threat of kidnapping was real because I had seen it happen before. Once, . . . a car pulled up next to a young woman . . . [a man] forced a woman into a car while she screamed . . . . I do not know what happened to her.”

## Conclusion

The inaccurately-named “Migrant Protection Protocols” will do nothing to actually protect migrants; instead, they force asylum seekers at our southern border to wait in unquestionably precarious and dangerous circumstances like those experienced and recounted herein. We urge you to terminate the MPP immediately and ensure that asylum seekers are provided meaningful access to safe, timely, and fair adjudication of their requests for protection. U.S.-based hearings should be complemented by increased access to the U.S. Refugee Program from within the region, particularly for vulnerable populations and children.



If you have any questions or require any additional information, please contact Katie Shepherd, National Advocacy Counsel at the American Immigration Council at [KShepherd@immcouncil.org](mailto:KShepherd@immcouncil.org) or Leidy Perez-Davis, Policy Counsel at the American Immigration Lawyers Association (AILA) at [LPerez@aila.org](mailto:LPerez@aila.org).

Sincerely,

THE AMERICAN IMMIGRATION COUNCIL

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION

CATHOLIC LEGAL IMMIGRATION NETWORK, INC.

## APPENDIX - Pseudonymized Declarations

1. Declaration of *Concepción*
2. Declaration of *Aracely*
3. Declaration of *Fatima*
4. Declaration of *Viviana*
5. Declaration of *Maybelin*
6. Declaration of *Ximena*
7. Declaration of *Luisa*
8. Declaration of *Carolina*
9. Declaration of *Belkis*
10. Declaration of *Valery*

## Declaration of Concepcion

I swear under penalty of perjury of the laws of the United States of America that the following is true and correct.

1. My name is **Concepcion**. I was born on [REDACTED] in Honduras. I am currently detained in the South Texas Family Residential Center with my 5-year-old son.
2. We fled Honduras to seek asylum in the United States. While we were traveling through Ocosingo, Chiapas, Mexico, two men allowed us and sleep in their house with three other women and four other children. I was afraid but had nowhere else to go to avoid sleeping in the street with my young son.
3. One of the men, was called El Colocho, and was about 23 years old. While I was lying down with my son next to me, he grabbed me and said I would have sex with him whether or not I wanted to. I told him no, but he threatened me, saying he would kidnap me to sell me in prostitution and would take my child to sell his organs if I did not have sex with him. He said that he had connections in the Gulf Cartel white women like me sold the best, and that children's organs also sold very well. Then he raped me.
4. Later, when we were traveling on a bus close to the border, we stopped at a checkpoint on the road. Mexican police got on the bus and forced those who didn't have Mexican documents to get off the bus and go into an office and pay 200 pesos. I paid but those who refused had to take off all their clothes and the police took whatever money they found. Because of these two incidents, I am afraid to be in Mexico and do not trust the police for protection.

I, [REDACTED], swear under the penalties of perjury that the attached declaration is true and correct to the best of my abilities. This declaration was read back to me word for word in Spanish, a language in which I am fluent.

[REDACTED]  
Signature

2/1/19  
Date

I, Katherine Murdz, certify that I am proficient in both Spanish and English. I read the declaration above in its entirety to [REDACTED] in Spanish.

Katherine Murdz  
Signature

2/1/19  
Date

## **Declaration of Aracely**

I swear under penalty of perjury of the laws of the United States of America that the following is true and correct.

1. My name is **Aracely**. I was born on [REDACTED] in Honduras. I am currently detained in the South Texas Family Residential Center with my 4-year-old daughter.
2. My daughter and I fled Honduras to seek asylum in the United States. We arrived in Reynosa, Mexico. On or around January 24, 2019 around 1:30 PM, we were waiting in a house with other migrants near the river. Four Mexican police officers in black uniforms broke the door down. They stayed for two hours, making phone calls. They told us they were going to take us to a better place where we would eat well and then we could cross the river.
3. The police told us to leave the house in a line with our heads down. It was night and we couldn't see. I believed the worst, that they were going to kill us. A bus arrived and took us about two hours and a half away to a mountain. The police stayed behind and there were other men on the bus.
4. We passed through a wall and were put in small houses. We saw many terrible things. There were some young men had been beat up very badly. We were only not beat like that because we obeyed everything we were told to do.
5. A man told us that they were from a cartel and that everything would be fine if our families paid the ransom. They took everything we had and they made us call our families and have them send \$7,000 dollars each for. I heard the men saying that the "Negros Politanos", the police who guard the river, had sold us to them.
6. We waited various hours until my relative was able to pay the \$14,000 ransom for my daughter and me. I was afraid they would hurt my daughter. We were taken to another place to sleep and then were allowed to cross the river the next day.

I, [REDACTED], swear under the penalties of perjury that the attached declaration is true and correct to the best of my abilities. This declaration was provided in Spanish, a language in which I am fluent, and was read back to me in Spanish.

[REDACTED]

Signature

2/4/19

Date

**CERTIFICATION OF TRANSLATION**

I, Katherine Murdza, certify that I am proficient in the English and Spanish languages and that the foregoing was read to [REDACTED].

Katherine Murdza

Signature

2/4/19

Date

### **Declaration of Fátima**

I swear under penalty of perjury of the laws of the United States of America that the following is true and correct.

1. My name is Fatima . I was born on [REDACTED] in Honduras. I am currently detained in the South Texas Family Residential Center with my 6-year-old son.
2. I fled Honduras and traveled through Mexico to find safety in the United States and arrived at the border in Reynosa, Mexico. On or around January 21 or 22, 2019, my son and I went to a building near the river to wait to cross to the United States. There were about 25 other migrants there.
3. About 10 police officers with black uniforms arrived and broke down the door. Their faces were covered except for their eyes. All of the migrants were crying. The police told us we were going to help us. After about half an hour, a bus arrived. They yelled at us to hurry up and get on. The bus took us to a hill. The bus ride felt like less than an hour but I'm not sure because I was so afraid.
4. We arrived around 3 p.m. The men there said they were from a cartel. They said if our ransom wasn't paid we would be killed, while gesturing as if they were cutting off their heads. We saw some people there who had been beat up. I saw a man whose whole face and arm were bruised and swollen, and he was vomiting blood.
5. They forced us to crouch behind a wall all night and would not let us stand up. One of the men said that the Polinegros had sold us to their cartel. The men from the cartel said they were going to kill us. They said they were going to search us for phone numbers. I tore up all the phone numbers I had except one, because I was afraid my mother would have a heart attack if they called her. I gave them one phone number and I do not know if they called that person.
6. The next day around 1 p.m. they released the whole group. My son has been shaking and can't sleep because of what happened to us. He frequently tells me that he is still afraid.

I, [REDACTED], swear under the penalties of perjury that the attached declaration is true and correct to the best of my abilities. This declaration was read back to me word for word in Spanish, a language in which I am fluent.

[REDACTED]  
Signature

2/4/19  
Date

I, Katherine Murdza, certify that I am proficient in both Spanish and English. I read the declaration above in its entirety to [REDACTED] in Spanish.

KRM Murdza  
Signature

2/4/19  
Date



## Declaration of Viviana

I swear under penalty of perjury of the laws of the United States of America that the following is true and correct.

1. My name is **Viviana** . I was born on [REDACTED] in Honduras. I am currently detained in the South Texas Family Residential Center with my 10-year-old son.
2. My son and I fled Honduras and traveled through Mexico to get to the United States. In Puebla, Mexico, we slept for four nights on the floor with three other migrant women. Three times when I was sleeping with my son next to me, a Mexican man who was supposed to be guarding us entered the room and touched me sexually. I woke up but was so afraid that I pretended to be asleep. Two other women told me that this happened to them there too. We finally started sleeping all together hugging each other to try to protect each other.
3. I didn't have anywhere else to go to be safe, and I didn't feel that I could ask for help from the Mexican police because every time we took a bus, they demanded money. If a woman didn't have money, they would tell her that they were going to deport her and take her child.

I, [REDACTED], swear under the penalties of perjury that the attached declaration is true and correct to the best of my abilities. This declaration was read back to me word for word in Spanish, a language in which I am fluent.

[REDACTED]  
Signature

2/4/19  
Date

I, Katherine Murdza, certify that I am proficient in both Spanish and English. I read the declaration above in its entirety to [REDACTED] in Spanish.

KER Murdza  
Signature

2/4/19  
Date

## Declaration of **Maybelin**

I swear under penalty of perjury of the laws of the United States of America that the following is true and correct.

1. My name is **Maybelin**. I was born on [REDACTED] in Guatemala. I am currently detained in the South Texas Family Residential Center with my 2-year-old daughter.
2. My daughter and I fled death threats from the gang in Guatemala and traveled through Mexico to seek asylum in the U.S. I did not feel safe in Mexico. I reached the border town of Reynosa, but did not know how to cross the border and was waiting to find people who could help me. I was out of money and did not have anywhere to sleep with my daughter.
3. I talked to some people in the market who said I could go clean their house. I lived there for a week. The husband, wife, and son all yelled at each other and hit each other, which terrified my daughter. They frequently insulted my daughter, calling her hunger-stricken and homeless.
4. While staying in that house, a man would touch my thighs and butt while I was sleeping. He would also come into the bathroom while I was showering and pull aside the shower curtain to watch me. I felt that I could not leave that unsafe situation, because I had nowhere to go in Mexico, and I had heard that the Mexican police did not protect migrants and might even deport me back to danger in Guatemala.

I, [REDACTED] swear under the penalties of perjury that the attached declaration is true and correct to the best of my abilities. This declaration was read back to me word for word in Spanish, a language in which I am fluent.

[REDACTED]

Signature

1/23/19  
Date

I, Katherine Murdza, certify that I am proficient in both Spanish and English. I read the declaration above in its entirety to [REDACTED] in Spanish.

KRM Murdza  
Signature

1/23/19  
Date

## Declaration of Ximena

I swear under penalty of perjury of the laws of the United States of America that the following is true and correct.

1. My name is **Ximena**. I was born on [REDACTED] in Mexico. I am currently detained in the South Texas Family Residential Center with my 10-year-old daughter and 12-year-old son.
2. My children and I fled sexual assault and threats of further harm from a gang in Guerrero, Mexico to seek asylum in the United States. I was afraid while traveling through Mexico, knowing that the gang has ties to the larger Sinaloa cartel with connections throughout the country. I felt that we were in danger for every moment we were still in our country.
3. When we arrived in Piedras Negras, Mexico on approximately December 30, 2018, we presented ourselves at the port of entry into Eagle Pass, Texas to seek asylum. One male and one female U.S. immigration official told us that we could not pass until it was our turn and that we had to find a man called *Licenciado* Mauro Ornelas to add our names on the list. They could not provide any contact information for Mauro. No one was allowed to take even one step over the line from Mexico into the United States.
4. We asked all around town for Mauro for several days. Everyone seemed to know him, and we could find him on Facebook, but no one would give us a phone number. One day, I was waiting at the port of entry and the officials allowed a couple to enter. Mauro arrived very angry with a family that he said was supposed to be next on the list. He told the officials that there were rules and that they had an agreement, and that they had to follow the list. The family that arrived with Mauro was not allowed to enter that day.
5. This incident finally gave us the opportunity to talk to Mauro. I do not know if he was affiliated with a particular organization or agency but he seemed to speak Spanish like a Mexican. I told him our names, our birth dates, our place of origin, and photos of us. Mauro told me that I would be number 126 on the list. He brought me to a shelter, where I was told I could stay for 3 days. I could renew my time with Mauro's confirmation that I was still waiting for it to be my turn on the list.
6. Two families were sleeping on the bridge despite the very cold weather, because they hoped it would let them enter the U.S. more quickly, but it did not change their position on the list. I went to the shelter because I didn't want my children to be unsafe sleeping in the street like many other migrants were doing, but I quickly became uncomfortable there. There was a man who made sexual comments to me. I was worried about what this man would do to me or my children, as I had already experienced sexual violence at home. My son had to sleep in a different room for adolescent boys so I could not watch him carefully. Because of this situation, I left the shelter after three days to try to find a safer place for my family.

7. I asked all over town for shelter, and finally found a church that would take us in. My sister who is receiving us in the United States had already budgeted costs for our travel, and did not have extra money to send us for the time we were waiting in Piedras Negras. It was difficult for us to afford food.
8. People asked me if I wanted to cross the river with them instead of entering the bridge, but I was very afraid for my children. I talked to a woman who had tried to cross the river because of the long wait at the port of entry, but the man helping her abandoned her and her children in the middle of the river. She almost drowned, but barely made it back to the Mexican side of the river.
9. I took a bus for about an hour and twenty minutes to another port of entry in Ciudad Acuña. There I was allowed to walk across the whole bridge and arrive onto the American side where the U.S. immigration officials have their offices. They also said I had to put my name on a list. There, the list was managed by Grupo Beta agents, who had an office right near the bridge. People waiting there told me they had been waiting for up to two months. I put my name on that list as number 90.
10. Finally, after twenty days waiting, Mauro told me my number was going to be called at the first bridge I went to. My children and I were able to enter the port of entry. During each of those twenty days, I was afraid that my persecutors could find me at the border. Mauro knew that I was a Mexican fleeing Mexico, and neither he nor the immigration officials ever asked me if I was afraid to wait in Mexico.

I, [REDACTED], swear under the penalties of perjury that the attached declaration is true and correct to the best of my abilities. This declaration was read back to me word for word in Spanish, a language in which I am fluent.

\_\_\_\_\_  
[REDACTED]  
Signature

1/23/19  
Date

I, Katherine Murdza, certify that I am proficient in both Spanish and English. I read the declaration above in its entirety to [REDACTED] in Spanish.

KRM Murdza  
Signature

1/23/19  
Date

## Declaration of **Luisa**

I swear under penalty of perjury of the laws of the United States of America that the following is true and correct.

1. My name is **Luisa**. I was born on [REDACTED] in El Salvador. I am currently detained in the South Texas Family Residential Center with my 15-year-old daughter.
2. My daughter and I fled death threats from the gang in El Salvador. We traveled through Mexico as we thought seeking asylum in the United States was our only opportunity for safety. We traveled in fear because three times, officials came onto our bus demanding money. Each time, people on the bus would whisper “the officials are coming”. The men would demand that we give them money or they would take us off the bus. The first two times the men were wearing orange shirts and beige pants.
3. The third and worst time was on the last leg of the trip on the way from Monterrey to Reynosa, when three armed uniformed men came onto the bus. The uniforms were green and looked like army uniforms. They came straight for my daughter and asked her where she was going. My daughter told them where we were going. They asked for her documents, but she did not have them. They grabbed my daughter, who was crying, and took her off the bus. Then they order me to get off the bus in the middle of nowhere.
4. The uniformed men said to give them 7,000 pesos for each of us or we would both die there. The men said that if we didn’t pay, he would tell the driver to leave and we would be kidnapped and killed. The previous two times we had had enough money to pay the officials but this time we did not. My daughter gave them \$40, but they said that was very little and they didn’t want it. I added 400 pesos and \$20. Fortunately, the bus had not left and the men allowed us to get back on. They wanted me to get on first but I insisted my daughter go first so they couldn’t kidnap her. I believe that if we had not had that money we would have died. I felt that I would not be safe until I reached the United States.



I, \_\_\_\_\_, swear under the penalties of perjury that the attached declaration is true and correct to the best of my abilities. This declaration was read back to me word for word in Spanish, a language in which I am fluent.

\_\_\_\_\_  
Signature

1/23/19  
Date

I, Katherine Mudza, certify that I am proficient in both Spanish and English. I read the declaration above in its entirety to \_\_\_\_\_ in Spanish.


KEM Mudza  
Signature

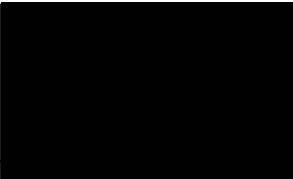
1/23/19  
Date

## Declaration of Carolina


I swear under penalty of perjury of the laws of the United States of America that the following is true and correct.

1. My name is **Carolina**. I was born on [REDACTED] in Guatemala. I am currently detained in the South Texas Family Residential Center with my 9-year-old son.
2. My sister, nephew, son, and I fled in Guatemala to seek asylum in the United States. On the way through Mexico, we stayed in a shelter for one night in Monterey. Two federal police officers arrived at the house. The man in charge of the house allowed them to come in. They came up to the second floor to where the four of us were with another young woman.
3. The officers were wearing black uniforms, bullet-proof vests, with their faces covered except for their eyes. They had guns and handcuffs on their hips. They counted us and said we had to pay 200 dollars per person. I asked him why. He said "For the right to be here, *mija*". He said that if we did not pay, they would take our children from us and tie and lock them up.
4. My sister and I each paid the 400 dollars. The other young woman said she did not have any money. The men patted her down including touching her private parts.
5. The next day, we all left Monterey together on a bus to Reynosa. Two more federal police officers dressed and armed in the same way as the others came onto the bus. They asked for our documents but we did not have them.
6. The officers took us outside, leaving the children on the bus. They told us we had to each pay 200 pesos to pass, which we did. The other woman only had 100. They yelled at her and said that it wasn't enough, but eventually allowed us to leave.

I, , swear under the penalties of perjury that the attached declaration is true and correct to the best of my abilities. This declaration was read back to me word for word in Spanish, a language in which I am fluent.

  
\_\_\_\_\_  
Signature

1/28/19  
Date

I, Katherine Murdza, certify that I am proficient in both Spanish and English. I read the declaration above in its entirety to  in Spanish.

Katherine Murdza  
\_\_\_\_\_  
Signature

1/28/19  
Date

## Declaration of **Belkis**

I swear under penalty of perjury of the laws of the United States of America that the following is true and correct.

1. My name is **Belkis**. I was born on [REDACTED] in Guatemala. I am currently detained in the South Texas Family Residential Center with my 11-year-old son.
2. My son and I fled domestic violence and traveled through Mexico to seek asylum in the United States. I felt unsafe the whole time I was in Mexico. I was afraid my husband would be able to track me down, because another migrant from my town might recognize me and pass on that information through others. Since my husband has a previous deportation from the U.S., I felt that it would be much more difficult for him to come find me and hurt me once I crossed the border.
3. I also felt in constant danger from gangs and even the police while in Mexico. One day, in Reynosa, Mexico my son and I were waiting for the bus with a group of about 40 migrants to go to the border. A microbus pulled up and four officials in black uniforms with guns got off. They said that they were the State Police and were going to take 26 of us with them.
4. We were in the front of the group so I was terrified they would take me, but they chose other people. They said that they were going to ask their families for money, and if they did not send it they would beat them, including the children. The people were crying, and begging God for help. The officials ordered them onto the bus. I do not know what happened to those people.

I. [REDACTED] swear under the penalties of perjury that the attached declaration is true and correct to the best of my abilities. This declaration was read back to me word for word in Spanish, a language in which I am fluent.

[REDACTED]

Signature

1/23/19

Date

I. Katherine Murdza certify that I am proficient in both Spanish and English. I read the declaration above in its entirety to [REDACTED] in Spanish.

Katherine Murdza  
Signature

1/23/19

Date

## Declaration of Valery

I swear under penalty of perjury of the laws of the United States of America that the following is true and correct.

1. My name is **Valery**. I was born on [REDACTED] in Honduras. I am currently detained in the South Texas Family Residential Center with my 10-year-old son.
2. I fled domestic violence in Guatemala to seek asylum in the United States. My son and I traveled through Mexico through a combination of buses, car rides, and walking because I felt we had no other choice to save our own lives. While in Monterrey, we were walking with seven other Central American migrants. There was a car stopped a little ahead of us on the street. Suddenly, it backed up next to us, and a young man got out.
3. The man said that another man had sent him to pick us up and take us to them. He said the name of the man but I do not remember it. We said that we were not going to go with him because we did not recognize that name. The young man became very angry. He said "I want you to come with me". He said that if we did not go, he would take us by force.
4. The man drove away. We were crying and begged people on the street to give us a call to the police but they would not. Approximately three minutes later, the man came back, this time with a second young man in the car. They opened the car doors, trying to push a man and his daughter in. We barely escaped by running into a crowded supermarket.
5. This was not the only incident that made me feel unsafe in Mexico. I felt unsafe the entire time I was traveling there. I knew that the threat of kidnapping was real because I had seen it happen before. Once, we were walking on the street in Mexico and a car pulled up next to a young woman. One man was driving, and another got out and forced a woman into a car while she screamed. The car drove away and I do not know what happened to that woman or if she is still alive.
6. I never talked to the police about this incident because I heard that I would be deported. I was detained by Mexican immigration officials in Monterrey and it seemed like luck that they ended up releasing us instead of deporting us. In another place in Mexico, I saw a Mexican official screaming at a migrant man and his young child. All of this led me to believe I could not expect protection from Mexican officials.

I, [REDACTED], swear under the penalties of perjury that the attached declaration is true and correct to the best of my abilities. This declaration was read back to me word for word in Spanish, a language in which I am fluent.

[REDACTED]

Signature

1/23/19  
Date

I, Katherine Murdza, certify that I am proficient in both Spanish and English. I read the declaration above in its entirety to [REDACTED] in Spanish.

Katherine Murdza  
Signature

1/23/19  
Date

# EXHIBIT X



The Honorable Jerrold Nadler  
Chair, House Committee on the Judiciary

The Honorable Bennie G. Thompson  
Chair, House Committee on Homeland Security

The Honorable Jamie Raskin  
Chair, House Subcommittee on Civil Rights and Civil Liberties

The Honorable Zoe Lofgren  
Chair, House Judiciary Immigration & Citizenship Subcommittee

The Honorable Kathleen Rice  
Chair, House Subcommittee on Border Security, Facilitation & Operations

United States House of Representatives  
Washington, DC 20515

November 18, 2019

Re: Request for Action to End “Remain in Mexico” Program

Dear Members of Congress:

We are immigration, human rights, and civil rights organizations and academics, and we write to request that you take action to end the Trump Administration’s “Remain in Mexico” program, formally referred to by the Administration as the “Migrant Protection Protocols” (“MPP”). The Remain in Mexico policy places asylum-seekers in great danger, violates U.S. law, due process, and international legal obligations, and operates with surgical precision to ensure that Latin American asylum-seekers will almost never be granted humanitarian relief and protection from the violence they are fleeing. We urge you to take action to oversee, investigate, and introduce measures to defund and end this unprecedented policy; we understand that oversight hearings will be conducted tomorrow.

The Department of Homeland Security (“DHS”) announced Remain in Mexico in December of 2018 and implementation began in January of 2019.<sup>1</sup> As of October 28, 2019, there are six cities along the U.S.–Mexico border where Remain in Mexico is in effect—San Ysidro, Calexico, El Paso, Eagle Pass, Laredo, and Brownsville.<sup>2</sup> Remain in Mexico violates and evades U.S. asylum law and betrays the core values of asylum policy—to provide safety and due process to people seeking U.S. refugee protection.

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<sup>1</sup> Policy Guidance for Implementation of the Migrant Protection Protocols, Kirstjen Nielson, Secretary, Dept. of Homeland Sec., at 1 (Jan. 29, 2019) [Hereinafter “Policy Guidance”] (on file with author). *See also* Letter from Members of Congress to DHS Office of Inspector General, seeking investigation into the “Remain in Mexico” program, Oc. 17, 2019, [https://cdn.vox-cdn.com/uploads/chorus\\_asset/file/19297475/MPP\\_letter\\_to\\_IG.pdf](https://cdn.vox-cdn.com/uploads/chorus_asset/file/19297475/MPP_letter_to_IG.pdf).

<sup>2</sup> HUMAN RIGHTS FIRST, ORDERS FROM ABOVE: MASSIVE HUMAN RIGHTS ABUSES UNDER TRUMP ADMINISTRATION RETURN TO MEXICO POLICY 3, 12 (2019), <https://www.humanrightsfirst.org/sites/default/files/hrfordersfromabove.pdf>.

For decades prior to implementation of the Remain in Mexico policy, asylum-seekers who arrived at the Southern U.S. border pursued their asylum claims from within the United States. Typically asylum-seekers were paroled into the U.S., placed into an alternatives-to-detention program, or detained within the U.S. while their case proceeded before the immigration courts (assuming they passed a Credible Fear Interview, for those individuals subject to expedited removal).<sup>3</sup> Under Remain in Mexico, asylum-seekers are “made to wait in Mexico until an immigration judge resolves their asylum claims.”<sup>4</sup> This “wait” can take many months.<sup>5</sup> Despite the overwhelming and ever-present dangers targeting migrants in Northern Mexico, fewer than 1,000 of the over 55,000 migrants placed in the Remain in Mexico program have been allowed to stay in the United States while pursuing their cases.<sup>6</sup> USCIS asylum officers attest that the fear-screening standard and procedures currently in place “virtually guarante[e] a violation” of international treaty obligations.<sup>7</sup>

Migrants forced to remain in Mexico face violence and kidnappings as well as threats to life, health, and well-being. One study found that between 21% and 24% of migrants in the Remain in Mexico program report receiving threats of violence while in Mexico, and of those, over 50% report that the threats turned into actual violence, including beatings, robbery, and extortion.<sup>8</sup> Journalistic accounts indicate that the actual rate of systematic violence faced by asylum-seekers is higher, especially in Northern Mexican cities along the Texas border where kidnappings are common.<sup>9</sup> As the Administration is well aware, drug and criminal cartels operate with impunity in Northern Mexican cities including Matamoros and Nuevo Laredo, and they have systematically targeted migrants.<sup>10</sup> In addition, because cities in Northern Mexico long ago ran out of shelter space, thousands of migrants live in encampments on the streets, without regular access to food, potable water, or sanitation facilities.<sup>11</sup> Despite the best efforts of faith-based and civic organizations, thousands of migrants are homeless and destitute,<sup>12</sup> lacking access to necessary

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<sup>3</sup> *Innovation Law Lab v. McAleenan*, 924 F.3d 503, 506 (9th Cir. 2019) (per curiam) (staying the preliminary injunction; that injunction is once again before the Ninth Circuit and oral argument took place on Oct. 1, 2019).

<sup>4</sup> *Id.*

<sup>5</sup> See HUMAN RIGHTS FIRST, *supra* note 2 at 4, 6 (recounting months-long wait times).

<sup>6</sup> See Dep’t of Homeland Sec., *Assessment of the Migrant Protection Protocols (MPP) 5* (Oct. 28, 2019), [https://www.dhs.gov/sites/default/files/publications/assessment\\_of\\_the\\_migrant\\_protection\\_protocols\\_mpp.pdf](https://www.dhs.gov/sites/default/files/publications/assessment_of_the_migrant_protection_protocols_mpp.pdf) (“As of October 15, 2019, USCIS completed over 7,400 screenings to assess a fear of return to Mexico. . . . Of those, approximately 13% have received positive determinations.”).

<sup>7</sup> Brief of Amicus Curiae Local 1924 at 18, *Innovation Law Lab v. McAleenan*, No. 19-15716 (9th Cir. Jun. 26, 2019) (representing the interests of union-members, including numerous USCIS employees).

<sup>8</sup> TOM K. WONG, U.S. IMMIGRATION POLICY CTR., *SEEKING ASYLUM: PART 2*, at 9 (2019), <https://usipc.ucsd.edu/publications/usipc-seeking-asylum-part-2-final.pdf>.

<sup>9</sup> *Id.*

<sup>10</sup> Mexico Travel Advisory, U.S. DEP’T OF STATE (Apr. 9, 2019), <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/mexico-travel-advisory.html> (“Violent crime, such as murder, armed robbery, carjacking, kidnapping, extortion, and sexual assault, is common [in Tamaulipas state].”); HUMAN RIGHTS FIRST, *supra* note 2, at 4 (2019), <https://www.humanrightsfirst.org/sites/default/files/hrfordersfromabove.pdf>.

<sup>11</sup> HUMAN RIGHTS WATCH, “WE CAN’T HELP YOU HERE”: U.S. RETURNS OF ASYLUM SEEKERS TO MEXICO 18–20 (2019).

<sup>12</sup> Despite earlier promises to the contrary, the Mexican government has failed to provide migrants with humanitarian visas or work authorization, leaving them “stranded for prolonged periods . . . with no way to support themselves.” *Id.* at 2, 6.

health care.<sup>13</sup> The longer an asylum-seeker must “wait” in Mexico, the higher their risk of violence, homelessness, and discrimination.<sup>14</sup>

Further, Remain in Mexico has been used as a tool in the Administration’s separation of more than 1,000 children from their families, even after a federal court and the President ended family separation as a policy in June 2018. In multiple cases, children arrived at the U.S.–Mexico border with a parent but were separated, rendered unaccompanied by DHS officials, and transferred to ORR facilities across the country, while their parents were subjected to Remain in Mexico.<sup>15</sup> It is nearly impossible to advocate for these children or secure their reunification when the location of their parents and family members is unknown or unstable due to conditions in Mexico.<sup>16</sup>

In addition, the Remain in Mexico program subjects asylum-seekers to numerous due process violations,<sup>17</sup> making it almost impossible for them to pursue their asylum cases. As a result, many will be unfairly denied asylum and returned to situations of extreme danger in their home countries.

First, despite knowing the dangers to migrants in Northern Mexico, DHS officials at ports of entry fail to ask asylum-seekers whether they will face danger if they are made to wait in Mexico, in violation of binding principles of non-refoulement.<sup>18</sup>

Second, DHS fails to provide safe and assured transportation to and from removal proceedings for those who are made to wait in Mexico. Rather, DHS requires migrants to navigate through border areas controlled by deadly cartels seeking to kidnap and extort them, in order to make it to a port of entry—often at 4:00 AM, only to wait in line for several hours, often with

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<sup>13</sup> U.S. ‘Remain in Mexico’ Policy Endangers Lives of Asylum Seekers in Tamaulipas State, MEDECINS SANS FRONTIERES/DOCTORS WITHOUT BORDERS (Sept. 5, 2019), <https://www.doctorswithoutborders.org/what-we-do/news-stories/news/us-remain-mexico-policy-endangers-lives-asylum-seekers-tamaulipas>.

<sup>14</sup> WONG, *supra* note 8, at 9–10.

<sup>15</sup> See Letter from Women’s Refugee Comm’n to Cameron Quinn, Office of Civil Rights & Civil Liberties, and Joseph Cuffari, Inspector Gen., Dep’t of Homeland Sec. (Aug. 16, 2019), <https://www.womensrefugeecommission.org/images/zdocs/Separation-of-families-via-the---Migrant-Protection-Protocols---WRC-complaint-to-DHS.pdf>.

<sup>16</sup> See *US: Family Separation Harming Children, Families*, HUMAN RIGHTS WATCH (July 11, 2019), <https://www.hrw.org/news/2019/07/11/us-family-separation-harming-children-families> (explaining that children’s family in Mexico may not have access to cell phones or other forms of communication).

<sup>17</sup> See U.S. CONST. amend V; 8 U.S.C. § 1101(a)(42) (defining “refugee”). Remain in Mexico also violates principles of international human rights law. See International Covenant on Civil and Political Rights, Art. 6, 7, 13, 14, Dec. 9, 1966, 999 U.N.T.S. 171 (ratified June 8, 1992) (establishing a right to life, to freedom from torture, and to due process, particularly for migrants); Convention Relating to the Status of Refugees, Art. 31, Apr. 22, 1954, 189 U.N.T.S. 150 (delineating international obligation to accept refugees who unlawfully entered the country of refuge); Inter-American Commission on Human Rights (IACHR), American Declaration of the Rights and Duties of Man, Art. I, XI, XVI, XVIII, XXVII, 2 May 1948, <https://www.cidh.oas.org/Basicos/English/Basic2.American%20Declaration.htm> (declaring rights to life, liberty, personal safety, health and wellbeing, fair trial, and the right to asylum).

<sup>18</sup> WONG, *supra* note 8, at 8.

minor children in tow, for court hearings that begin at 8:00 AM or later.<sup>19</sup> As a result, cartels in Northern Mexico have kidnapped migrants in MPP on their way to and from the port of entry.

Third, DHS provides no exceptions for asylum-seekers who are unable to make it to the port of entry on time because of cartel threats, kidnapping, or assault.<sup>20</sup> DHS seeks *in absentia* removal orders for all Remain in Mexico migrants who fail to appear for their court hearings, without exception.

Fourth, the Remain in Mexico program impedes access to counsel by placing asylum-seekers in Mexico, at great distance from the vast majority of immigration attorneys. People with cases in immigration court have the right to counsel at their own expense.<sup>21</sup> However, approximately 98% of the 47,313 asylum-seekers in the Remain in Mexico program were unrepresented as of September 2019.<sup>22</sup> Outside of Remain in Mexico, about 63% of immigrants in removal proceedings are unrepresented.<sup>23</sup> Because Remain in Mexico asylum-seekers are barred from entering the U.S. except for brief appearances at immigration court hearings, they are unable to meet with U.S.-based immigration attorneys, making it virtually impossible to obtain counsel. Asylum success rates drastically increase for migrants who secure counsel. For those migrants who are miraculously able to secure counsel, attorneys are drastically limited in the representation they can provide—given the complex legal standards and the trauma experienced by asylum-seekers, meaningful representation requires many hours of client interviews and preparation, and this work simply cannot take place when lawyer and client are separated by an international border.<sup>24</sup>

U.S.-based immigration attorneys hesitate to take cases if they cannot meet face-to-face with their clients to discuss sensitive facts in their asylum cases. These attorneys hesitate to travel to notoriously dangerous areas of Mexico, including Matamoros or Nuevo Laredo, because the U.S. State Department designates the Mexican state of Tamaulipas, where these cities are located,

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<sup>19</sup> Molly Hennessy-Fiske, *Tent Courts Open as Latest Hurdle for Migrants Seeking Asylum in the U.S.*, LA TIMES (Sept. 16, 2019), <https://www.latimes.com/world-nation/story/2019-09-16/secretive-tent-courts-latest-hurdle-for-asylum-seekers>.

<sup>20</sup> See *Delivered to Danger: Illegal Remain in Mexico Policy Imperils Asylum Seekers' Lives and Denies Due Process*, HUMAN RIGHTS FIRST 16 (2019), <https://www.humanrightsfirst.org/sites/default/files/Delivered-to-Danger-August-2019%20.pdf> (“[A]ylum seeker[s] . . . missed their initial immigration court hearing in early July because they had been kidnapped and were being held for ransom in Ciudad Juárez at the time. A judge at El Paso immigration court ordered them removed in absentia.”).

<sup>21</sup> See 8 C.F.R. § 1240.10(a) (“Advise the respondent of his or her right to representation, at no expense to the government, by counsel of his or her own choice authorized to practice in the proceedings and require the respondent to state then and there whether he or she desires representation.”).

<sup>22</sup> *Details on MPP (Remain in Mexico) Deportation Proceedings*, TRAC IMMIGRATION (Sep. 2019), <https://trac.syr.edu/phptools/immigration/mpp/> (follow these steps: check “Measure” as “Current Status”; check “Graph Time Scale” as “by Month and Year”; select “Hearing Location” on leftmost dropdown menu; select “Represented” on center dropdown menu; check “Represented” on rightmost dropdown menu) (last visited Nov. 3, 2019).

<sup>23</sup> INGRID EAGLY & STEVEN SHAFER, *ACCESS TO COUNSEL IN IMMIGRATION COURT 2* (2016). Migrants with representation are four times more likely to be released from detention, and eleven times more likely to seek asylum than those without counsel. *Id.* Migrants with representation are much more likely to obtain the relief they seek. *Id.* at 3.

<sup>24</sup> See HUMAN RIGHTS WATCH, *supra* note 11, at 35 (“[T]here are limited opportunities for the communication required to prepare asylum seekers’ cases, according to attorneys and shelter operators.”).

a Level 4 “Do Not Travel” zone due to “crime and kidnapping.”<sup>25</sup> Attorneys are understandably unwilling to risk their lives to take on Remain in Mexico clients.<sup>26</sup> Additionally, cartels and criminal organizations who target asylum-seekers are acutely aware of any U.S. contacts migrants have. Having counsel in the United States actually increases the risk of danger for a migrant since it adds visibility through in-person meetings or phone contact.

Fifth, the immigration court hearings themselves, conducted by Executive Office of Immigration Review (“EOIR”) judges, subject Remain in Mexico migrants to further violations of procedural due process. Many of the hearings are conducted by video, often with the asylum seeker sitting in a portable trailer in a hastily-constructed temporary tent compound. Court observers have noted that lapses in video connectivity prohibit judges located remotely from conducting effective hearings for asylum-seekers in the Remain in Mexico program. Inaccuracies in translation further compound the errors. In addition, EOIR judges do not provide consistent information about the process to asylum-seekers (e.g., how to turn in the application for asylum, and the consequences of missing a court date) and do not ask every asylum-seeker if they are afraid to return to Mexico. Sometimes DHS provides asylum-seekers with a Notice to Appear (the charging document) indicating the wrong date or location of the hearing. DHS only provides court documents (such as the Notice to Appear and the asylum application) in English, and asylum seekers must submit all applications and evidence in English, although they are trapped in Mexico without U.S. attorneys to assist them.

The Remain in Mexico policy violates fundamental due process principles.<sup>27</sup> We implore the United States Congress to respond accordingly. We ask that you take the necessary steps to defund and end this policy that undermines domestic and international legal protections for asylum-seekers.

Sincerely,

### Organizations

Alabama Coalition for  
Immigrant Justice

Advocate Visitors with  
Immigrants in Detention in  
the Chihuahuan Desert

Al Otro Lado

Alianza Americas

American Civil Liberties  
Union

American Gateways

American Immigration  
Lawyers Association

Americans for Immigrant  
Justice

Arab American Family  
Services

Asian Americans  
Advancing Justice |  
Chicago

ASISTA Immigration  
Assistance

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<sup>25</sup> Mexico Travel Advisory, U.S. DEP’T OF STATE (Apr. 9, 2019), <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/mexico-travel-advisory.html>.

<sup>26</sup> See HUMAN RIGHTS WATCH, *supra* note 11, at 34 (describing the danger to attorneys who cross the border to represent migrants).

<sup>27</sup> See *supra* note 17 and accompanying text.

Asylum Seeker Advocacy Project (ASAP)	Cien Amigos	Freedom for Immigrants
Bay Area Sex Worker Advocacy Network (BAYSWAN)	Club Taji Ciudad Hidalgo	Government Accountability Project
Bellevue Program for Survivors of Torture	Coalición de Derechos Humanos	Grassroots Leadership
Beyond Legal Aid	Coalition for Humane Immigrant Rights - CHIRLA	Guatemala Solidarity Boston
Border Crit Institute	Colectivo Mujeres Transnacionales	Hispanic Liaison / El Vínculo Hispano
Boston University School of Law, Immigrants' Rights and Human Trafficking Program	Columbia Law School Immigrants' Rights Clinic	Houston Immigration Legal Services Collaborative
Brighton Park Neighborhood Council	Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces	Tahirih Justice Center, Houston Office
Capital Area Immigrants' Rights Coalition	Cornell Law School's Asylum and Convention Against Torture Appellate Clinic	Human Rights Coalition
Catholic Migration Services	DC-MD Justice For Our Neighbors	Human Rights First
Center for Gender & Refugee Studies	Ecuandureo Unido	Human Rights Initiative of North Texas
Center for Justice and International Law (CEJIL)	End Streamline Coalition	Illinois Coalition for Immigrant and Refugee Rights
Centro Legal de La Raza	Equal Justice Center	Immigrant Families Together
Children's Defense Fund - National Office	Familias Unidas en Acción	Immigrant Legal Advocacy Project
Children's Defense Fund - Texas	Families Belong Together México	Immigrant Legal Resource Center
Christian Community Development Association	Families Belong Together	Indivisible Sacramento
Christian Reformed Church Office of Social Justice	Federación de Clubes Michoacanos en Illinois	IRCSGV
	Federación de Clubes Unidos Zacatecanos en Illinois	Jefferson County Immigrant Rights Advocates (JCIRA)
		Jesus Nebot International

Kids in Need of Defense	Illinois Coalition for Immigrant and Refugee Rights	Religious of the Sacred Heart of Mary, Western American Province
La 72, Hogar - Refugio para Personas Migrantes		
Lake County Immigrant Advocacy	International Committee, National Lawyers Guild	Safe Passage Project
Latin America Working Group (LAWG)	National Network for Immigrant and Refugee Rights	School Sisters of Notre Dame - Central Pacific Province
Legal Aid Justice Center	National Partnership for New Americans (NPNA)	Sisters of St. Francis of Philadelphia
Living Hope Wheelchair Association	NETWORK Lobby	Sisters of St. Joseph of Orange
Lowcountry Immigration Coalition	New Mexico Immigrant Law Center	South Texas Human Rights Center
Lutheran Immigration and Refugee Service	Northern Manhattan Coalition for Immigrant Rights (NMCIR)	Southern Poverty Law Center
Mano a Mano Family Resource Center	Pangea Legal Services	Southwest Suburban Immigrant Project
Migrant Center for Human Rights	PASO - West Suburban Action Project	Still Waters Anti-Trafficking Program
National Advocacy Center of the Sisters of the Good Shepherd	Priests of the Sacred Heart, USA Province	Student Action with Farmworkers
National Center for Youth Law	Project IRENE	The Alliance
National Immigrant Justice Center	Project On Government Oversight	The Chelsea Collaborative
National Immigration Project of the National Lawyers Guild	Quixote Center	The Rhizome Center for Migrants
National Korean American Service and Education Consortium	Refugee and Immigrant Center for Education and Legal Services (RAICES)	T'ruah: The Rabbinic Call for Human Rights
	Refugee Solidarity Network	Texas Center for Community Services
	Refugees International	U.S. Committee for Refugees and Immigrants (USCRI)

UNC School of Law  
Clinical Programs

Unitarian Universalist  
Association

Unitarian Universalist  
Service Committee

University of Maryland  
Carey Immigration Clinic

University of Tulsa  
College of Law Legal  
Clinic

US Human Rights  
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# EXHIBIT Y



< Full episode

Transcript

## 688: The Out Crowd

*Note: This American Life is produced for the ear and designed to be heard. If you are able, we strongly encourage you to listen to the audio, which includes emotion and emphasis that's not on the page. Transcripts are generated using a combination of speech recognition software and human transcribers, and may contain errors. Please check the corresponding audio before quoting in print.*

Prologue: Prologue

**Ira Glass** A quick warning-- there are curse words that are unbeeped in today's episode of the show. If you prefer a beeped version, you can find that at our website-- [thisamericanlife.org](http://thisamericanlife.org). Darwin's nine. And he's a kid who-- I don't know-- people just give him stuff. When he met my co-worker, Aviva, he was playing with a soccer ball somebody gave him, eating a taco somebody else gave him. And Darwin's mom was explaining all this.

**Elizabeth** [SPEAKING SPANISH]

**Aviva Dekornfeld** Can you just describe what just happened?

**Elizabeth** [SPEAKING SPANISH]

**Ira Glass** I have no idea, she says.

**Aviva Dekornfeld** A man, as you were talking about people just giving him things, walked by and gave you-- how much did he give you? Díez?

**Darwin** [SPEAKING SPANISH]

**Aviva Dekornfeld** Wow.

**Elizabeth** [SPEAKING SPANISH]

**Ira Glass** 10 pesos.

**Aviva Dekornfeld** [SPEAKING SPANISH]

**Ira Glass** Why'd he give you that? Aviva asks him. Darwin gives a little shrug like, eh, what can I say?

**Darwin** [SPEAKING SPANISH]

**Ira Glass** Because he thought I was asking for a coin. His mom says, he was just sitting there eating.

**Aviva Dekornfeld** You're like king of the camp.

**Darwin** [SPEAKING SPANISH]

**Ira Glass** Yes, I am the king of the camp, he says. As Aviva sits there with Darwin's mom, Elizabeth, he runs off for 15, 20 minutes at a time. And then returns with cash.

**Elizabeth** [SPEAKING SPANISH]

**Darwin** [SPEAKING SPANISH]

**Ira Glass** \$5. She hugs him.

**Elizabeth** [SPEAKING SPANISH]

**Ira Glass** Darwin runs to their tent to pull out all the money he's saved and show Aviva-- \$279, a huge wad of cash, which for context, they're living in a makeshift tent camp in Matamoros, Mexico, right over the border from Brownsville, Texas. And, I mean, immediately on the other side-- nestled against the US, and the Rio Grande, and the customs office. You can see the big red arches of the border station it's so close.

Over 2,500 people living here, hoping to get asylum in the US. Darwin and his mom came here from Honduras. 279 bucks here is huge.

Most people, even the migrants who came with a little money saved, have been here so long, they've spent it all. Our family sends us money, his mom says. Lots of families do that. But he brings in so much more than they send.

**Elizabeth** [SPEAKING SPANISH]

**Ira Glass** Aviva then follows Darwin as he walks from the tents to the long line of cars that's waiting at the border to cross into the United States. He's a happy-looking kid with neatly cut hair and a big smile. Really cute.

Darwin gives a fist bump to the fruit stand guy. Claps the man selling corn on the back to say hello. Nods to the half-dozen other vendors working the line. Remember, he's nine.

When we asked one woman in the camp about him, she was like, oh, El Terremoto-- The Earthquake. He holds a finger in the air, asking for one coin.

He says that's his move-- ask for a coin, and then hopefully they'll give you more than a coin. And, in fact, a car with three women waves him over. And the woman in the passenger seat rolls down her window and hands him a dollar.

**Darwin** [SPEAKING SPANISH]

**Ira Glass** Thanks. Bless you. Are you Cuban? He asks her.

**Darwin** [SPEAKING SPANISH]

**Ira Glass** He says, I knew it-- from your accent. And she's like, right. You thought I was from Cuba. And they laugh. The woman asks his name, and he tells her.

She says she likes his hair. I like your hair, he says. He reaches out to stroke her hair. It's straight and blond. I like



your hair because it's pretty, he says. And she laughs and claps her hands. Look at what a flirt he ended up being.

**Darwin** [SPEAKING SPANISH]

**Ira Glass** Oh, my god. You have a girlfriend?

**Darwin** [SPEAKING SPANISH]

**Ira Glass** You, you.

**Woman** Bye, Darwin!

**Darwin** Bye. Bye.

**Ira Glass** Darwin runs to his mom, who's watching all this, and gives her the dollar. Both of them, and the thousands of other people camped here at the border-- to be clear, they're trying to follow the rules and enter the United States through a border station and formally apply for asylum. It used to be, you'd show up. If you passed a basic interview-- which most people did-- you'd wait in the US for your day in court.

But now it's all different. Under the Trump administration's Remain in Mexico policy, you get turned back to wait in Mexico. This policy is still pretty new. It really kicked in full force this summer, but it's a profound change with massive consequences.

One of them? The size of this camp, which didn't exist before President Trump, and which grows in size every day. And all across Mexico, in cities just on the other side of the border, there are now tens of thousands of people-- according to the Department of Homeland Security-- stranded under this policy, in shelters, on the streets, and in encampments like this one, sent by our government without much of a plan for where or how they'd live once they got to Mexico.

This camp, for instance, is totally improvised-- long rows of scruffy blue and white and gray tents, over 700 of them, donated by do-gooder groups and churches in America. These are Coleman tents meant for weekend camping, not designed for rain and direct sun and cold for months at a time.

There's no regular water supply here. Volunteer groups from over the border in Brownsville haul in over 3,000 bottles of water each day, and these are just the little 16-ounce bottles like you would buy with your lunch at a fast food place. There's no proper sanitation, just five toilets for 2,500 people-- yellow Porta Potties which get precisely as gross as you would imagine.

One of the fathers here, Elwin David Baquis told me that when his eight-year-old daughter needs the bathroom--

**Elwin** [SPEAKING SPANISH]

**Interpreter** Well, you know, if I have some money, then I'll look and see if I can find her another bathroom to use, but if there isn't any, then I'll take her out into the woods-- into the mountain, so that she can, you know, use the bathroom, do her business, and then we'll go down to the river to wash up.

**Elwin** [SPEAKING SPANISH]

**Interpreter** And honestly, with the amount of people using them, in five hours, they'll be totally full. And people still keep on going to use them, especially women, because as you can imagine, you know, like, there's a bunch of men out there in the woods that are using the bathroom, and they don't want to be surrounded by that.

**Ira Glass** There's a nurse at the camp named Helen Perry who runs a very small relief group with a very grand-sounding name-- Global Response Management. With some volunteers, she started a medical tent in the camp, modeled after the battalion aid stations that she learned to set up back when she was in the army. Anyway, I mentioned all of this to Helen-- that this father and daughter were going up in the woods. And she was like, oh yeah, knew that.

**Helen Perry** Yeah. And then when it rains, all that rainwater washes down there, or it washes into the hard spaces in the camp and they get, you know, infectious diarrhea.

**Ira Glass** Are you seeing a lot of infectious diarrhea?

**Helen Perry** Yes. Most everyone here has some form of GI something or other-- you know, different types of tapeworms and ringworms. And the problem is is that you treat it, and then they come right back out and they get it again.

**Ira Glass** I actually met Elwin because he was Helen's first patient of the day. He and his daughter both had pinkeye from bathing in the Rio Grande, which is not clean. Helen's trying to organize a fix for that.

**Helen Perry** So this is actually one of areas that we're talking about bringing in a water purification system. So the Rio Grande is, like, right down there. Hola.

**Man** Hola.

**Helen Perry** And so what we want to do is put in a water purification system right over here, run a hose out into the water. It'll suck up the water, purify it, and they'll have their own water source.

**Ira Glass** And you're the one organizing this?

**Helen Perry** Yeah.

**Ira Glass** Not a government?

**Helen Perry** No, no.

**Ira Glass** Not the UN?

**Helen Perry** Nope.

**Ira Glass** Just you, a person.

**Helen Perry** I've never-- people are like, have you done water? And I'm like, no, but like, I'll Google it.

**Ira Glass** I have to say, this is the thing that hit me hardest in Matamoros. You have thousands of people stuck there,

right on our border, two big governments-- the United States and Mexico-- one of them, of course, a lot richer than the other, and nobody's looking after these people with food and water and shelter, except a bunch volunteers who raised their hands and said, we cannot ignore this.

**Woman** [SPEAKING SPANISH]

**Crowd** [SPEAKING SPANISH]

**Woman** [SPEAKING SPANISH]

**Ira Glass** Good afternoon. Today we have volunteers from Indiana.

**Woman** [SPEAKING SPANISH]

**Ira Glass** From Indianapolis.

**Woman** [SPEAKING SPANISH]

**Ira Glass** Really far.

**Woman** [SPEAKING SPANISH]

**Ira Glass** To cook for you.

**Woman** [SPEAKING SPANISH]

**Ira Glass** Because we're all brothers, right?

**Woman** [SPEAKING SPANISH]

[APPLAUSE]

**Ira Glass** So let's say thanks with a round of applause. Eight very nice ladies from Indiana in fluorescent green t-shirts start serving food out of aluminum foil trays, food for 1,000 people. It cost \$1,900, which they raised back home in 20 dollar donations. They also paid for their own flights and everything.

An impressively competent group that calls itself Team Brownsville, started by a bunch of teachers, all volunteer, has organized it so a different bunch of people shows up five nights a week with food. They also pay for a Matamoros restaurant to deliver hundreds of breakfasts each day. The food today is fresh, but very north of the border, and very plain-- slices of ham and cheese on white bread, tangerines, grapes, baby carrots. Everybody we ask about the food, though, is polite enough to say how great it is.

**Man** [SPEAKING SPANISH]

**Aviva Dekornfeld** [SPEAKING SPANISH]

**Man** [SPEAKING SPANISH]

**Ira Glass** It's tasty, this guy tells Aviva.

**Aviva Dekornfeld** [SPEAKING SPANISH]

**Man** [SPEAKING SPANISH]

**Woman** [SPEAKING SPANISH]

**Ira Glass** It's tasty, right? He says to the woman next to him. Oh sure, very tasty, she says. As soon as Aviva walks away, the interpreter who was with us for the day, Gabby Muñoz, overhears what happens next.

**Gabriela Mu** Oh yeah, then afterwards, like, her friend, or like, the guy or the person's friend was like, what did she ask you? And he's like, well, she asked me how good the food was and I said it was good, but what the fuck else was I supposed to say? [LAUGHS]

**Ira Glass** Generally, they try to get the volunteers out of the camp by nightfall, because Matamoros isn't safe. The cartels are here. The city has one of the highest kidnapping rates in Mexico, according to the US State Department. Its web page about Matamoros says, murder, carjacking, and sexual assault are common. Gang gun battles are widespread. Anybody here is at high risk.

Not far from where they serve the food, like, just 20 feet or so from the actual border station, a woman named Jenny and her husband and her daughter set up their tent. I asked her if she chose that spot because it seemed like the safest, closes into the border like that.

**Jenny** [SPEAKING SPANISH]

**Ira Glass** She said yes, and explained that she and her husband and daughter had been kidnapped in the last city they were in.

**Jenny** [SPEAKING SPANISH]

**Interpreter** So it was in Reynosa, and we were kidnapped for 15 days.

**Jenny** [SPEAKING SPANISH]

**Ira Glass** She starts to tell the story of her family and the cartel, and the house they were held in, but as she does, a man quietly approaches and just kind of hovers nearby, listening. And she says, *atras, atras, atras*-- look behind you-- and covers her face.

**Jenny** [SPEAKING SPANISH]

**Ira Glass** You can't talk about this. He's behind.

**Jenny** [SPEAKING SPANISH]

**Interpreter** [SPEAKING SPANISH]

**Ira Glass** We switch the subject. He goes away. A journalist who's in this camp a lot confirmed that he was a cartel

guy. How much violence there is against people in the camp is not clear.

The nurse, Helen Perry, has heard about people being kidnapped from the camp, but that's hard to confirm. And she told me this story.

**Helen Perry** When I first showed up in the camp, a woman came up to me and asked me if we would be bringing in condoms, because when she got sexually assaulted again she wanted to be able to ask her attacker to wear a condom so she wouldn't get pregnant.

**Ira Glass** In her relief work, Helen's been to lots of places where migrants and refugees are stranded like this. But the security issues here-- the lack a predictable food and water and sanitation, five toilets where there should be 125, no proper tents for people--

**Helen Perry** When I first saw it, I was literally just dumbfounded, because I've seen refugee situations like this. I've been to Bangladesh. I've seen Cox's Bazar. I've been to Iraq. I've seen the IDP camps. I've seen the refugee camps from Syria.

I'd say this was the worst. Yeah, I would definitely say that this is the worst, if at a bare minimum for a lack of humanitarian accountability for what's happening to these people.

**Ira Glass** You mean that nobody's keeping account of who's here and who isn't, who goes in and who goes out?

**Helen Perry** Who goes in, who goes out, who goes missing.

**Ira Glass** At a proper refugee camp, she says, like a United Nations camp, they'd have that-- a big, tall fence, somebody keeping track of who comes in and out. When we asked Mexican officials about conditions in this camp, they said they aren't helping the 2,500 people here because they don't want a permanent tent city in the spot. They want people to move to government shelters.

And the United Nations said they won't step in unless the Mexican government invites them to step in. The United States, whose policies landed people here in the first place, has also donated \$5 million to house them in Mexico. The money doesn't go to tent camps like this one, but to the official Mexican government shelters.

It's enough money to shelter 8,000 people, but we sent way more people than that back across the border-- over 57,000 under the Remain in Mexico policy, plus another 21,000 who immigration officials haven't even begun to process. We've told them, the system's backed up. You should sit on a waiting list, stay in Mexico, and we'll get to your cases in a few months.

And these were mostly people who, in the past, before President Trump, would have been allowed into the United States to wait for their asylum court dates here. It's so many people we're pushing back across the border, resulting in refugee camps that we don't call refugee camps right on our country's doorstep.

Today we try to understand what this new policy means for the people we send across the border. And we also hear from US officials who sent them there who are not feeling so great about it, themselves. From WBEZ Chicago, it's *This American Life*. I'm Ira Glass. Stay with us.

**Ira Glass** Act one, "Goodbye, Stranger." So let's start today with the US officials on the front lines whose job under Remain in Mexico is to send people back. Lots of them have been resigning, saying no, that's actually not my job. Los Angeles Times reporter Molly O'Toole talked to a bunch of them.

**Molly O'toole** Before the Remain in Mexico policy began and upended the asylum system and completely changed what it is to be an asylum officer, here's how the job used to work. When a Central American showed up at the US-Mexico border and said, "let me in, I'm afraid of going back to my country," that's where the asylum officer came in.

The officer did something called a credible fear screening to check if the person was likely to face harm or death if the US sent them back home. If there's even a chance that they would, the asylum officer would let them into the United States to wait for a court date, where an immigration judge would make the final call.

Doug Stephens says people don't understand how hard the job is. At the time all this started, he was an asylum officer in San Francisco.

**Doug Stephens** And so I'd have people come into my office, and my job, essentially, is, tell me the worst things that have happened to you. You have an hour. Go. And then I'll decide if you're telling me the truth, and I'll decide if you get to stay.

You are expected to be-- or, really, to do the job well, need to be-- an expert in the political, cultural, social, and economic situations in innumerable countries around the world, and you're expected to be a human lie detector, all at once.

**Molly O'toole** President Trump talks about asylum itself as if it's fraud. He says it's a hoax, a big fat con job, that people come in with fake asylum claims, that asylum officers just let everyone through, and then asylum seekers never show up for their day in court-- that it's a border-wide, 2,000-mile loophole. And it's true that most people do pass that first stop with an asylum officer and enter the United States, but there's a good reason for that.

It's built into US asylum law-- a commonsense humanitarian idea. We don't want to send people back to situations where they'd get tortured or killed. The legal term is non-refoulment. And so US law set the bar low. If there's basically any chance an asylum seeker could get killed or harmed, the officer is supposed to let them into the US, and doesn't need a lot of proof or evidence at that point.

Later, when they get before an immigration judge-- and by the way, the majority do show up-- there they need proof, and most of them get rejected. Even before President Trump took office, less than 15% per year got asylum, and that's because most people don't meet the specific criteria in the law, or don't have enough evidence, or it doesn't check out. All of the asylum officers I've ever spoken with see it as their job to weed out the fakers, the people who don't really need protection, the ones who are just trying to game the system.

**Ursula** Oh my god. Like, here's where I'm going to be real with you.

**Molly O'toole** This is an asylum officer we're calling Ursula. This isn't her voice. She's afraid of getting fired, so we had an actor copy what she said as closely as possible.

**Ursula** The fraud is, like, happening on a scale that's huge. We're talking, like, hundreds of people a month.

**Molly O'toole** I interviewed three asylum officers for this story, and all three said the groups that have been the primary target of President Trump's immigration policies, they actually aren't the main ones committing fraud.

**Ursula** It's not the Central Americans. It's not the Middle Eastern people. It is the Indian people and the Chinese people. They all have the same bullshit story about getting beaten with hockey sticks three times, because they're part of a Sikh party, and the police told them they're going to jail them if they ever bad-mouth the ruling party ever again. Bullshit.

They all just happened to do the same thing and suffer the same fate, even though there's absolutely no confirmation in any media that any of this persecution is happening, and studies done by our Department of State counterparts in the country are straight up like, this is not a real thing. The Chinese are running a similar scam with Christian claims.

**Molly O'toole** In the fall of 2018, asylum officers started hearing about these big changes coming. The policy that was first called Remain in Mexico, and then later, Migrant Protection Protocols, MPP. But the asylum officers who were going to have to implement this thing, they didn't know any of the details of how they were supposed to do it.

**Anne** It was all shrouded in so much secrecy.

**Molly O'toole** This is another asylum officer. We're calling her Anne. We used an actor here, too, to protect her identity. Over the next few weeks, Anne starts picking up around the office that some of her colleagues were being called in quietly and asked to go to the border in San Diego.

And instead of the credible fear screenings they'd always done, they seemed to be doing something entirely different under MPP-- a whole new kind of interview with different rules. She knew she was going to have to start doing them too, so she pulled aside a coworker who'd already been sent to the border.

**Anne** I was asking her, hey, like, what's the training? Like, what is this? And she was like, I am not allowed to talk to you about it.

**Molly O'toole** Another asylum officer?

**Anne** Yeah. Yeah.

**Molly O'toole** Is this someone who you'd, like, consider a friend, or just sort of, like, professional colleague?

**Anne** Good colleague-- a good colleague, someone that we had mutual trust, for sure, and then was told-- was brought in by a supervisor for, like, a special brief about it before I was going to start doing these interviews, and was told, here's the skinny on it and don't tell anyone.

**Molly O'toole** Why?

**Anne** Because I think they knew that it was legally dubious and suspect, and they wanted to keep the leak to a minimum.

**Molly O'toole** The leak being a major policy rollout that was going to change asylum?

**Anne** Yeah.

**Molly O'toole** That's the leak?

**Anne** That's the leak. Yeah.

**Molly O'toole** Two months go by before they do a formal training session with the full asylum corps, and it's just a PowerPoint. Here's Ursula again.

**Ursula** Hands we're going up and being like, wait, how is this legal, or how are we going to be doing this, and how do we know how this works?

**Molly O'toole** All three of the asylum officers I talked to said that the presentation left them with lots of questions, including the biggest one, how is this legal? These officers knew better than almost anyone how dangerous Mexico is, and this policy seemed designed to send tons of people back to Mexico.

It seemed to be in direct contradiction with US asylum law, which says that, at the very least, we can't send people back to a situation where they'd get harmed or killed. We can't violate the principle of non-refoulement.

**Ursula** And the the response was like, I'm just the messenger bringing this down from HQ, and this is the PowerPoint they gave us. I was like, well, if you don't even care about double checking that this is legal, and you're just the messenger as you say, you're a fucking asshole, you know?

**Molly O'toole** All three officers say they raised concerns and got roughly the same response-- just get out there and do your job. What they found out soon enough was just how radical a change the new MPP interviews were from the old credible fear screenings.

For starters, not everyone would get an interview. Only the people who volunteered that they were scared to go back to Mexico would. If they got an interview, under MPP, asylum seekers would have to prove that they'd be harmed in Mexico, not their home country. And not just any harm-- they can't just be threatened by gangs or the police, they have to be threatened by gangs or police or whoever because of some very specific reasons laid out in the US law-- because of their nationality, race, religion, politics, or being part of a particular social group, like LGBTQ.

And they'd have to show that the Mexican government, like a cop or an official, was unable or unwilling to protect them. And the asylum seeker couldn't just say all this happened like they could under credible fear screenings. Now, they'd need to prove it.

It's like, as asylum seekers were traveling through Mexico fleeing for their lives, they should have been gathering evidence of all the screwed-up things happening to them there, making a paper trail. And they should have had all of this evidence on them right then, right after crossing the border, which, of course, is next to impossible, especially because they had no idea any of this was required.

Doug saw all of this happening and wanted nothing to do with it, so he tried to keep his head down to try and avoid having to do these interviews, hoping the courts would kill MPP, but they didn't. By June, MPP returns had skyrocketed, and it was all hands on deck for the asylum corps. Doug couldn't dodge it anymore.

**Doug Stephens** And I got the email.

**Molly O'toole** It said, you're doing MPP interviews today.

**Doug Stephens** So I had a father and son. The son, I think, was preteens, 11 or 12. They're fleeing from Honduras because of violence and other problems. We didn't talk about that much, because it doesn't matter



for the purpose of MPP, right? I'm focused only on why they're afraid to go back to Mexico.

**Molly O'toole** Of course, the guy and his son don't understand why they're even talking about Mexico. They don't understand any of this at all. The interview continued.

**Doug Stephens** So he had tried to find a place to live there, had tried to get a work permit in Mexico, and was essentially denied. And as they're transiting, he's talking about, you know, encountering cartels and witnessing other migrants being murdered and tortured in front of his son, and fleeing, and barely getting away, you know, while death threats are being shouted at him, and, you know, talking about his son having nightmares for weeks because of this.

And then, they get stopped by the police, and the police take all of their money, their cell phones, and because I can't get them to say these magic words of, like, yeah, they threatened me because I'm Honduran, but that's all they had to say. But they don't know that, right?

**Molly O'toole** Because I'm Honduran. Those would be the magic words that would put them in a protected category. They were targeted because of their nationality. Though even if the father had said because I'm Honduran, they probably still would have been sent back to Mexico, because odds are he didn't have any evidence proving that any of this happened. Doug, he did what the policy told him to do. He sent them back to Mexico.

The old credible fear screenings usually took an hour or less. These MPP interviews can last four, five, six hours. When I asked these asylum officers to describe what these interviews are like for them, for the migrants in front of them, Ursula gave the most vivid picture.

She told me about the very first MPP interview she did-- a family from El Salvador, two parents and two kids. She had a script she had to stick to. The family was exhausted and traumatized and totally unprepared.

**Ursula** You're put into a cell. You're separated from your kids and your wife. You have no idea what's going on, because you thought today you were going to be interviewed about El Salvador and you were going to get to enter the United States.

A couple hours later, they lead you into this freezing cold cell where they chain your hands to a table in handcuffs, and someone is sitting across from you who doesn't speak your language, and starts talking to someone in the phone who starts translating to you that you're going to talk about Mexico. You smell like shit, because you've been living in a shelter, you know, without any running water for a month and half, plus you've traveled all the way across Central America to get there, and you don't understand why someone is talking to you about Mexico.

This interview goes on for an hour and a half, and the person keeps pausing it so they can talk to someone on the computer, which they say is their supervisor, and another guard leads your wife in that you haven't seen in the last 12 hours into the interview room, and you can, you know, brush her hand as she passes by. You're so happy to see her because you've been separated, and you have no idea what's going on.

So, where are my children? I don't know, sir, I'm sure they'll be fine. Your wife goes through a similar interview, but she keeps being confronted about the answers she's giving because they're different from yours, and the officer can't understand why this story varies so differently between two people who experienced it.

Half an hour passes before her children are brought into the room, and then the officer has to talk to a 10-year-

old boy about whatever his parents said, and then confront the 10-year-old boy on inconsistencies between his story and his parents' story. And then, the wife is like, when am I going to see my husband again? And the officer's like, I have no idea, let them know if you need to use the bathroom.

**Molly O'toole** Ursula made the case that the family shouldn't get sent back to Mexico, and, to her shock, her supervisor agreed. In fact, she happened to walk outside the moment the family got released. They've got their backpacks on. They're holding hands. She thought, maybe this won't be so bad. But that was the last time. The very next interview, a woman told her over and over she was afraid of being raped and killed in Mexico. Ursula believed she was going back to a place where that was very possible, but because the woman couldn't name a specific person who'd assault her, Ursula had to send her back. Since then, it's essentially been no after no after no.

Asylum officers told me that even when they find one of those unicorn cases where they check off all the boxes and recommend not returning to Mexico, their supervisors overrule them. Anne told me and my producer, Nadia Reiman, about one asylum seekers case where their attacker even spelled out their motive, and it still didn't fly.

**Anne** It was basically a situation where there was a really clear connection to the nationality. Like, the persecutor had, like, really said, like, I am harming you because of this nationality-- your nationality. And the harm was really, really severe. It was, like, definitely torture.

And it was really clear that the police, like, weren't going to do a thing about it-- didn't care at all. And the supervisor rejected it.

**Nadia Reiman** Why? Like, did they say why?

**Anne** They said, we can't show that if this individual went back to Mexico, the persecutor would be able to locate them.

**Molly O'toole** So the standard today is upside down from what it used to be under credible fear. Instead of, let's err on the side of letting people in because we don't want anyone to be tortured or die, under MPP the standard is almost impossibly high, so almost nobody gets in. The Department of Homeland Security says only about 960 people interviewed have not been sent back to Mexico.

Ultimately, of a little more than 47,000 MPP cases registered as of October, with about 37,000 of those still pending, of those, only 11 people have been granted asylum or some other kind of relief, according to Syracuse University, which tracks all of this using government statistics. 11.

And that's what the policy was meant to do. The administration credits MPP for a sharp drop in the numbers coming to the border. Mark Morgan, the acting head of Customs and Border Protection, calls it a game changer, and absolutely successful.

It only took Doug two days and five interviews to go home after work and pull out the law books. He's a lawyer. He actually owned a beat-up copy of the Immigration and Nationality Act, the law hundreds of pages long that makes it the foundation of the US immigration system.

He grabbed that off his bedroom shelf, along with a few of his other books from law school. He printed out a bunch of court cases and Supreme Court decisions with more cases pulled up on his computer screen. In the middle of all of this was his pen and white legal pad.

As an attorney, he wanted to get his feelings about MPP-- how much worse it felt compared to everything else they did-- down in writing. He worked for hours, and he wrote down seven bullet points, the main ways he thought MPP was illegal. Once he saw the list laid out there on the lined white paper, Doug knew what to do. The next day, he went to tell his supervisor he wasn't going to do any more MPP interviews.

**Doug Stephens** His response was, I know these interviews are hard. We're all required to do them. That's why we're trying to spread it out, that it's, you know, on a rolling basis, et cetera, et cetera. And, you know, at that point, there was, like, this moment where I could have just said, you're right, I know, this sucks, and gone back.

And I paused, and I told him, you don't understand. I'm not doing these interviews. And he looked at me and he's like, what do you-- you're not doing these interviews? And I was like, no. I was like, I think they're illegal. They're definitely immoral, and I'm not doing them.

**Molly O'toole** His boss was stunned. He didn't really seem to know what to say. Eventually, he told him he was probably going to have to write him up somehow to start disciplinary proceedings. Doug went home that night and decided to escalate. He went back to his legal pad.

**Doug Stephens** I essentially wrote a legal memo explaining all of the reasons that I thought it was illegal, and why I was refusing to do it. And then, on that Monday, I emailed that to all of the administration in San Francisco, and the two supervisors that were involved in the disciplinary proceedings.

**Molly O'toole** And then, nothing. Nothing happened. Instead of sparking some kind of rebellion, or at least forcing a confrontation, it's crickets. So he took it a step further.

He sent his memo to a senator's office, then he drafted his goodbye email, attached his memo, and sent it out office-wide to all of San Francisco Asylum, about 80 people, and to a representative of the union for asylum officers across the country. And with that, Doug shut down his work computer and walked out. He quit.

**Doug Stephens** They make one change, and everyone at the office is like, oh, this is terrible, but we'll figure it out. And then they make another change. And they're like, oh, this is terrible, but I need my job. I'm going to do it even if I don't want to, and I'll complain about it, and I'll complain about the work, and I'll complain about the hours.

At the end of the day, I'm going to do it, and the more I do it, the easier it is to do. And that is terrifying. I mean, that's how all of the awful things in the world have happened. That's how you get so many good people doing really bad things.

And that's what's happening, and it's terrifying. You're, like, literally sending people back to be raped and killed. That's what this is.

**Molly O'toole** The three officers I spoke with are not alone. A union representing the asylum officers and USCIS employees filed a brief and a lawsuit against the administration arguing that MPP was illegal, and a ton of officers are quitting. I've heard this from a bunch of people in the asylum corps, and at Citizenship and Immigration Services, the parent agency.

Several used the word, exodus. And if officers can't quit, they're calling in sick-- anything they can do to avoid MPP interviews. We tried to get some numbers from the government.

They wouldn't tell us how many people had left. They did say that, by the end of the year, they hoped to have 771 asylum officers, but as of a month ago, they had something like 550, meaning they're roughly 200 people short. I tried to get an interview with the acting head of USCIS, Ken Cuccinelli, to talk about all this. He's since been named Deputy Homeland Security Secretary.

He didn't give us one, but I did get one question in. It was at a press breakfast, so this audio was recorded on my phone.

**Woman** All right, Molly O'Toole from the *Los Angeles Times*.

**Molly O'toole** How do you answer the concerns from some of your asylum officers-- their concerns that many of these policies being handed down by the Trump administration, particularly targeting asylum, are in fact, illegal-- that they're being ordered to implement policies that are in direct contradiction with immigration laws that are passed by Congress?

**Ken Cuccinelli** Well, they're not in direct contradiction, or we wouldn't be utilizing them. We have 19,000 people that work with USCIS. I don't expect any two of us to completely agree on all of this, but I do expect that the professional employees at USCIS will implement the policies in place. They're part of the--

**Molly O'toole** They're part of the executive branch, he said, and so long as we're in the position of putting in place what we believe to be legal policies that haven't been found to be otherwise, we fully expect them to implement those faithfully and sincerely and vigorously.

Now, we're just shy of MPP's first birthday. After a chaotic start, it's thousands returned each week, it's expanded all the way east across the US border from California to Texas' Gulf Coast. And it's not just Central Americans being pushed back. Now, it's Cubans, Venezuelans, pregnant women, LGBTQ.

Asylum, at least at the southern border, has essentially ground to a halt. Here's Anne.

**Anne** I'll say this. Like, the administration's been successful.

**Molly O'toole** What do you mean?

**Anne** They want negative decisions. They don't want asylum seekers in this country. They don't want people to get positive decisions or determinations for asylum. They have felt that the standards for screening interviews were too low, and they wanted those standards changed and those standards raised, and they've succeeded.

**Molly O'toole** What do you think the administration's end goal is?

**Anne** No more people from shithole countries.

**Molly O'toole** Anne throws up in the shower almost every day. She has recurring nightmares. She says she can't focus, can't sleep. She thinks about the people she's returned to Mexico all the time. It's nearly 100. But there's one family in particular that she can't stop thinking about, a father and son.

**Molly O'toole** Why do you think their case sticks with you?

**Anne** The kid was really young. What happened to him? Did this kid get kidnapped? Did he get murdered? It's happening. It's happening a lot.

**Molly O'toole** What was that?

**Anne** And the-- what's my moral culpability in that? I interviewed that case, and my signature is on that paperwork, and that's something now that I live with. So yeah, I feel-- I feel in some ways that this administration's made me a human rights abuser.

**Molly O'toole** The irony of this policy is that, under our asylum law, to qualify for asylum, you have to have been harmed because you're part of a particular group, a certain class of people. And the way that the asylum officers have implemented MPP, they've created exactly that-- a huge group of people in need of protection, about 60,000 migrants forced by the US back to Mexico to be preyed upon there as they wait on their request for safety in the US.

It's exactly the sort of situation that our law was supposed to prevent. One asylum officer told me, it's the first time that we've been asked to affirmatively do harm to people. You're not just saying, I don't think you're eligible. You're literally saying, I believe what you're saying. I think you're in danger. Go back to that danger.

**Ira Glass** Molly O'Toole covers immigration for the *Los Angeles Times*. She wrote a print version of this story, also. It's at their website.

Coming up, what's it sound like when the cartels get on the phone and bargain with your family for your life? We have recordings. That's in a minute from Chicago Public Radio when our program continues.

It's *This American Life*. I'm Ira Glass. Today on our program, "The Out Crowd," stories about the people-- the tens of thousands of them-- who have been pushed into Mexico by the President's Remain in Mexico policy and other policies. We're talking about what happens to those people as they wait in Mexico for months.

And before we get to the next act, there is another thing that the Trump administration has put in place that makes it a lot harder to get asylum here, something we haven't talked about yet, a new rule that went into effect this summer. It says, if you want asylum in the United States, you first have to apply for asylum in at least one of the countries that you passed through on your way here, and you have to get rejected by that country before we'll give you asylum here in the United States.

Many asylum seekers, of course, have no idea that they're required to do this. When I was in Matamoros at that tent camp, this come up with that woman, Jenny from Honduras, the one who got worried about the cartel guy listening in on her interview, the one who'd been kidnapped. She was saying that her court date in the United States to get asylum was coming up on November 26th, and she'd been waiting since mid-August. She thought she had a good case, and was hopeful.

**Ira Glass** Have you applied for asylum in Mexico?

**Aviva Dekornfeld** [SPEAKING SPANISH]

**Jenny** No. No. [SPEAKING SPANISH]

**Aviva Dekornfeld** No, no, not here, because it's too dangerous here.

**Ira Glass** My co-worker Aviva and I looked at each other, like, does she know about the new rule? So we asked, and she did know that she was supposed to apply for asylum in Mexico or in Guatemala, which she'd passed through, but she wasn't going to do it, she said. She didn't want to live there.

**Ira Glass** Are you worried that that'll keep you from getting asylum in the United States?

**Jenny** [SPEAKING SPANISH]

**Aviva Dekornfeld** Yeah, I think so, because from what I've heard, we needed to have asked for asylum in the neighboring countries.

**Ira Glass** At that point, we all just kind of look down at the ground and avoid eye contact. Nobody knows what to say. It sounds so bad for her.

In fact, for everybody in the camp, all 2,500 of them who are waiting for months for the court dates hoping for asylum, it's easy to imagine that this one rule would kill all their applications. Jenny's attitude was, I'm just going to cross my fingers and hope for the best, because I don't want to go back home. Things seem too dangerous there, and too dangerous in Mexico, too. Lots of people feel that way.

Act Two: Take the Long Way Home

**Ira Glass** And the danger in Mexico is the subject of act two, which we have arrived at now. Act two, "Take the Long Way Home." If you had to pick which border city in Mexico is the most dangerous, Nuevo Laredo, right across the border from Laredo, Texas, would be a good contender.

The State Department classifies it as level four threat. That is the same threat level as Iraq and Syria. And a lot of the danger there is kidnapping.

Kidnapping is so prevalent there that one of our producers met men in a migrant shelter who were terrified to go outside. A young Cuban guy told her, just putting one foot outside the shelter makes him worried. A trip of just two minutes, he's looking all around, and he's scared.

We're interested in these kidnappings because they're so common. Reporter Emily Green went to Nuevo Laredo in August, and she has this story about one kidnapping and what happened to one family, including recordings and details you really never get to hear. This family ended up in Nuevo Laredo because of MPP. Here's Emily.

**Emily Green** This guy who got kidnapped, I met him by chance, actually, before he got kidnapped, and he told me how scared he was that he would get kidnapped. I was on a bridge in Nuevo Laredo that connects Mexico to the US. Every day around 1:00 PM that month, the US was sending back migrants from the US side to Mexico under MPP.

That day, there were a hundred of them. They were easy to spot. They all carried clear plastic bags with a couple of documents in them, and none of them had shoelaces. US Immigration takes shoelaces from anyone they detain.

Most of them were men, many of them with their heads down, and one pair stands out to me-- a father and son in matching polo shirts, both of them sweating in the heat. They're chubby, soft faces, dad has his arm around son. They seem like they'll talk to me. The man, I'll call him David, quickly tells me a story.

**David** [SPEAKING SPANISH]

**Emily Green** He says he's not a criminal. He's a person who's always made a living, but he can't live in his country anymore. They're from Honduras. David was a businessman. He ran a little clothing store.

The gangs there demand money. They call it a war tax. The tax kept hitting higher and higher until David's family couldn't pay it anymore. One night, the cartel broke into his house, threatened to rape his daughter, and so they fled.

**David** [SOBBING]

**Emily Green** I've done lots of interviews with people like David, migrants in really difficult situations. This one felt especially hard. I think just seeing a father fall apart in front of his 11-year-old son.

**David** [SPEAKING SPANISH]

**Emily Green** David says he wanted to ask for asylum in the US, but the agents didn't listen to him. They just gave him documents to come back to a court date in December. He can't go back to Honduras, he says.

**David** [SPEAKING SPANISH]

**Emily Green** I don't have anywhere to go. I don't have anything. I don't have money, he says. They say that here, where we're being sent, a lot of people get kidnapped, and I don't know what to do.

We only talked for 10 minutes. I ended up lending him my phone. He called his sister in New Jersey and explained what happened-- that he made it to the United States only to be sent back to Mexico.

It was getting dark out, and I'd been told not to stay in Nuevo Laredo past dusk. I crossed back into the US to go to dinner, probably not a mile away from where I'd last seen David, and my phone rang. It was David's sister. I'll call her Laura.

She had my number because it was my phone he called her from earlier today. She was crying so hard I struggled to understand what she was saying. She tells me David and his son had been kidnapped just hours after I'd left them. She'd gotten a call from a cartel demanding ransom.

**Laura** [SPEAKING SPANISH]

**Emily Green** Laura says of the cartel told her the ransom was \$9,000 for David, and another \$9,000 for his son, so \$18,000 total. They put David on the phone briefly so she knew he was alive, and then the kidnapers got on.

**Laura** [SPEAKING SPANISH]

**Emily Green** OK.

**Laura** [SPEAKING SPANISH]

**Emily Green** And I told them, where in the world are we going to get this money? The man on the other end told her she had to get the money. He said he'd call back tomorrow. I asked Laura to record the phone calls.

**Man** [SPEAKING SPANISH]

**Laura** [SPEAKING SPANISH]

**Emily Green** And she did. When they called the next day, she put them on speaker and used a relative's phone to shoot video of it.

**Laura** [SPEAKING SPANISH]

**Emily Green** They tell her, I need you to deposit the money as soon as possible, viejita. Viejita means, old lady. Laura is 38. She tells them again that she has no money, that she's sick from anxiety.

In her conversations with me, Laura is scared, crying, but when she talked to the kidnappers, she holds it together. She asks if David and his son are OK. The kidnappers tell her they have food, that they can bathe, for now. Each call only last a few minutes.

**Man** [SPEAKING SPANISH]

**Emily Green** By the third day, the cartel has lowered the price to \$5,000 each for David and his son. Laura works the night shift at a printing factory in New Jersey, hardly makes \$20,000 in a year, plus she's a single mom.

**Man** [SPEAKING SPANISH]

**Emily Green** In all of these calls, the kidnappers talk super fast, I'm guessing because they have other ransom calls to make. Kidnapping is a big business, a volume business, with a whole infrastructure. Kidnapping migrants has been common in Mexico for a long time.

What's different now is that the US is making it especially easy for the cartels to identify and snatch victims. They're sending asylum seekers back in big groups, all at once, at the same time each day, and they're easy to identify with their plastic bags and missing shoelaces. Homeland Security didn't respond to my request for comment on the kidnapping situation, but this week the acting head of Customs and Border Protection said the US is, quote, "sending a message to the criminal organizations to stop exploiting these migrants."

In Nuevo Laredo, the most dangerous part of these asylum seekers' journey is probably the hours right after they've been sent back to Mexico. After walking across the bridge, they're transported to the Mexican Immigration Office by van. Outside the office, men in four-door trucks monitor who's coming and going.

Locals call them, Los Malos, the bad guys. One migrant told me about getting chased as he walked to a shelter from there. But by far, the most dangerous place is a bus station.

It's a place they go to escape Nuevo Laredo, but it's a place they end up getting caught. Kidnapping is so routine the cartels refer to it as, passing through the office. On the extortion calls, you can tell it's a well-oiled machine. It's methodical. They sound like they're negotiating the price of a car. They do this all the time.

**Man** [SPEAKING SPANISH]

**Emily Green** Laura turns to everyone she can think of. She goes to her local police department and to her mayor's office to ask for help. They reach out to the Office of Senator Cory Booker, but by the time they get back to her about



a week later, it's too late. Laura eventually scrapes together money from her mom and sister, but just a fraction of what the cartel is asking for.

**Laura** [SPEAKING SPANISH]

**Emily Green** She tells them, look, I've already pulled together \$1,200. Tell me what we're going to do and give me time to get the rest. The man says he'll confer with his boss.

In the meantime, he says, she should wire the money. Laura asks to talk to her brother and they put him on.

**David** [SPEAKING SPANISH]

**Laura** [SPEAKING SPANISH]

**David** [SPEAKING SPANISH]

**Laura** [SPEAKING SPANISH]

**Emily Green** She asks David, how are you, brother? Worried, he says. She tells him, don't worry, that she's pulled together some money. The next day, the cartel's released David and his son. I talk to David on the phone three days after his release. He's so distressed, it's hard for him to finish a sentence.

**David** [SOBBING]

**Emily Green** [SPEAKING SPANISH]

Breathe, I tell him. I wanted to help him. That's not something a reporter is supposed to say, but back when they were kidnapped, their lives were in immediate danger, and I helped in small ways.

I connected Laura with an NGO in Mexico City that advocates for migrants. Since David and his son were released, I've suggested safe bus options. The family, they always knew that I was a reporter doing a story on them, but they came to see me as one of the few people they could trust-- that they could rely on. Laura called me almost every day with updates. She still does.

A few weeks ago, I went to meet David and his family in Monterrey in northern Mexico, where they were holed up. They were staying with an acquaintance of Laura's in exchange for grocery money and help with construction. David didn't want us interviewing him there. He feels his welcome has run out, so we do the interview at our hotel.

It's David, his 11-year-old son, and his 19-year-old daughter, who's also been sent back to Mexico under MPP. I'm here with my producer, Lina. We figure we'll talk to David in one room while the kids watch TV in the other, but the kids sit by their dad on the bed. They won't leave one another's side.

I wanted to know what happened when I left him that day on the bridge, and what he described were all these details of how the cartel's kidnapping business actually works once you're a victim on the inside-- details that were routine, and also terrifying. So here's what happened.

He said, he and the other 100 people who were sent back to Mexico that day were taken from the bridge to the local immigration office for processing. After that, he says a man wearing a Mexican immigration officer uniform agreed

to take him and his son to the bus station so they could go to a safer city. But as soon as they got to the station, he got a bad feeling.

**David** [SPEAKING SPANISH]

**Interpreter** When I went in with my son, this guy grabbed me. He was a tall guy, strong, full of tattoos. So he grabbed me and he said, I want to talk to you. And I said, I have nothing to talk to you about.

And he said, you're going to get into that car, and we're going to ask you some questions. And I said, no. And he said, you can get into the car the easy way or the hard way.

**David** [SPEAKING SPANISH]

**Emily Green** He says at least a dozen migrants also arrived at the bus station that night, and the cartel hustled them into different trucks. All the trucks were brand new, he says. He remembers that the one he got into was a gray Nissan, and there were four or five other migrants in there with him.

He says, the immigration officer who drove him to the bus station sat in his car and watched them all being carted off. We can't confirm this, but there is a long history of law enforcement and the cartels working hand-in-hand. For example, in 2011, seven top officials at Mexico's immigration agency were fired amid allegations that the agency was involved in the kidnapping of migrants.

And it squares with what his sister in New Jersey told me. She wired money to that immigration officer for David's bus ticket, and when she got the ransom call, the kidnapers told her to wire the money to that same account, the one the immigration officer used. She said something like, isn't that the immigration officer's account? And they hung up.

I asked the Mexican immigration agency to respond. They told me they have no knowledge of recent complaints of immigration officers turning migrants over to the cartels.

In the truck, David held onto his son. The kidnapers didn't speak.

**David** [SPEAKING SPANISH]

**Interpreter** The guy just told us to keep our heads down, to stop looking at the sights. And the guy who was driving us was keeping an eye on us, and he was making sure we were not chatting. They had the windows all rolled up.

**Emily Green** The truck drove around for a while, but David suspects they were just going in circles, but they didn't actually travel very far. They pulled up to a normal-looking house with a big gate.

Inside, the kidnapers used their cell phones to take pictures of David, his son, and the rest. They interrogated David about where he's from, his line of work, how he got to the US, and most importantly, what family members he has there. It was like patient intake at a health clinic, except for by a cartel.

We talk about the cartels as organized crime, but I never imagined the bookkeeping. They keep records and photos of the migrants they kidnap, and also who they release.

David says there were more than 20 migrants at the house. The men and women slept in separate rooms. During the day, the kidnappers hit any of the men who tried to look at the women.

The room David and his son slept in had one mattress. Everyone else slept on the floor. At night, David would lay on the ground, holding his son.

**David** [SPEAKING SPANISH]

**Interpreter** I would lay down with him in a corner, and I would hug my son. They couldn't see you crying, but my tears were almost, like, falling out.

What hurt me the most, Emily, was that when this guy arrived, the boss, he would always tell me that my son's organs were good for selling, that he was in a good age, that he was only 11 years old.

**David** [SPEAKING SPANISH] [CRYING]

**Interpreter** And my son once heard the guy saying that his kidneys-- that his organs-- were good for selling, and he was almost crying. And I told him, don't cry, but I was desperate.

**David** [SPEAKING SPANISH]

**Emily Green** As David tells me this story, his two kids are still sitting on the bed beside him. Neither of them is looking at anything in particular. They're just sitting there blankly.

David also seems devoid of emotion. He doesn't at all resemble the David from a few weeks ago, the one I talked to right after his release. Now, his affect is completely flat.

On the fourth day of his kidnapping, one of the bosses woke David up and told him they'd reached a deal with his sister.

**David** [SPEAKING SPANISH]

**Interpreter** And he said to me, get up with your son, fat guy, because today I'm going to release you guys because your sister already paid, made a deposit.

**Emily Green** The man told David if he talked to anyone-- police, reporters-- the cartel would come for him, take his son, and kill David. The same man who kidnapped them in the first place drove them back to the bus station and bought them each a ticket.

David doesn't know what happened to the dozens of other people in the house. Most migrants who are kidnapped and released, the cartel gives them a key word. It's like a passcode that indicates the migrant has paid off the cartel so they aren't kidnapped again, but David isn't given one, maybe because he hasn't paid a high enough ransom.

When we met David in Monterrey, he didn't know what he was going to do. On day one of the kidnapping, the cartel had taken David and his son's immigration paperwork, and they didn't give it back. Without that paperwork, he doesn't even know which day he's supposed to show up in court.

But even if he could figure it out, he told us, he's too scared to return to Nuevo Laredo. Under MPP, he'd have to pass

through the same port of entry to get to his hearing. What if we get kidnapped again? He asks.

Last week, I got a phone call from David. The family they've been staying with in Monterrey wants them gone, and he's lost hope in the asylum process. He thinks they won't be listened to, that the hearing process is a lie.

And in fact, he's right about how his case is likely to come out. Under this administration, it's virtually impossible to gain asylum based on gang violence. So David's decided to take his family back to Honduras, the country they tried escaping in the first place. According to Homeland Security's own statistics, thousands of other families are making the same choice.

**Ira Glass** Emily Green. She also reported on David for Vice.com. One last thing before we end today's program. When we were in the tent camp in Matamoros, I learned that the way the Remain in Mexico policy works.

It applies to adults. But if a kid shows up without an adult, the border agents have to let them into the United States. They don't send them back.

And life in the tent camp is hard and boring, and there are kids who are like, I want to go. Send me alone. We met a dad whose 15-year-old did that. In this case, he and his son both agreed it will probably be better.

The whole reason they were trying to get into the US was for his son's future, anyway. He has an aunt in Houston. He'd be put into a shelter on the other side, but hopefully he'd get to her.

It's was a gamble, but a calculated one. So at 5:30 in the afternoon a couple weeks ago, his father walked his teenager to the border station, gave him a hug, asked God to bless him, and sent him off.

**Dad** [SPEAKING SPANISH]

**Interpreter** He just, the only thing he said to me is, I'll see you later, dad.

**Ira Glass** In the two weeks since then, his son has called his mother three times. She's back in their home country with their other children. The dad asked me not to specify what country or say their names.

His son said he's in custody with other kids, and says it's way better than the tent camp. In other words, so far so good.

**Dad** [SPEAKING SPANISH]

**Interpreter** He's doing well there, that they treat him well, that he gets everything he needs there, that he gets a place to sleep, food, clothing, and he also is getting classes.

**Ira Glass** The only bad part of it, now, is that the dad's here alone. He misses his son. He thinks about him all the time, first thing in the morning, he said, and last thing at night.

Darwin, that 9-year-old who's the king of the camp-- remember him? He and his mom told Aviva that they've talked about whether she should send him over alone to fend for himself.

**Mom** [SPEAKING SPANISH]

**Ira Glass** She asked him, look, as a mom it's not that she doesn't love him, but if there's no way for them to go together, she'll send him alone. But he doesn't want that.

**Darwin** No. [SPEAKING SPANISH]

**Ira Glass** No, because of the fear that I have.

**Mom** [SPEAKING SPANISH]

**Ira Glass** Honestly, you won't lose me, she says.

**Darwin** [SPEAKING SPANISH]

**Mom** [SPEAKING SPANISH]

**Darwin** [SPEAKING SPANISH]

**Ira Glass** My fear is that I'll lose my mom. The kids there don't see their moms.

**Darwin** [SPEAKING SPANISH]

**Mom** [SPEAKING SPANISH]

**Ira Glass** I've never been separated from her, he says. And she jumps in, our love is inseparable. He's sitting at her feet and hugs her legs. She puts her arm around him.

**Aviva Dekornfeld** So if your mom tells you you should cross into the US by yourself, what would you tell her?

**Mom** [SPEAKING SPANISH]

**Ira Glass** I tried it, she says, and he doesn't want to go. He refuses and starts to cry. And she doesn't want him to go, but given how things might play out, she's not sure what else to do.

Well, our program was produced today by Nadia Reiman with help from Aviva Dekornfeld. The people who put together today's show includes Elna Baker, Emanuele Berry, Susan Burton, Ben Calhoun, Zoe Chace, Dana Chivvis, Sean Cole, Whitney Dangerfield, Damien Graef, Michelle Harris, Jessica Lussenhop, Miki Meek, Lina Misitzis, Stowe Nelson, Katherine Rae Mondo, Ben Phelan, Alissa Shipp, Lilly Sullivan, Christopher Swetala, Matt Tierney, and Nancy Updike.

Our managing editor is Diane Wu. Our executive editor is David Kestenbaum. Interpreters for today's show were Gabriela Muñoz, Catalina Maria Johnson, Daniel Sherr, and Mario Michelena. Our fixer in Matamoros was journalist Vero Cardenas. The voices of the asylum officers in the first story of the show were performed by Maggie Siff and Betty Gilpin.

By the way, you can see Maggie Siff on *Billions* and Betty Gilpin on the Netflix show *Glow*. Special thanks today to Harrison Nesbit and Amy Kaufman, Kimbrell Kelly, Reynaldo Leanos Jr., Kennji Kizuka, Christopher Turpin, William Dobson, Didrik Schanche, Russell Dion. Lewis, Clay Boggs, Maureen Meyer, Nick Miriello, and Woodson

Martin.

Our website, [ThisAmericanLife.org](http://ThisAmericanLife.org). *This American Life* is delivered to public radio stations by PRX, the Public Radio Exchange. Thanks, as always, to our program's co-founder Mr. Torey Malatia. You know, he recently cooked dinner for some friends who hate onions and anything in the onion family.

**Woman** And they wanted to keep the leak to a minimum.

**Ira Glass** I'm Ira Glass. Back next week with more stories of *This American Life*.



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# EXHIBIT Z

## As New Migrant Shelter Prepares To Open In Matamoros, Concerns Of Safety And Access To Aid Grow

By REYNALDO LEAÑOS JR. • OCT 29, 2019

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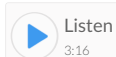


*A young boy eats his meal that was delivered by Team Brownsville as he overlooks the encampment where many asylum seekers sleep.*

REYNALDO LEAÑOS JR. | TEXAS PUBLIC RADIO

**Update:** This story has been updated to reflect the location of the shelter. It is at a gymnasium at Alberca Chavez.

There are more than 1,500 migrants living in squalid conditions on the streets in Matamoros, Mexico. They're forced to wait there for their day in U.S. immigration court under the Trump administration's [Remain in Mexico policy](#).



Matamoros officials plan to open up a shelter as early as this week to house asylum seekers. However, many of those asylum seekers and U.S. aid workers believe they're better off in their current encampment than in the city-run shelter.

Andrea Rutnick was in Matamoros on Friday. She's with a local organization named [Team Brownsville](#) and with her is a group of volunteers from around the country who have trekked across the international bridge that connects to Brownsville.

They've brought over enchilada casseroles with black beans, iceberg lettuce and chocolate chip cookies, as hundreds of people line up in front of them ready to be served.

"We are feeding dinner in the evening, we come every night to feed dinner. Men, women and children are lined up to eat," said Rudnick. "Right now we have a whole group from Alabama, Colorado and Mississippi."

Team Brownsville has fed asylum seekers for more than a year. For some migrants, this is the only meal they have throughout the day. Rudnick



grew concerned when she heard that the Matamoros government would be opening a shelter for asylum seekers several miles away from the small plaza near the international bridge where they bring food to them.

*Volunteers for the day with Team Brownsville walk wagons filled with supplies and food to deliver to asylum seekers in Matamoros, Mexico.*  
CREDIT REYNALDO LEAÑOS JR. | TEXAS PUBLIC RADIO

"My hope is that the Mexican government will feed people at the shelter because we're really not able to transport food to wherever the shelter might be," said Rudnick. "Our main focus is here, feeding the people in the plaza, so we will continue to do that and will continue to bring supplies. As long as there are people here we will continue doing it."

Rudnick and other aid workers said they're not able to travel away from the International Bridge because they're concerned for their safety. Matamoros is in the Mexican state of Tamaulipas, which the U.S. State Department has classified as a level 4 threat because of frequent kidnappings, extortion and murders.

The new shelter is located at a gymnasium at Alberca Chavez, about a 30 minute walk from the Gateway International Bridge.

Migrants also worry they will be forced to move to the shelter.

Gracie, an asylum seeker from Guatemala, said that's just one of the problems.

"The majority of people don't want to leave," said Gracie. "They say they'd prefer to stay here because, I don't know if it's true, but people say a woman was kidnapped over there."

Gracie arrived in Matamoros in August with her 3-year-old son. She said she doesn't want to go to the shelter because she's not sure the Mexican government will provide transportation back to the International Bridge for her immigration hearing, or her free legal consultation with U.S. volunteer attorneys.

Another asylum seeker in the encampment said the shelter sounds like a good idea.

Dina is from El Salvador and said she'll probably end up going to the shelter because she recently endured a cold front that came through and shook the tent she was in.

"Imagine, not being able to sleep, the cold temperatures, the strong winds," said Dina.

Dina said she knows colder weather is coming and would rather wait it out at the shelter.

Matamoros' mayor, Mario Lopez, said the original plans were to house asylum seekers at a convention center, but those plans fell through. Now the city is looking into a smaller location.

He said the U.S. government isn't helping them, but he wants people to know the city is doing what it can to help migrants.

"I want to convey confidence that we're treating them well and that this is a government that is following the policies of the President. And that we have our doors open to migrants and help them so they can get to their destination, which is the United States," said Lopez.

The Mexican government just started offering basic medical services, food and water for asylum seekers, even though the city has had asylum seekers for more than a year.

The mayor also reiterated that the shelter won't be mandatory and that they're coordinating with various entities to ensure migrants get the basic help they need.

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# EXHIBIT AA



**VICE NEWS**

## **What Life Is Like for the Migrants Who Occupied a U.S.-Mexico Bridge in Protest**

## Hundreds of migrants forced to wait out U.S. asylum claims in Mexico are living at the foot of a border crossing bridge.

By [Sergio Flores](#)

Oct 28 2019, 9:09am

Amelia Garcia Perez has been living in a tent within sight of the U.S. for months. But although she's applied for political asylum, it's unclear when — or if — she'll ever be able to enter the country.

"I ask God for a miracle so that we can cross," said Garcia Perez. She's one of more than 1,000 migrants camping at a U.S. border crossing in Matamoros, Mexico. The Trump administration's Migrant Protection Protocols — better known as the "Remain in Mexico" policy — means they have to wait across on that side while their asylum claims are processed.



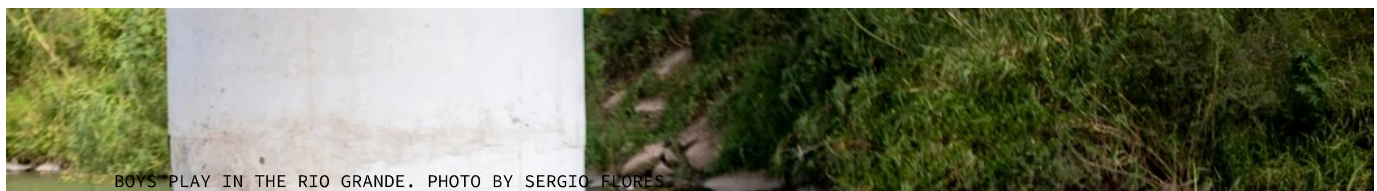
AMELIA GARCIA PEREZ, LEFT, WITH HER FRIEND NATASHA RUIZ. PHOTO BY SERGIO FLORES.





HUNDREDS OF PEOPLE ARE LIVING IN TENTS ALONG THE BORDER. PHOTO BY SERGIO FLORES.

This area is preferable to the border cities, where **cartels have turned kidnapping migrants into a business model**. But the conditions are dismal: There are only a dozen portable toilets and a couple of showers for everyone, leaving many to bathe in the Rio Grande river, which divides the two countries. Everything is caked in dust and mud.



BOYS PLAY IN THE RIO GRANDE. PHOTO BY SERGIO FLORES.





A BOY SITS NEAR THE BORDER CROSSING. PHOTO BY SERGIO FLORES.

On October 10, many of the migrants decided they'd had enough. Hundreds marched onto the bridge that leads to Brownsville, Texas, and occupied it in protest of their treatment from the U.S. and Mexican governments.

A **local paper reported soon after** that there were plans to evict the migrants Monday and move them to an event center six miles from the border, but the **Texas Tribune reported Friday** that a Matamoros spokeswoman said the plan had been scrapped. She said there were



tentative plans to offer an alternate shelter closer to the bridge but that the migrants won't be forcibly removed.



MIGRANTS LINE UP TO RECEIVE DONATIONS OF FOOD AND CLOTHING. PHOTO BY SERGIO FLORES.



CHILDREN PLAY INSIDE A TENT. PHOTO BY SERGIO FLORES.





Staying just feet away from the border has meant relative safety for the asylum-seekers, and many are afraid to move further into Mexico. Tamaulipas, the state home to Matamoros, is so dangerous that the U.S. government advises Americans not to travel there. Migrants are particular targets in cities across the borders, with kidnappings by the cartels shockingly commonplace.

A move could also make it harder for the religious groups and legal teams that regularly cross the border to help migrants with their asylum claims and bring provisions like tents, clothing, and food.



A WOMAN KEEPS WATCH WHILE HER FRIEND SHOWERS. PHOTO BY SERGIO FLORES.





VOLUNTEERS FROM MATEO 25:35 RAP WHILE MIGRANTS WAIT IN LINE FOR FOOD. PHOTO BY SERGIO FLORES.

Natasha Ruiz stayed in Reynosa when she first arrived in Mexico. She was robbed of everything she had brought with her from Honduras, and because she is transgender, she was often verbally and physically harassed. Even at the border camp, “I stay close to my friends. People have threatened to drown me in the river,” she said.

People from “vulnerable populations,” such as transgender individuals, are excluded from Remain in Mexico on a case-by-case basis, and volunteer lawyers are trying to help Ruiz get to the U.S.

A BOY CRIES AFTER BEING WOKEN FROM A NAP. PHOTO BY SERGIO FLORES.



YOUNG BOYS PLAY SOCCER NEAR THE CAMP. PHOTO BY SERGIO FLORES.

But many migrants are unaware of the Remain in Mexico policy, which was implemented in January, and confused about why they are being forced to wait with their name on an unofficial government list to claim asylum.

*Cover: Women bathe and wash clothes in the Rio Grande. Photo by Sergio Flores.*

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# EXHIBIT BB



WORLD NEWS OCTOBER 16, 2019 / 4:06 AM / A MONTH AGO

# Asylum seekers cling to hope, safety in camp at U.S.-Mexico border

Delphine Schrank

7 MIN READ



MATAMOROS, Mexico (Reuters) - Even after he was kidnapped and robbed outside the makeshift migrant camp where he had slept for two weeks, Luis Osorto decided his only chance for eventual asylum in the United States was to stay put along the border just inside Mexico.

Central American migrants are seen in an encampment in Matamoros, Mexico, at the end of the Gateway International Bridge, where migrants sent back under the "Remain in Mexico" program, officially called the Migrant Protection Protocols (MPP), await their U.S. asylum hearings, September 14, 2019. Picture taken September 14, 2019.  
REUTERS/Henry Romero

But the 37-year-old Honduran made a pact with himself: not to leave the enclave of tents at the end of a bridge between Matamoros and Brownsville, Texas - not even to buy a bottle of water or to collect money transfers from his family back home.

The cramped camp, in a partly fenced-in plaza abutting administrative buildings just feet from the Rio Grande, is home to approximately 1,000 migrants, many of them sent back to Mexico to await U.S. immigration hearings under a policy called the Migrant Protection Protocols (MPP) begun this year.

After what is commonly known as an "express kidnapping" last month by men waiting in a van for him outside a convenience store where he was collecting a \$100 transfer from relatives, Osorto promised himself he would only leave the camp to cross the bridge to Texas for his December court date with U.S. immigration authorities.

"I just wait here and trust someone else ... to get me 70 pesos (\$3.50) or so when I need it," he said.

MPP, sometimes called Remain in Mexico, is among various overlapping U.S. policies aimed at severely reducing asylum claims.

President Donald Trump, whose hardline stance on immigration was a mainstay of his 2016 campaign, has said lax U.S. asylum laws encourage people to show up at the border with their children.

Before MPP, it was common practice to release arriving families into the United States to wait out their U.S. court hearings - something Trump and others said allowed many migrants to disappear into the country to live illegally. Studies by legal aid groups, such as the Urban Justice Center, have shown that most asylum seekers



show up for their hearings, however.

More than 51,000 people, mainly from Central America, have been sent to Mexico since the MPP program started in January, according to U.S. Customs and Border Protection.

But reports of kidnapping and extortion have increased since the program was expanded to Matamoros and nearby Nuevo Laredo in crime-wracked Tamaulipas state.

Human Rights First, a U.S.-based rights group, in August documented 110 publicly reported cases of rape, kidnapping, sexual exploitation and other violence against MPP returnees.

In Matamoros, violence and abuse targeting migrants means many in the MPP program refuse to move to a shelter in the city during their long waits for a U.S. court hearing.

Since July, Matamoros has received more than 12,000 asylum seekers under MPP, said Enrique Maciel, of the Tamaulipas Institute for Migrants, a state agency.

Matamoros Mayor Mario Lopez described the city as calmer than neighboring towns, because of a truce between two rival drug cartels. Elsewhere in the state, gangs regularly fight pitched battles for turf.

Reuters spoke to six asylum seekers at Osorto's camp who said they had been kidnapped or extorted, and several more who had brushes with suspected criminals near the border or elsewhere within Mexico.

Oscar Ramirez, a 30-year-old Honduran waiting for a U.S. court date on Dec. 2, said three Mexican men surrounded him around midnight last month, and began interrogating him on his plans and his paperwork, he said.



“I was terrified,” said Ramirez, who said he ran away from the men when a crowd of people arrived. “The rumors circulating are that at any moment unknown people will kidnap you.”

Reuters was unable to independently corroborate the migrants’ stories. Osorto said he did not report the attack on him to police.

Kristin Clarens, a U.S. attorney who advises asylum-seekers at the border, said she had come across five cases of migrants in Matamoros awaiting MPP hearings who were kidnapped briefly. They were taken to an ATM to clear out their accounts or forced to phone relatives to send cash transfers to a nearby convenience store.

A spokesman for Mexico’s National Institute for Migration said it had no data on such complaints. Mexico’s national rights ombudsman said it was checking for data.

The Tamaulipas state Attorney General’s Office and the federal Attorney General’s Office declined to comment. The U.S. Department of Homeland Security did not respond to requests for comment about the dangers in Tamaulipas.

## **TOO AFRAID TO GO TO SHELTER**

In Osorto’s camp, asylum seekers use water from the Rio Grande to wash, despite outbreaks of rashes. Women pay a small fee to use a nearby toilet. For food, tents, and the occasional yoga mat to lie on they depend on volunteers from across the border.

Slideshow (7 Images)

At night, couples take turns keeping watch over their children, fearful criminals will snatch them if they both sleep.

Early last month, a Honduran mother and daughter seeking asylum drowned in the river near the camp, in what the Honduran foreign ministry said was an act of

desperation after three month's wait in Mexico.

Glady Canas, director of Matamoros-based migrant-aid nonprofit Helping Them to Triumph, said she has tried in vain to convince families to move into the city's lone migrant shelter and its neat dormitories.

## **"ATTACKING OUR MINDS"**

A U.S. Supreme Court decision last month allowed the Trump administration to reject asylum for anyone who passed through a third country, such as Mexico, and did not apply for asylum there.

Trump had earlier threatened to impose tariffs on Mexico unless it stopped more migrants, and the U.S. neighbor has since used its military police to contain migration northward.

Clarens, the U.S. attorney, said Trump's policies were effectively blocking most routes to asylum.

"It's like a complicated chess game and this is like checkmate," she said.

In the Matamoros camp, asylum-seekers fret on a shared What's App group, or aloud, while trying to discern U.S. policy means for them.

"They are attacking our minds," 27-year-old Oscar Borjas, said of shifting U.S. policy, shuffling a deck of cards late one night in an alleyway between tents.

Osorto, who fled violence in San Pedro Sula, Honduras, said fear and a feeling of being powerless were inescapable.

"We don't go downtown because they say it's more dangerous," he said. But wincing as he glanced out over the tents, he added: "There's nothing to do here."

Reporting by Delphine Schrank; Editing by Daniel Flynn and Tom Brown

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# EXHIBIT CC

## House Democrats say migrants aren't getting fair hearings at tent courts on the border

They're calling for investigations of possible civil rights abuses.

By Nicole Narea | @nicolenarea | Oct 18, 2019, 10:30am EDT

SHARE



Rosa Gomez, from Honduras, and her family camp for hours on the Mexican side of the Gateway International Bridge, just across the line that separates Brownsville, Texas, from Mexico on Saturday, June 23, 2018, in Matamoros. | Jahi Chikwendiu/Washington Post/Getty Images

House Democrats are calling for investigations into two temporary immigration courts that opened along the southern border last month where migrants who have been waiting in Mexico are fighting to obtain asylum in the US, according to a **letter sent Thursday**.

The courts — located in tent complexes near US Customs and Border Protection ports in Laredo and Brownsville, Texas — were built to hear cases from migrants who have been sent back to Mexico under President Donald Trump's "Remain in Mexico" policy, officially known as the Migrant Protection Protocols.

Unveiled in January, the policy has affected over 50,000 migrants found to have credible asylum claims, including those who present themselves at ports of entry on the southern border and those who are apprehended while trying to cross the border without authorization.

The tent courts, which opened in early September with no advance notice to the public, have the capacity to hold as many as 420 hearings per day in Laredo and 720 in Brownsville conducted exclusively by video. Immigrants and their attorneys video conference with judges and DHS attorneys appearing virtually, streamed from brick-and-mortar immigration courts hundreds of miles away.

Democratic leaders, led by Congressional Hispanic Caucus chair Joaquin Castro, raised concerns Thursday that the tent facilities have led to violations of migrants' due process rights by restricting their access to attorneys and relying on teleconferencing. They also expressed alarm that asylum seekers processed in the facilities are being returned to Mexico even though they are in danger there and that the public has largely been barred from entering the tent facilities, shrouding their operations in secrecy.

"Given the lack of access to counsel and the limitations of [video conferencing], we are concerned these tent courts do not provide full and fair consideration of their asylum claims, as required by law," the lawmakers wrote, urging the Department of Homeland Security and Department of Justice's inspectors general to investigate. "The opening and operations of these secretive tent courts are extremely problematic."

#### **Few have been allowed to enter the courts**

Acting Department of Homeland Security Secretary Kevin McAleenan **had assured** that members of the public and the press would be permitted to access to the facilities so long as they do not "disrupt proceedings or individuals' privacy."

In practice, however, that's not how they have operated, and as House Democrats pointed out Thursday, preventing the public from viewing immigration court proceedings violates federal regulations.

"We are concerned that the administration has intentionally built these tent court at Customs and Border Protection ports of entry to justify limited public access to these facilities, and that this lack of transparency may allow DHS to hid abuse and due process violations that may occur in the tents," their letter said.

Laura Lynch and Leidy Perez-Davis, attorneys with the American Immigration Lawyers Association who visited the port courts shortly after they opened in September, said they and other lawyers from the National Immigrant Justice Center, Amnesty International, and the Women's Refugee Commission were barred from observing proceedings in the courts absent a document showing that they were representing one of the migrants on site.

The few attorneys that had such agreements were allowed to enter the facility a little more than an hour before their clients' hearings to help them prepare — insufficient time given that, for many, it is their first opportunity to meet in person, Perez-Davis said.

In the first few days that the courts were open, the only people allowed in the hearing rooms were immigrants and their attorneys — but critically, not their translators, Lynch said. There were few attorneys representing asylum seekers in proceedings at the port courts, and even fewer spoke fluent Spanish and could have conversations with their clients.

Officials have since allowed translators into the hearing rooms, Lynch said, but neither DHS nor the DOJ have issued any formal clarification of their policy.

Attorneys are also not allowed to attend "non-refoulement interviews" at the tent facilities, in which an asylum officer determines, usually over the phone, whether a migrant should be sent back to Mexico or qualifies for an exemption allowing them to go to a detention facility in the US.

Limiting access to the port courts also inhibits legal aid groups' ability to conduct presentations for migrants informing them of their rights in immigration proceedings, as they typically do in immigration courts.

Perez-Davis said that she observed one hearing from San Antonio — where some of the remote immigration judges handling cases in the ports courts are based — in which a young migrant woman was confused about what "asylum" means. That kind of knowledge would have previously been provided in presentations by legal aid groups.

#### **Videoconferencing doesn't facilitate a fair proceeding**

The use of video conferencing in immigration court proceedings has long been a subject of controversy. In



theory, teleconferencing would seem to make proceedings more efficient and increase access to justice, allowing attorneys and judges to partake even though they may be hundreds of miles away.

But in practice, advocates argue that teleconferencing has inhibited full and fair proceedings, with some even filing a lawsuit in New York federal court in January claiming that it **violates immigrants' constitutional rights**.

Immigrants who appear in court via teleconference are more likely to be unrepresented and be deported, a 2015 **Northwestern Law Review study** found. Reports by the **Government Accountability Office** and the **Executive Office of Immigration Review** have also raised concerns about how technical difficulties, remote translation services, and the inability to read nonverbal communication over teleconference may adversely affect outcomes for immigrants.

Yet despite such research, the immigration courts have **increasingly used video** as a stand-in for in-person interaction.

In the port courts in Laredo and Brownsville, video substitutes for that kind of interaction entirely — but it has not been without hiccups so far.

Lynch, Perez-Davis, and **Yael Schacher**, a senior US advocate at Refugees International, said they all observed connectivity issues. For migrants who must recount some of the most traumatic experiences of their lives to support their asylum claims, video conferencing makes their task harder, Perez-Davis said.

“I have been asking myself what happens if you're in the middle of the worst story you've ever had to tell, and the video cuts out?” she said.

#### **These courts are sending immigrants back to danger in Mexico**

Migrants are required to travel in the dark and show up for processing before their hearings at the port courts early as 4:30 in the morning.

That puts them at increased risk, with **recent reports** of violence and kidnappings in Nuevo Laredo, which is directly across the border from Laredo, and Matamoros, which is adjacent to Brownsville. The State Department has consequently issued a level four **“Do Not Travel”** warning in both Nuevo Laredo and Matamoros.

Lynch and Perez-Davis said that attorneys are also increasingly afraid of crossing the border into Mexico in light of those safety concerns. Where they used to cross over the border to deliver presentations informing migrants of their rights and the US legal process in Mexican shelters, that is no longer happening to the same degree.

“It has chilled any sort of ability to provide legal representation,” Perez-Davis said.

DHS purports to exempt “vulnerable populations” from the Remain in Mexico policy and allow them to remain in the US, but in practice, few migrants have been able to obtain such exemptions in non-refoulement interviews.

The advocacy group Human Rights First **issued a report** earlier this month documenting dozens of cases in which inherently vulnerable immigrants — including those with serious health issues and pregnant women — and immigrants who were already victims of kidnapping, rape and assault in Mexico were sent back under MPP after their interviews.

With attorneys barred from advocating for migrants in these interviews, migrants will likely continue to be sent back to Mexico even if they should qualify for an exemption under DHS's own guidelines.

“These interviews are a basic human rights protection to ensure that no one is returned to a country where they would face inhumane treatment, persecution or other harm,” Democrats wrote Thursday. “We are concerned that DHS is returning asylum seekers to harm in Mexico.”

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# EXHIBIT DD



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WORLD & NATION

## Mexico sends asylum seekers south — with no easy way to return for U.S. court dates



Central American migrants with U.S. immigration court dates emerge from buses in Ciudad Hidalgo, on Mexico's southern border with Guatemala. (Liliana Nieto del Rio / For The Times)

By PATRICK J. MCDONNELL  
MEXICO CITY BUREAU CHIEF

OCT. 15, 2019  
4 AM



CIUDAD HIDALGO, Mexico — The exhausted passengers emerge from a sleek convoy of silver and red-streaked buses, looking confused and disoriented as they are deposited ignominiously in this tropical backwater in southernmost Mexico.

There is no greeter here to provide guidance on their pending immigration cases in the United States or on where to seek shelter in a teeming international frontier town packed with marooned, U.S.-bound migrants from [across the globe](#).

The bus riders had made a long and perilous overland trek north to the Rio Grande only to be dispatched back south to Mexico's border with Central America — close to where many of them had begun their perilous journeys weeks and months earlier. At this point, some said, both their resources and sense of hope had been drained.

“We don't know what we're going to do next,” said Maria de Los Angeles Flores Reyes, 39, a Honduran accompanied by her daughter, Cataren, 9, who appeared petrified after disembarking from one of the long-distance buses. “There's no information, nothing.”

The two are among more than 50,000 migrants, mostly Central Americans, whom U.S. immigration authorities have sent back to Mexico this year to await court hearings in the United States under the Trump administration's “Remain in Mexico” program.

Immigration advocates have assailed the program as punitive, while the White House says it has worked effectively — discouraging many migrants from following up on asylum cases and helping to curb what President Trump has decried as a “catch and release” system in which apprehended migrants have been freed in U.S. territory pending court proceeding that can drag on for months or years.

The ever-expanding ranks pose a growing dilemma for Mexican authorities, who, under intense pressure from the White House, had agreed to accept the returnees and provide them with humanitarian assistance.

As the numbers rise, Mexico, in many cases, has opted for a controversial solution: Ship as many asylum seekers as possible more than 1,000 miles back here in the apparent hope that they will opt to return to Central America — even if that implies endangering or forgoing prospective political asylum claims in U.S. immigration courts.

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Mexican officials, sensitive to criticism that they are facilitating Trump's hard-line deportation agenda, have been tight-lipped about the shadowy busing program, under which thousands of asylum seekers have been returned here since August. (Mexican authorities declined to provide statistics on just how many migrants have been sent back under the initiative.)

In a statement, Mexico’s immigration agency called the 40-hour bus rides a “free, voluntary and secure” alternative for migrants who don’t want to spend months waiting in the country’s notoriously dangerous northern border towns.

Advocates counter that the program amounts to a barely disguised scheme for encouraging ill-informed migrants to abandon their ongoing petitions in U.S. immigration court and return to Central America. Doing so leaves them to face the same conditions that they say forced them to flee toward the United States, and, at the same time, would undermine the claims that they face persecution at home.

“Busing someone back to your southern border doesn’t exactly send them a message that you want them to stay in your country,” said Maureen Meyer, who heads the Mexico program for the Washington Office on Latin America, a research and advocacy group. “And it isn’t always clear that the people on the buses understand what this could mean for their cases in the United States.”

Passengers interviewed on both ends of the bus pipeline — along the northern Mexican border and here on the southern frontier with Guatemala — say that no Mexican official briefed them on the potential legal jeopardy of returning home.

“No one told us anything,” Flores Reyes asked after she got off the bus here, bewildered about how to proceed. “Is there a safe place to stay here until our appointment in December?”

The date is specified on a notice to appear that U.S. Border Patrol agents handed her before she and her daughter were sent back to Mexico last month after having been detained as illegal border crossers in south Texas. They are due Dec. 16 in a U.S. immigration court in Harlingen, Texas, for a deportation hearing, according to the notice, stamped with the capital red letters MPP — for Migrant Protection Protocols, the official designation of Remain in Mexico.

The free bus rides to the Guatemalan border are strictly a one-way affair: Mexico does not offer return rides back to the northern border for migrants due in a U.S. immigration court, typically several months later.

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Beti Suyapa Ortega, 36, and son Robinson Javier Melara, 17, in a Mexican immigration agency waiting room in Nuevo Laredo, Mexico. (Patrick McDonnell / Los Angeles Times)

“At this point, I’m so frightened I just want to go home,” said Beti Suyapa Ortega, 36, from Honduras, who crossed the border into Texas intending to seek political asylum and surrendered to the Border Patrol.

She, along with her son, 17, were among two dozen or so Remain in Mexico returnees waiting recently for a southbound bus in a spartan office space at the Mexican immigration agency compound in [Nuevo Laredo](#), across the Rio Grande from Laredo, Texas.

Ortega and others said they were terrified of venturing onto the treacherous streets of Nuevo Laredo — where criminal gangs control not only drug trafficking but also the lucrative enterprise of abducting and extorting from migrants.

“We can’t get out of here soon enough. It has been a nightmare,” said Ortega, who explained that she and her son had been kidnapped and held for two weeks and only released when a brother in Atlanta paid \$8,000 in ransom. “I can never come back to this place.”

The Ortegas, along with a dozen or so other Remain in Mexico returnees, left later that evening on a bus to southern Mexico. She said she would skip her date in U.S. immigration court, in Laredo — an appointment that would require her to pass through Nuevo Laredo and expose herself anew to its highly organized kidnapping and extortion gangs.



The Mexican government bus service operates solely from the northern border towns of Nuevo Laredo and Matamoros, officials say. Both are situated in hyper-dangerous Tamaulipas state, a cartel hub on the Gulf of Mexico that regularly ranks high nationwide in homicides, “disappearances” and the discovery of clandestine graves.

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The long-haul Mexican busing initiative began in July, after U.S. immigration authorities began shipping migrants with court cases to Tamaulipas. Earlier, Remain in Mexico had been limited to sending migrants with U.S. court dates back to the northern border towns of Tijuana, Mexicali and Ciudad Juarez.

At first, the buses left migrants departing from Tamaulipas state in the city of Monterrey, a relatively safe industrial center four hours south of the U.S. border. But officials there, including the state governor, complained about the sudden influx of hundreds of mostly destitute Central Americans. That’s when Mexican authorities appear to have begun busing all the way back to Ciudad Hidalgo, along Mexico’s border with [Guatemala](#).

A separate, [United Nations-linked program](#) has also returned thousands of migrants south from two large cities on the U.S. border, Tijuana and Ciudad Juarez.

The packed buses arrive here two or three times a week, with no apparent set schedule.

On a recent morning, half a dozen, each ferrying more than 40 migrants, came to a stop a block from the Rodolfo Robles international bridge that spans the Suchiate River, the dividing line between Mexico and Guatemala. Part of the fleet of the Omnibus Cristobal Colon long-distance transport company, the buses displayed windshield signs explaining they were “in the service” of Mexico’s national immigration agency.

The migrants on board had begun the return journey south in Matamoros, across from Brownsville, Texas, after having been sent back there by U.S. immigration authorities.

Many clutched folders with notices to appear in U.S. immigration court in Texas in December.

But some, including Flores Reyes, said they were terrified of returning to Matamoros, where they had been subjected to robbery or kidnapping. Nor did they want to return across the Rio Grande to Texas, if it required travel back through Matamoros.

Flores Reyes said kidnappers held her and her daughter for a week in Matamoros before they managed to

escape with the aid of a fellow Honduran.

The pair later crossed into Texas, she said, and they surrendered to the U.S. Border Patrol. On Sept. 11, they were sent back to Matamoros with a notice to appear Dec. 16 in immigration court in Harlingen.

“When they told us they were sending us back to Matamoros I became very upset,” Flores Reyes said. “I can’t sleep. I’m still so scared because of what happened to us there.”

Fearing a second kidnapping, she said, she quickly agreed to take the transport back to southern Mexico.

Christian Gonzalez, 23, a native of El Salvador who was also among those recently returned here, said he had been mugged in Matamoros and robbed of his cash, his ID and his documents, among them the government notice to appear in U.S. immigration court in Texas in December.

“Without the paperwork, what can I do?” said an exasperated Gonzalez, a laborer back in Usulután province in southeastern El Salvador. “I don’t have any money to stay here.”

He planned to abandon his U.S. immigration case and return to El Salvador, where he said he faced threats from gangs and an uncertain future.





Hondurans Nuvia Carolina Meza Romero, 37, and daughter Jessi, 8, after arriving in Ciudad Hidalgo on a Mexican government-contracted bus from Matamoros. (Liliana Nieto del Rio / For The Times )

Standing nearby was Nuvia Carolina Meza Romero, 37, accompanied by her daughter, Jessi, 8, who clutched a stuffed toy sheep. Both had also returned on the buses from Matamoros. Meza Romero, too, was in a quandary about what do, but seemed resigned to return to Honduras.

“I can’t stay here. I don’t know anyone and I don’t have any money,” said Meza Romero, who explained that she spent a week in U.S. custody in Texas after crossing the Rio Grande and being apprehended on Sept. 2.

Her U.S. notice to appear advised her to show up on Dec. 3 in U.S. immigration court in Brownsville.

“I don’t know how I would even get back there at this point,” said Meza Romero, who was near tears as she stood with her daughter near the border bridge.

Approaching the migrants were aggressive bicycle taxi drivers who, for a fee equivalent to about \$2, offered to smuggle them back across the river to Guatemala on rafts made of planks and inner tubes, thus avoiding Mexican and Guatemalan border inspections.

Opting to cross the river were many bus returnees from Matamoros, including Meza Romero, her daughter and Gonzalez, the Salvadoran.

But Flores Reyes was hesitant to return to Central America and forfeit her long-sought dream of resettling in the United States, even if she had to make her way back to Matamoros on her own.

“Right now, we just need to find some shelter,” Flores Reyes said as she ambled off in search of some kind of lodging, her daughter holding her mother’s arm. “We have an appointment on Dec. 16 on the other side. I plan to make it. I’m not ready to give up yet.”







Migrants who'd been sent from Matamoros to southern Mexico on government-contracted buses return aboard a raft to Guatemala rather than make the journey north again for a U.S. court date. (Liliana Nieto del Rio / For The Times )

*Special correspondents Liliana Nieto del Rio in Ciudad Hidalgo and Cecilia Sanchez of The Times' Mexico City bureau and Times staff writer Molly Hennessy-Fiske in Houston contributed to this report.*

WORLD & NATION

MEXICO & THE AMERICAS

IMMIGRATION AND THE BORDER

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# EXHIBIT EE

## Asylum-Seekers Protesting Squalid Conditions Shut Down A US Border Crossing For 15 Hours

"This is an injustice," said one asylum-seeker.



**Adolfo Flores**  
BuzzFeed News Reporter



Reporting From  
**Matamoros, Mexico**

Last updated on October 11, 2019, at 11:58 a.m. ET

Posted on October 10, 2019, at 10:04 p.m. ET



Asylum-seekers block the Puerta Mexico international border crossing bridge in Matamoros, Mexico.

*Veronica Cardenas / Reuters*

MATAMOROS, Mexico — Asylum-seekers frustrated over increasingly squalid conditions at the southern border — where they have been forced to wait until

their US immigration court dates — shut down a normally busy international border crossing Thursday.

At about 1:30 a.m., a group of up to 300 immigrants marched to the middle of the Gateway International Bridge, which connects Brownsville, Texas, and Matamoros, Mexico, and sat down in the roadway, blocking traffic in both directions for nearly 15 hours. The group remained there through the afternoon until shortly after 4 p.m. when US Customs and Border Protection (CPB) officials reopened the bridge.

On the southern side of the bridge is an ever-growing encampment of asylum-seekers sent back to Mexico until their immigration cases are adjudicated under the Trump administration's "remain in Mexico" policy. More than 51,000 asylum-seekers have been returned to Mexico under the Migrant Protection Protocols (MPP) across the southern border.

In Matamoros, where about 1,000 asylum-seekers sent back under the program are living on the streets under tents and blankets, many rely on donated food.



Guatemalan asylum seeker Biviana, 20, blows the neck of her one-year old daughter Maylin, which has a rash.

*Veronica Cardenas / Reuters*

Celia, a 42-year-old asylum-seeker from Honduras, said living in the

encampment is difficult, in part, because there is no clean water to bathe in or to wash clothes. Immigrants often use the Rio Grande, the dangerous and polluted waterway that has claimed the lives of immigrants attempting to cross. Adults and children have developed rashes after bathing in the river.

"This is an injustice," Celia said.

All of the immigrants who spoke to BuzzFeed News for this story declined to use their full names due to concerns for their safety.

Other immigrants said they were frustrated by the lengthy duration they must wait for their asylum cases to be decided by an immigration judge. Some who believed they would receive a determination at their first court date, despite proceedings requiring multiple hearings, have grown desperate after being sent back to Matamoros with court dates weeks or months in the future.

Sara, a 35-year-old Honduran asylum-seeker who was among the protesters on the bridge, said she's been living on the streets of Matamoros for two months with her three children.

"If [the US] is going to give us an opportunity we want them to tell us because I have three kids I have to fight for," Sara said. "They keep telling us we have to wait longer and longer. When will it end?"





US Customs and Border Protection police agents keep watch as asylum-seekers block the Puerta Mexico international border crossing bridge.

*Alejandro Hernandez / Reuters*

Critics of MPP have said forcing asylum-seekers to wait with few resources and access to legal information in dangerous Mexican cities like Matamoros is part of the Trump administration's plan to wear down immigrants.

In addition to squalid conditions and long wait times, asylum-seekers returned to Mexico also face the threat of violence and kidnappings. A State Department advisory for the Mexican state of Tamaulipas, which includes cities like Matamoros and Nuevo Laredo, warns US citizens about threats to safety when traveling to the area, noting that murder, kidnapping, and sexual assault are common.

Asylum-seekers returned to Mexico under MPP have reported more than 340 incidents of rape, kidnapping, torture, and other violent attacks, according to a report from Human Rights First.

At a White House press briefing on Tuesday, Mark Morgan, acting commissioner of CBP said Mexico was providing humanitarian protection to asylum-seekers.



Asylum-seekers block the Puerta Mexico international border crossing bridge in Matamoros, Mexico.

*Veronica Cardenas / Reuters*

“With MPP, migrants are receiving due process and protection while the United States is restoring integrity to our immigration system,” Morgan told reporters.

Also on the bridge was Jilma, a 26-year-old Honduran asylum-seeker who was sent to Nuevo Laredo after presenting herself at the US border. Along with a group of other immigrants, she was transported to a shelter at the direction of Mexican immigration agents.

Along the way, the bus was stopped by federal police, Jilma said, who ordered all of the immigrants off the vehicle. Moments later the group was boarded onto trucks at gunpoint by men who took them to a large house with about 300 kidnapped immigrants. When Jilma and two other women couldn't provide phone numbers for family members who could pay a ransom, some of the men took them to another room and took turns raping them, she said.

"While they raped us they told us they would do the same things to our children," Jilma told BuzzFeed News. "They let us go, but before they left they took photos of us and told us to never return to Nuevo Laredo."

Jilma has since made her way to Matamoros where she hopes she will be safe, but

is fearful of returning to Nuevo Laredo in January for her court hearing on the other side of the border.

Asylum-seekers block the Puerta Mexico international border crossing bridge in Matamoros, Mexico.

*Alejandro Hernandez / Reuters*

Because the protest shutdown the bridge, asylum-seekers who had hearings inside newly erected tent courts on the other side of the Rio Grande were unable to see the immigration judge and CBP said their hearings would be rescheduled to a later date, potentially months down the line.

"It is so hard to get ahead," said Claire Noone, an immigration attorney who has worked with asylum-seekers in Matamoros. "Protesting abhorrent conditions leads to individuals being forced to exist in those conditions longer."

Henri Vinet-Martin, another immigration attorney who was worked with immigrants in Matamoros, said the other "travesty" is asylum-seekers in MPP find it nearly impossible to find US attorneys who can take their cases.

"How can you even think about your case when you're trying to figure out how to feed your baby?" Vinet-Martin told BuzzFeed News. "They're being denied access



to their right to have an attorney not paid for by the US government."

One estimate from July found that only 1.2% of MPP cases that had already been decided had legal representation. The odds of an asylum-seeker winning their case increase exponentially if they have an attorney.

At one point the mayor of Matamoros, Mario López Villarreal, went to speak with the protesters about their concerns of living on the streets and, in an attempt to talk them off the bridge, offered them space at a shelter. Some of the immigrants balked at the offer while others accepted an invitation to speak to city officials about their concerns.

"He's never come to speak to us and only came after we shut down the bridge," said Alex, a 25-year-old from El Salvador. "I don't trust him."

#### TOPICS IN THIS ARTICLE

Immigration

Mexico



Adolfo Flores is a reporter for BuzzFeed News and is based in Los Angeles.

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# EXHIBIT FF



WORLD NEWS OCTOBER 11, 2019 / 4:18 AM / A MONTH AGO

# Exclusive: U.S. migrant policy sends thousands of children, including babies, back to Mexico

Kristina Cooke, Mica Rosenberg, Reade Levinson

8 MIN READ



TIJUANA, Mexico (Reuters) - Since January, the U.S. government has ordered 16,000 migrants under 18, including nearly 500 infants, to wait with their families in Mexico for U.S. immigration court hearings, a Reuters analysis of government data found.

Along the U.S.-Mexico border, babies and toddlers are living in high-crime cities - often in crowded shelters and tents or on the streets - for the weeks or months it takes to get a U.S. asylum hearing.

The risk of violence and illness runs high and is of particular concern for families with young children or those with chronic health conditions, according to interviews with health professionals, migrants, aid workers and advocates.

The children, whose numbers have not been previously reported, are among tens of thousands of migrants returned to Mexico under a Trump administration policy known as the Migrant Protection Protocols (MPP). Most are from Guatemala, Honduras or El Salvador.

U.S. immigration officials did not respond to requests for comment on Reuters' data findings.

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Judge blocks Trump immigration rule, calls it 'repugnant to American Dream'

According to the Department of Homeland Security, decisions about whether a person is placed in MPP are made by border agents on a case-by-case basis and include consultation with medical professionals. Unaccompanied minors should not be sent back to Mexico, according to the program guidelines, but children can be sent back with their parents.

Trump administration officials have said they are doing everything possible to discourage migrant families from making dangerous journeys to the United States, often in the hands of human smugglers, which they say needlessly put children at risk.

## NUMBERS GROWING AS FLU SEASON LOOMS

About one third of the nearly 50,000 migrants in the MPP program as of Oct. 3 were children under 18, according to the latest data available from the Executive Office for Immigration Review (EOIR), which oversees U.S. immigration courts. Of those, Reuters found around 4,300 under 5 years old and 481 under 1 year old.

Blanca Aguilar, a 27-year-old mother from Guatemala, is living in a makeshift encampment of around 40 small tents cramped together in the back rooms of a church outside Tijuana, across the border from San Diego. Children can be heard coughing and crying throughout the night, she and other mothers told Reuters during a recent visit.

When one gets sick, they all do, Aguilar said. Her two-year-old son Adrian has had a recurrent cough with wheezing, as well as bouts of diarrhea, since they arrived in August.

“He’s been sick a lot,” she said, adding that she suspects he may be developing asthma.

Another mother at the same shelter, 34-year-old Marla Suniga from Honduras, said her 1-year-old daughter Montserrat recently had a convulsion due to a high fever and had to be taken to a hospital. “She couldn’t breathe,” she said.

Suniga said she fled violence in her home country but plans to return there because she fears for her daughter’s life in Tijuana.

DHS said it could not comment on individual cases. Mexican officials did not respond to requests for comment on the conditions in migrant shelters.

Reuters was unable to corroborate the diagnoses of the Suniga and Aguilar children. Doctors and nurses visiting shelters and camps in Mexican border towns, however, told Reuters they have seen cases of chicken pox, scabies, respiratory infections, skin

rashes, eye infections and gastrointestinal issues among children and adults.

Guatemalan asylum seeker Nery R. Choc plays with his daughter Maylin A. Choc Xo in an encampment near the Gateway International Bridge after being sent back under the "Remain In Mexico" program officially named Migrant Protection Protocols (MPP) in Matamoros, Mexico October 5, 2019. Picture taken October 5, 2019. REUTERS/Veronica G. Cardenas

Children under 5, and especially under the age of 2, are at high risk of serious flu complications, according to the U.S. Centers for Disease Control, and the flu season is about to start.

American doctors and nurses volunteering in Tijuana with the Refugee Health Alliance hope to be able to provide flu shots in a few of the shelters there, but the effort is hard to organize, said coordinator Phil Canete. The vaccines need to be stored in cold, regulated conditions, and the Mexican government requires a physician licensed in Mexico to supervise the effort, as well as signed consent for

every patient, he said.

The U.S. government has said in guidance documents that migrants with known physical or mental health issues are not candidates for the MPP program. But advocates say it's not clear what qualifies as a medical exemption from MPP.

Jennifer Jimenez, a 30-year-old Salvadoran, said she arrived at the border in July with 11-year-old twins and her eight-month-old son Jacob, who was born with lungs that had not fully developed.

Although she explained Jacob's condition to border agents, she said, the agents sent her and her children back to Ciudad Juarez, where the family ended up sleeping on the floor of a crowded shelter.

Recently she managed to find a doctor who noted in Jacob's medical records - seen by Reuters - that living in the shelter had complicated his health care. U.S. officials recently admitted the family to stay with relatives in the United States, a rare occurrence.

Reuters found that 1% of migrants assigned to MPP have so far been transferred out of the program.

The U.S. government has signed a series of bilateral deals with the governments of Honduras, Guatemala and El Salvador to push more people to seek asylum closer to home. In May, nearly 85,000 family units - parents with kids - were arrested at the U.S.-Mexico border, a monthly record. In August, the number of families arrested dropped by 70% after the administration ramped up MPP and other measures to deter migration.

U.S. President Donald Trump has said that lax U.S. asylum laws encourage people to show up at the border with their children. Before MPP, it was common practice to release arriving families into the United States to wait out their U.S. court hearings - something Trump and others said allowed many migrants to disappear into the

country to live illegally.

Immigrant advocacy groups say most released immigrants show up for their court hearings. Some are suing to halt the MPP policy, and a federal appeals court - the 9th U.S. Circuit - is due to rule on the case soon.

## **'NOTHING FOR THEM HERE'**

According to the Reuters analysis, thousands of children are awaiting court hearings in border towns where the risk of kidnappings, rapes and assaults is high.

About 5,600 children in the MPP program had their cases assigned to San Diego immigration court, north of Tijuana. Most of the others were assigned to Texas courts: 6,800 to San Antonio and El Paso and 3,400 to Brownsville.

Slideshow (19 Images)

Jimenez, the Salvadoran mother, said that when she heard her family was being sent from El Paso to Ciudad Juarez, known for its high murder rate, "it was like they threw a

bucket of cold water on me. ..Mexico isn't a place I trust to go out alone with my three children."

Brownsville is just north of Matamoros, in Mexico's Tamaulipas state, a violent battleground for drug cartels.

Florida resident Helen Perry, a nurse in the U.S. Army Reserve who joined a volunteer aid group headed to Matamoros on Labor Day weekend, told Reuters she saw families camped out in donated tents - each with between 5 to 10 people sleeping inside - a few dozen feet from the border.

One family, with four small children, was curled up under a tree, she said. People



lacked access to fresh water and proper restrooms and were bathing in the Rio Grande river, she said.

One baby Perry examined had a chronic eye infection and was beginning to develop scarring, threatening his vision. Another had a fungal rash under his arm so severe it limited his movement.

Perry said she saw breastfeeding mothers so dehydrated that they could not nurse their babies and parents chewing up donated pizza into mush to feed their infants. Some children were showing early signs of malnutrition, she said.

“There is really nothing for them there,” Perry said.

Reporting by Kristina Cooke in Tijuana, Mica Rosenberg in New York and Reade Levinson in London; Additional reporting by Delphine Schrank in Matamoros, Mexico; Editing by Julie Marquis and Mike Williams

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# EXHIBIT GG

# The Guardian



## US sends asylum seekers to Mexico's border towns as it warns citizens of violence in region

Advocates have sounded the alarm about the dangers of Remain in Mexico program as report reveals at least 340 instances of rape, kidnapping, torture and other violent attacks

**Amanda Holpuch** in New York

Thu 10 Oct 2019 07.31 EDT

**T**he United States has sent more than 51,000 asylum-seekers to wait in dangerous border towns in Mexico as it advises its own citizens not to travel to those regions because of the severe threat of kidnapping, murder and violent crime.

Advocates have been warning about the dangers of Remain in Mexico, or Migration Protection Protocols (MPP), since the program was announced in January. But their warnings have grown louder this week after a new report by Human Rights First revealed that there were at least 340 reports of rape, kidnapping, torture and other violent attacks against people returned to Mexico while they wait for their case to be heard in US immigration court.

Ursela Ojeda, a policy adviser at the Women's Refugee Commission, has visited the border multiple times to see how the policy is being implemented and said the new report was the "tip of

the iceberg”.

“When you see people not showing up for their court hearing in Remain in Mexico, you have to wonder what happened to the people who aren't there,” Ojeda said.

“There is no way to know why they just missed court - they could have been kidnapped, they could have been killed, they could have been put on a bus by the Mexican government and shoved to another part of the country with no way to get back.”

The Human Rights First report surveys gruesome incidents, such as when a three-year-old boy from Honduras and his parents were kidnapped after being returned to Nuevo Laredo. The mother said the last time she saw her husband he was lying on the ground, beaten and bleeding and told her: “Love, they're going to kill us.” The kidnappers released the three-year-old and his mother, who doesn't know if her husband is alive.

A Cuban asylum seeker told the group he saw a group of men stop a taxi outside a Mexican government immigration office and kidnap the four Venezuelan women and girl inside who were being sent to a shelter.



Migrants, mostly from Mexico, are pictured sitting on the ground waiting near the Paso del Norte Bridge at the Mexico-US border, in Ciudad Juarez, Mexico, on 12 September. Photograph: Paul Ratje/AFP/Getty Images

Nuevo Laredo and Matamoros, two of the cities in the Tamaulipas state people are being returned to, are among the most dangerous in the world. The US State department issued a level 4 travel warning for the region because “violent crime, such as murder, armed robbery, carjacking, kidnapping, extortion and sexual assault is common”.

Speaking at the White House on Tuesday, the acting head of US Customs and Border Patrol (CBP), Mark Morgan, ignored multiple questions about what the US government was doing to address the violence facing people sent back to Mexico.

“We're trying to overcome the message that the cartels have been putting out there that it's going to be a free ride into the United States,” Morgan said. “We're now sending the message that, if you're coming here as an economic migrant, you're not going to be allowed into the United States.”

He celebrated the program for keeping people out of the US, where they would have been detained or released while they waited for their court date. He also said the program was stopping

smugglers and improving due process - though advocates say it is doing the exact opposite.

Shelters and other aid groups are overwhelmed by the migrants pouring into border towns and many are left to sleep and fend for themselves on the streets, without healthcare or work opportunities.

Attorneys say it is nearly impossible to provide legal counsel. Some of the US-based attorneys who have crossed the border have received credible threats of violence and the US has not secured an agreement with Mexico to ensure US attorneys don't get arrested for practicing law in Mexico without a license.

At the end of August only 34 out of 9,702 people placed into the Remain in Mexico program had legal representation - just 0.4%, according to researchers at Syracuse University's Transactional Records Access Clearinghouse (Trac).

There is also little accountability for the government's claim that vulnerable people are exempt from the program on a case-by-case basis. Human Rights First said the screening process is a "farce" and advocacy groups have seen vulnerable groups, including pregnant women and LGBT people, returned.

Democratic 2020 presidential candidate, Julián Castro, on Monday crossed the border with eight gay and lesbian asylum seekers from Cuba, Guatemala and Honduras and a deaf Salvadoran woman and three of her relatives.

"Hours after we were told LGBT and disabled asylum seekers would have their cases heard, they have been returned to Mexico," Castro said in a tweet. "By law, these migrants are supposed to be exempt from the Remain in Mexico policy - but CBP had decided to ignore their due process. Outrageous."

In September, a Salvadoran woman who was eight-and-a-half months pregnant and experiencing contractions was apprehended by US border patrol, given medicine to stop contractions in a hospital, then returned to Mexico.

In March, a 27-year-old with the cognitive age of a four-year-old child, was separated from the cousin and son he traveled with and sent back to Mexico. He was reunited with his mother in the US at the end of August after the Guardian reported on his case.

This policy is colliding with other policies that have crippled the asylum system, including a ban on migrants seeking asylum at the border before seeking protection in another country.

On Monday, the Women's Refugee Commission and other advocacy groups sent a letter urging Congress to investigate the Remain in Mexico program's "grave human rights and due process violations".

Advocacy groups also filed a lawsuit against it in February. The policy was blocked in April, but an appeals court temporarily allowed it to continue while the ruling is appealed.

In the court case, the union which represents 2,500 employees in the DHS agency which interviews and adjudicates asylum claims, US Customs and Immigration Services, filed a brief describing Remain in Mexico as "entirely unnecessary" because the system could handle the increase in asylum claims.



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# EXHIBIT HH

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**VICE NEWS**

# Hundreds of Migrants Just Shut Down a Bridge Between the U.S. and Mexico

They camped out to protest the Trump policy that's forced tens of thousands of asylum-seekers to wait in Mexico while their cases are decided.

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By [Gaby Del Valle](#)

Oct 10 2019, 2:51pm





Hundreds of migrants shut down a bridge connecting the Mexican city of Matamoros and Brownsville, Texas, early Thursday in protest of Trump administration policies that have forced tens of thousands of asylum-seekers to wait in Mexico while their immigration cases are decided.

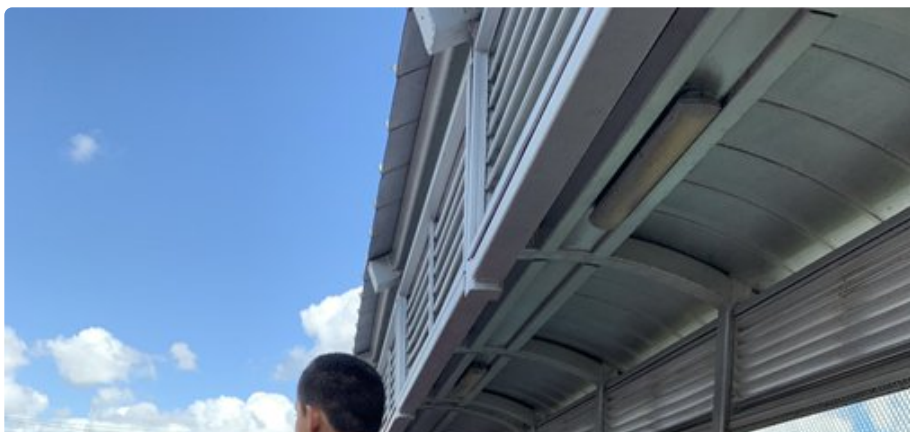
Some 250-300 protesters marched from Matamoros to the middle of the bridge in the middle of the night and camped out there, **according to the New York Times**. The protesters sat in the car lanes and blocked traffic at the busy port of entry for several hours. At one point in the protest, children began chanting, “We want to study, we want to study!” according to the ACLU’s Rochelle Garza.



**Rochelle Garza**  
@RochelleMGarza

Replying to @RochelleMGarza

Children started shouting, “We want to study, we want to study!” They’ve been unable to live safely in Mexico and live a normal life. Their entire lives, hopes, and dreams are on hold.





88 10:04 AM - Oct 10, 2019 · Matamoros, Tamaulipas

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More than 50,000 migrants have been enrolled in the Remain in Mexico program since the Trump administration officially launched it in late January to limit the release of asylum-seekers into the U.S. Immigrants' rights advocates have criticized the policy, officially known as the Migrant Protection Protocols, for putting asylum-seekers in danger. The protesters were reportedly trying to draw attention to the squalid conditions they've been forced to live in because of the Remain in Mexico policy.

While some migrants forced to wait out their cases in Mexico have found apartments or live in shelters run by nonprofits and religious organizations, thousands of others live in makeshift encampments near the bridge, along with other migrants who haven't even been able to ask for asylum yet because of the Trump administration's "metering" policy, which limits how many people can cross into the U.S. each day. Migrants forced to wait in Mexico are frequently preyed on by gangs and drug cartels, who target them for kidnapping and extortion.

The Remain in Mexico program hasn't just put migrants in danger; it's also **made it much harder for them to show up to their court dates**, hindering their ability to be granted asylum in the U.S.

Cover: Migrants gather next to the border fence after camping out on the Gateway International Bridge that connects downtown Matamoros, Mexico with Brownsville, Thursday, Oct. 10, 2019. Migrants wanting to request asylum camped out on the international bridge leading from Mexico into Brownsville, Texas, causing a closure of the span. (AP Photo/Fernando Llano)

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GABY DEL VALLE

# EXHIBIT II

POLITICS OCTOBER 8, 2019

## Trump's Brutal Border Policy Is Even More Terrifying for LGBTQ Asylum Seekers

*"I don't want to become another statistic. Another one who showed up dead."*

NOAH LANARD



Democratic presidential candidate Julián Castro places flowers on the wooden markers of people who have died crossing the Rio Grande during his trip to Matamoros, Mexico, on Monday. **Denise Cathey/AP**

At the foot of a bridge in Matamoros, Mexico, roughly 1,000 migrants are sleeping in tents in a squalid, makeshift refugee camp. On Thursday, Mayela, the only trans women at the encampment, told me she feared for her life as she waited for her December court date across the Rio Grande in Brownsville, Texas. “I don’t want to become another statistic,” she said over WhatsApp. “Another one who showed up dead.”

When the Department of Homeland Security started forcing asylum seekers to wait out their cases in Mexico earlier this year, the department said it would exempt members of “vulnerable populations” on a case-by-case basis. In practice, getting out of the Migrant Protection Protocols, the policy’s official name, has proved almost impossible. Among the more than 50,000 people who have been forced back under MPP—or Remain in Mexico, as it’s often called—are pregnant women and members of the LGBTQ community. Reuters reported this summer that only about 1 percent of migrants subjected to the policy had been able to get out of it to fight their cases from within the United States.

On Monday, Democratic presidential candidate Julián Castro went to Matamoros to try to get eight LGBTQ asylum seekers, a deaf woman, and three of her relatives removed from MPP. In an interview with my colleague Fernanda Echavarrí, Castro called what he saw at

the encampment a “humanitarian disaster.” The State Department tells

***“I don’t want to become another statistic. Another one who showed up dead.”***

anonymous, sent a photo of a split lip that came from being hit in the face by an unknown assailant. Mari, a Cuban asylum seeker, said two men had threatened her and her partner, Dany, when they went to buy cigarettes. One of the men also grabbed her during the altercation, Mari said. They also faced discrimination from fellow asylum seekers. When the Cuban couple bathed in the Rio Grande, people moved away from them, and they kept their tent apart from the heterosexual migrants.

Mony Ruiz-Velasco, the executive director of PASO, a social-justice organization in Illinois, tried to remove the three women, along with three others, from MPP over Labor Day weekend. After Ruiz-Velasco explained to the Customs and Border Protection (CBP) port director why the group members were at risk, he agreed to take them into custody. “I’ve been doing immigration law for 20 years, and I’ve never been happy about someone being taken into custody,” Ruiz-Velasco says. But in this case, she was thrilled that they’d have a chance to get out of MPP. After she got back to Chicago, Ruiz-Velasco learned that all of them had been sent back to Mexico.

MPP gives individual CBP officials broad discretion over whether to allow people into the United States, but they’ve rarely exercised that authority. Asylum seekers can also get out of MPP if an asylum officer decides that they are “more likely than not” to be persecuted in Mexico, a much higher standard than the one used in regular asylum interviews, which only require that a person establish a “significant possibility” of persecution. And unlike those asylum interviews, migrants don’t have access to lawyers during the Remain in Mexico screenings or the right to appeal the decisions. The union that represents asylum officers has said its members are being forced to enact a policy that is “fundamentally contrary to the moral fabric of our Nation.”

***Mayela told me that waiting in the United States—even if it meant being in a detention center—would be “a thousand times better” than the constant fear of being killed in Matamoros.***

happen in Brownsville. Instead of waiting in Matamoros, Mayela will be able to live with an aunt in Houston while she waits for her court dates.

On Monday, Julián Castro escorted Dany, Mari, and Melissa, along with the nine other asylum seekers, to the Customs and Border Protection officials stationed on the bridge. Like Mayela, they were taken into custody and interviewed about whether they were likely to be persecuted in Mexico. Hours later, all 12 were sent back to Mexico. The Texas Civil Rights Project, which has been working with the people Castro accompanied, said in a statement, “If these people—LGBTQ migrants who have been assaulted for who they are in the camps, disabled people, children—do not meet the criteria for ‘vulnerable populations,’ then the ‘vulnerable’ exemptions in ‘Remain in Mexico’ are lip service.”

“Now more than ever I’m convinced MPP is not about protecting us,” Dany told *BuzzFeed News*. “It’s about wearing you down so you don’t fight your asylum case in court.”

Americans not to travel to Tamaulipas, the state Matamoros is in, because of crime and kidnapping. At least 343 people returned to Mexico under MPP have been threatened or violently attacked, according to an October report from Human Rights First.

Along with Mayela, I spoke last week with two other LGBTQ women stuck in Matamoros. A lesbian from Honduras, who asked to remain

Mayela had similar experiences to the other LGBTQ women in Matamoros. In late September, a woman came to her tent and threatened to cut out her guts with a knife, according to a complaint Mayela submitted to the Mexican government. In the line for food at the camp, fellow migrants told her she had to wait in the men’s line and sometimes used slurs. Mayela told me that waiting in the United States—even if it meant being in a detention center—would be “a thousand times better” than the constant fear of being killed in Matamoros.

On Saturday, Jodi Goodwin, a Texas attorney leading much of the fight against MPP in Brownsville, accompanied Mayela across the bridge and into US custody. Goodwin learned the next day that the Department of Homeland Security was taking Mayela out of MPP. Mayela had passed her screening interview. It was the first and only time Goodwin has seen that

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# EXHIBIT JJ



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## 2020 Candidate Conversations: Off Script

# 12 Asylum-Seekers Julián Castro Escorted To The U.S. Border Sent Back To Mexico

October 8, 2019 · 11:19 AM ET

REYNALDO LEAÑOS JR.

ERIC MARRAPODI



Democratic presidential candidate Julián Castro walked with a group of asylum-seekers and their lawyers from Mexico to Texas on Monday. Hours later, CBP released the asylum-seekers back into Mexico.

*John Locher/AP*

# From Texas Public Radio

Julián Castro, Presidential Candidate, Tours Asylum Seekers' Camp In Matamoros

LATIN AMERICA

## Mexico Ill-Equipped To Handle Asylum Seekers Barred From Entering The U.S.

LISTEN · 3:49

PLAYLIST

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Transcript

### Updated at 12:50 p.m. ET

Democratic presidential candidate Julián Castro knew he had to do something when he heard what was happening to LGBTQ and disabled asylum-seekers at the border.

On Monday, Castro crossed into Matamoros, Mexico, to meet with a dozen asylum-seekers who have been waiting there under the Trump administration's Migrant Protection Protocols policy, also known as Remain in Mexico. The asylum-seekers were hoping they could be allowed to wait in the United States for their immigration court dates instead of in Mexico, where they said they faced violence and harassment because they identify as LGBTQ.

Castro walked with the group and their lawyers across the international bridge and asked Customs and Border Protection to allow them in, claiming an exemption to the MPP because of their status.



**Reynaldo Leños Jr.** @ReynaldoLeanos · Oct 7, 2019

Replying to @ReynaldoLeanos

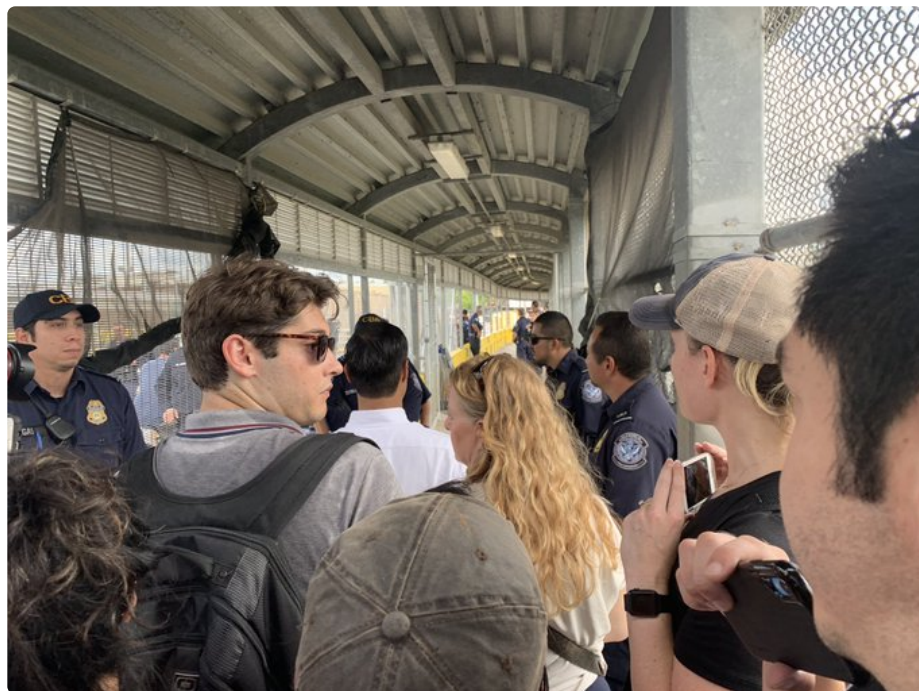
Asylum seekers are gathering around @JulianCastro & telling him first hand how @POTUS MPP is impacting them



**Reynaldo Leños Jr.**

@ReynaldoLeanos

Today @JulianCastro @JodiGoodwin17 @danimarr94 and @RobertoAleLopez are at international bridge to see if LGBTQ group can be allowed in to wait for immigration court date in US instead of waiting in MX under @POTUS Remain in MX policy



35 8:20 AM - Oct 7, 2019

26 people are talking about this

"These families and these individuals can't spend one more night or day here, and we need this to work," said Dani Marrero Hi of the Texas Civil Rights Project. Last week, Marrero Hi asked Castro to join her at the border to try to help LGBTQ and disabled asylum-seekers during NPR's Off Script series of conversations with undecided voters and presidential candidates.

'I Have To Ask You This': Julián Castro Pressed By I...



*YouTube*

The Remain in Mexico policy is supposed to allow for "vulnerable" populations to circumvent the program. Immigration attorneys and the Texas Civil Rights Project have been advocating for CBP to conduct non-refoulement interviews with members of the LGBTQ community seeking asylum, a process that allows them to be taken out of the MPP process.

CBP admitted the group and agreed to reprocess them.

Afterward while addressing reporters, Castro again called for an end to the Trump administration's Remain in Mexico policy.

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NATIONAL

'Vulnerable' Migrants Should Be Exempt From 'Remain In Mexico,' But Many Are Not



"I hope that people in this country who say they're Jesus-loving, God-loving, that they pay more attention to God-loving, Jesus-loving people on this side of the border that are brown-skinned that are desperate and are being treated cruelly by this president," he said.

Hours later, CBP released the asylum-seekers back into Mexico, according to the Texas Civil Rights Project.



**Texas Civil Rights Project**  
@TXCivilRights

BREAKING: We just heard the terrible news that all 12 of our clients escorted by [@JulianCastro](#) were sent back to Mexico. This is of course a mockery of due process. Here is our statement on the matter:[#LetThemIn](#)

4,906 2:05 PM - Oct 7, 2019

[5,613 people are talking about this](#)

"This is a brutal blow to due process. These 12 people have been in CBP custody for 3 hours, which means that each person had less than 15 minutes for their non-refoulement interviews," the group tweeted in a statement.

One Cuban migrant who was optimistic while waiting for Castro to arrive was devastated when the group had to return.

"I thought this would end and that we would have an opportunity to be free, but I realized that wasn't the case," she said.

migrant protection protocols   castro   asylum seekers   lgbtq   cbp   border patrol

mexico

# EXHIBIT KK



# U.S. BORDER OFFICIALS USE FAKE ADDRESSES, DANGEROUS CONDITIONS, AND MASS TRIALS TO DISCOURAGE ASYLUM-SEEKERS

Debbie Nathan

October 4 2019, 4:00 a.m.



On Sept. 14, 2019, Central American migrants wait inside their tents in an encampment in Matamoros, Mexico, where migrants sent back under the Migrant Protection Protocols, or MPP, await their U.S. asylum hearings. Photo: Henry Romero/Reuters

With the so-called Migrant Protection Protocols program, or MPP, expanding along the southern border and trapping more U.S. asylum-seekers in dangerous Mexican cities, violations of due process are intensifying in traditional courts – and in newly built tents that physically separate immigrants from the judges who hear their cases.

Stephanie Rodriguez of Fort Worth, Texas, is intimately acquainted with these violations because they've harmed several of her loved ones.

White and U.S.-born, Rodriguez got her surname several years ago when she married a Honduran who is now a legal permanent U.S. resident. This past year, she has watched as several members of her extended family have tried to immigrate to the U.S., only to be discouraged by government practices that are reflected in the legal papers given to them. Rodriguez has shared the documents with The Intercept.



Read Our Complete Coverage

## **The War on Immigrants**

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Under MPP, U.S. officials send asylum-seekers back into Mexico instead of allowing them to stay in the U.S. while they develop their claims. Almost 50,000 people have been put into the program since early this year, and the number is expected to double in the next several months. “We’re getting more integrity into the system to deter those who don’t have valid claims from making the journey,” Acting Secretary of Homeland Security Kevin McAleenan [said recently](#).

But an unknown number of people in MPP do have valid cases, yet are being discouraged from pursuing asylum, and they are being pressured to return to the dangers that they fled. Baja California’s federal



delegate **has said** that about half the Central American migrants who've been returned to Tijuana and Mexicali have decided to go back to their home countries.

One of Rodriguez's relatives worked in the government of a city in Honduras that has lately been rocked by political protest marches. Earlier this year, the man told *The Intercept*, protesters sacked his father's house and then said they were coming for him. He filed a complaint, but the police offered no protection. So he fled with his wife and infant daughter in June. They crossed the Rio Grande near McAllen, Texas, called relatives to say they were safe, and immediately turned themselves over to Border Patrol agents.

Then they disappeared. Days passed, and no one in Honduras heard from them. In Fort Worth, neither did Rodriguez. After several days, the family turned up 1,500 miles away in San Diego, where they were flown by Customs and Border Protection. Then, under the auspices of the MPP, they were dumped into Tijuana.

This happened in early July, when MPP was not operating systematically in South Texas but was well established in California. Immigration rights advocates told *The Intercept* that they've heard of immigrants being transferred from Arizona to California for MPP, but not from as far away as South Texas. The family told *The Intercept* that they had experienced a mass transfer, with more than 200 immigrants on the plane with them.

The family was given legal documents called "notices to appear," or NTAs, instructing them to show up in seven weeks at a court hearing in San Diego. Such documents are legally required to list an immigrant's physical address so that an immigration court can send notifications as the case progresses. But the family's NTAs list their address as "Facebook."

Listing an internet platform as an address was perhaps an acknowledgment of where the family's real address would be once they got to Tijuana: the street. Shelters in that city were full when they arrived, and so the father, mother, and 2-year-old immediately became homeless. They had no money or food, and the little girl got sick. At the end of their rope, the parents asked relatives for bus fare to leave Mexico. When their MPP court date came up in late August, they missed it because they were back in Honduras.

Two more of Rodriguez's cousins, a man and his 6-year-old son, left Honduras this summer, ended up enrolled in MPP, and were kicked back across the border to the Mexican city Nuevo Laredo, across from Laredo, Texas. The State Department [advises](#) Americans against traveling to Nuevo Laredo, in the Mexican state of Tamaulipas, because it is considered very dangerous. The area is even riskier for migrants. The media has reported several instances of asylum-seekers seized from buses and kidnapped in Nuevo Laredo.

When the man's wife, who was still in Honduras, found out that her husband and child were in Nuevo Laredo, she called Rodriguez, crying and begging for help. Rodriguez drove hundreds of miles south from Fort Worth to find her cousins.

In Laredo, she made her way to a Border Patrol station. "I'm concerned about my family maybe being dropped off on the street in Nuevo Laredo," she told an officer. He was tall and friendly. "I'm telling you what I would tell my daughters," Rodriguez remembered the agent saying. "Do not go there." Terrified, Rodriguez steered her car into Nuevo Laredo and found her cousins in a Mexican government office, quaking with fear. She bought them plane and bus tickets back to Honduras. They abandoned their asylum claim.

After they left, Rodriguez looked at their NTAs. "350 Francisco Madero Street," the address said, in Spanish. That is the location of a shelter in

Nuevo Laredo. The father and child knew nothing about the place and had never been there.

A third family related to Rodriguez is from San Pedro Sula, the most violent city in Honduras and one of the 50 [most violent cities in the world](#). The family, including a teenaged son, owned a clothing store there but were being extorted by the MS-13 gang. The gang was demanding \$40 per week – almost half the family’s net earnings – and said that if they didn’t pay, they would be killed. MS-13 also wanted to recruit the boy, a middle school student.

The father filed a police complaint, and the family fled the country. They reached the U.S. in late August. According to CBP rules, they were supposed to be asked if they feared going back to their country. But the agents “never gave me a chance,” the father said.

Customs and Border Protection did not respond to questions for this article.



Tent encampment outside the Human Repatriation office in Matamoros, Mexico.

The family was given an MPP court date for late November, then taken to Matamoros, across the border from Brownsville, Texas. Matamoros is also on the State Department's travel advisory list, yet the Border Patrol's Rio Grande Valley chief recently said that the agency is sending more than 1,000 migrants a week to the area.

The family's NTAs lists their address as 43 Golfo de Mexico Street. That's the address of an overcrowded shelter that has only 50 beds. The family has never been there.

Instead, they are now living in a chaotic tent encampment at the foot of an international bridge that connects to Brownsville. They've been there for weeks. Their tent has no sleeping pads, pillows, blankets, or sheets. They are sick, hungry, and – like the vast majority of MPP enrollees – they have no lawyer. Buses subsidized by the U.S. and a United Nations migration agency pull out of the tent camp several times a week, offering free trips back to Central America for migrants who have given up on applying for asylum. Hundreds climb aboard.

Eventually, this family may find themselves in another tent. In September, immigration

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hearings for people in MPP in Nuevo Laredo and Matamoros were moved from traditional brick-and-mortar courts in San

Refugees arrive at a tent encampment in Matamoros, Mexico, at the foot of an international bridge that connects to Brownsville, Texas. Video: Provided to The Intercept

Antonio and Harlingen to what the government officially calls “soft-sided facilities” in Texas border towns Laredo and Brownsville. (“Whoever came up with that expression probably got a bonus!” a DOJ spokesman recently told me.) In reality, the “facilities” are [huge tents](#). No judges sit in them. They hear cases by television hookup in Harlingen, San Antonio, and El Paso. Reporters and community observers are banned from the tents but may attend hearings in the out-of-town judges’ courts.

At a recent MPP hearing in a Brownsville tent, which The Intercept observed on a TV hookup 800 miles away in El Paso, the Brownsville room had rows of small chairs visible in the background and two spindly tables with cheap matching chairs in the foreground. Six people were listed on the docket; none showed up. The judge for their cases, William Abbott, sat in a black robe in his traditional courtroom in El Paso, which is furnished with wood benches and a bronze statue of an exhausted Native American slumped on a horse. Gabriela Contreras, the government’s lawyer in El Paso, asked Abbott to order deportation of all six immigrants “in absentia.”



Related

### **The Trump Administration Is Planning Mass Video Proceedings for Immigrants in Tents on the Border**

Abbott tabled his decision. He was troubled that the NTAs incorrectly listed the hearing location as a brick-and-mortar court in Harlingen, yet the actual site was the tent in Brownsville. Might this have caused

confusion among the immigrants about where to show up? El Paso immigration lawyer Taylor Levy was sitting in Abbott's court as an observer. She is a seasoned attorney for people in MPP, and Abbott asked her to submit an amicus brief to help him make his rulings.

Taylor's brief discussed problems in NTAs issued borderwide for MPP enrollees: not just incorrect locations for their court hearings, but also wrong or absurd addresses, [such as Facebook](#), for them to receive legal mail in Mexico.

In California immigration courts, these problems are being taken seriously. According to data current as of [the end of August](#), when immigrants in MPP failed to arrive in court, judges in San Diego and Calexico were being asked by the government to deport them in absentia – a ruling that can ban people from ever seeking asylum again. Instead, judges were often responding by terminating the cases. As reported by the Los Angeles Times in August, San Diego Judge Lee O'Connor ruled at a hearing that if the government intended to carry out MPP, "it must ensure due process is strictly complied with and statutory requirements are strictly adhered to. That has not been shown in any of these cases."

But these issues are being ignored in Texas. So far in that state, statistics about the outcome of MPP cases exist only for El Paso. There, it is almost unheard of for judges to terminate cases.

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Levy filed her amicus brief but it apparently did not sway Abbott. On Monday in his El Paso court, a government lawyer moved that nine



people be deported because they hadn't shown up that morning to the tent in Brownsville. Abbott immediately concurred.

Abbott may well end up seeing Stephanie Rodriguez's cousins, the family from San Pedro Sula, via TV hookup; their hearing is scheduled for late November. Meanwhile, they live in a donated tent, minus clean bathrooms or running water. They and hundreds of other asylum-seekers are forced to relieve themselves and bathe in the Rio Grande, where the banks are littered with toilet paper and homemade crosses.

A pair of those crosses commemorate Idalia Herrera, a young Honduran mother, and her 1-year-old son, Iker. They were MPP enrollees who **drowned last month** while attempting to cross the river. Two other markers honor Oscar Alberto Martinez and his 23-

Refugees from Mexico and Central America are forced to relieve themselves and bathe in the Rio Grande. Video: Provided to The Intercept

month-old daughter, Valeria. They drowned in June, with Valeria wrapped in her father's shirt. A photo of their corpses, washed up on the riverbank where people now bathe, went viral worldwide. In the same area of the river two weeks ago, immigrants found a decomposed body missing its head, arms, and legs.

Speaking by phone from Fort Worth, Rodriguez said her cousins are being treated by the U.S. “like animals.” From Matamoros, her relatives say they have no choice. Two days after MPP dumped them into Mexico, a 20-year-old cousin still in Honduras was shot to death while sitting outside his home with friends. Prior to the shooting, he had spoken about needing to escape the violence. He was murdered five houses from where the family lived.

“We can’t go back,” one of the relatives said. “We have to stay here no matter what.”

### **Correction: October 4, 2019**

*A previous version of this article stated that about half the migrants who have been returned to Mexico under the Migrant Protection Protocols have returned to their home countries. In fact, the federal delegate in Baja California stated that about half the migrants released under MPP in Tijuana and Mexicali have returned to their home countries.*

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# EXHIBIT LL

THE  
NEW YORKER

# HOW THE U.S. ASYLUM SYSTEM IS KEEPING MIGRANTS AT RISK IN MEXICO

*Under a Trump Administration policy called the Migrant Protection Protocols, asylum seekers are forced to wait in dangerous border towns for court proceedings that can drag on for months.*

By Jonathan Blitzer October 1, 2019

The Pan de Vida migrant shelter, in Ciudad Juárez, Mexico, which houses two hundred asylum seekers in a cluster of yellow cabins, is a half-hour drive from the nearest port of entry, in downtown El Paso. The surrounding streets are bare and unpaved, with a few small houses made of cinder block dotting the roadside. When I visited, on a sweltering afternoon in August, none of the residents I met were comfortable going outside, not even in broad daylight. “It’s just too dangerous,” Denis, a thirty-eight-year-old from Honduras, who was with his daughter and son, ages thirteen and seven, told me. A few nights earlier, he said, a truck full of armed men in masks circled the grounds of the shelter a few times, and then left. No one knew who they were, what they were looking for, or when they might return.

Denis was especially nervous. A few months earlier, his wife had left the city of San Pedro Sula with the couple’s two other children, including the eldest, who, at seventeen, was being targeted to join a local gang; after he resisted, gang members began threatening the entire family. Denis stayed behind to earn a bit more money before following with the couple’s other children. His wife arrived at a port of entry in El Paso, and immigration agents allowed her and the children to enter the U.S. while their asylum case was pending. Denis planned to use the same process. But, shortly after he and the two children reached Juárez, in mid-August, a group of local gangsters kidnapped them and held them for five days in an abandoned church on the outskirts of town. They eventually escaped and travelled directly to the U.S. border crossing. “It doesn’t make sense to try to cross illegally,” he told me. “The smugglers will just take your money and then abandon you.”

By the time they arrived in El Paso, the asylum process had changed: Denis and his children were briefly detained, given a court date in December, and then sent back to Mexico to wait, under a U.S. policy called the Migrant Protection Protocols (M.P.P.). For Central Americans trying to obtain asylum in the U.S., M.P.P. now requires them to remain in Mexico for the duration of their legal proceedings, which can last several months. When it's time to appear before a U.S. immigration judge, asylum seekers must travel back to the port of entry and reënter custody; at the end of the day's proceedings, they're bused to Mexico, where they must remain until their next court date. Denis didn't understand all the details, just that he and his family were being shunted back to the place where they'd been kidnapped days before. "I begged them. I said, 'Put me in prison. Do anything to me, whatever you want. Just let my kids through,' " Denis told me. "My biggest fear is that in Mexico they'll rape my daughter."

Since M.P.P. went into effect, in January, in Tijuana, the Department of Homeland Security has extended it, city by city, to locations along the entire U.S.-Mexico border. In mid-March, it came to Mexicali and Juárez. In July, M.P.P. was instituted in the state of Tamaulipas, on the Gulf of Mexico, a stronghold for criminal cartels. Close to fifty thousand asylum seekers have now been returned to Mexico, where many of them have faced extreme levels of violence. On August 3rd, cartel members arrived at a shelter in the border city of Nuevo Laredo, demanding that the pastor in charge, Aarón Méndez, hand over a group of Cubans to be ransomed; when Méndez refused, he was abducted, and he hasn't been seen since. Later in the summer, a few miles away, a dozen asylum seekers who'd just been returned to Mexico were promptly kidnapped. "The people in migration turned us over to the cartels," one of the victims later told Vice News. "They know what they are doing. They don't care if you're killed or not." According to an analysis by Human Rights First, there have already been three hundred and forty-three reported cases involving the rape, kidnapping, and violent assault of asylum seekers in the M.P.P. program.

Nearly everyone at Pan de Vida had been placed in M.P.P., including a few people who were no longer sure where they stood in the process. Gabriel, a Honduran who was sleeping in the same cabin as Denis, along with fifteen other people, retrieved a small slip of paper from his wallet, an artifact of the period before M.P.P. was instituted in the El Paso area. At the time, Customs and Border Protection agents "metered" migrants at the ports of entry, using an informal system in which migrants were given a

number on a waiting list and told to come back when it was their turn. Since March, while asylum seekers from other countries continue on the wait-list protocol, Central Americans have had to go through M.P.P. Gabriel didn't realize it, but the five-digit number on his slip of paper corresponded to the old system. The next time that he goes to the port of entry, he'll be put into M.P.P., and the waiting will begin again.

The residential cabins at Pan de Vida are on the perimeter of a large, dusty plot, where a makeshift soccer pitch and playground are hemmed in by a border made of rubber tires. A mess hall with an open kitchen and long tables sits at the front of the compound. Outside, a weathered blue pickup truck was filled with trash bags, which the shelter's director would soon drive to a nearby dump. I was walking back to the mess hall, preparing to leave, when two women approached me from one of the cabins. "Don't you want to talk to us, too?" one of them asked. Her name was Dilcea. She was from Honduras and was travelling with her twelve-year-old son, Anthony. The two had been in Juárez since June and had their first court hearing in mid-August. "There were so many people in the courtroom that I wasn't given a chance to say anything to the judge," she said. She had wanted to explain to him that she had diabetes and was running out of insulin.

The other woman, Betty, was from Guatemala City. Her seventeen-year-old daughter, Marielos, followed quietly behind her. After arriving, in early August, the two of them had been given a court date for late October, but they'd been robbed immediately after returning to Juárez. Betty had kept their court documents and identification in her purse, which was now gone. In theory, she could arrive early on the day of her court date and try to explain the situation to a border agent. But there was an added complication: without identification, how could she prove that she and her daughter were, in fact, related? Marielos would turn eighteen in September, making her a legal adult. Would the government treat her as a minor, based on when she first arrived at the border? Or was there a chance that the government would now split mother and daughter into two separate cases? The only consolation of their long wait to return to El Paso, Betty told me, was that they had some time to try to sort out what to do.

Criminal groups aren't alone in targeting migrants. Earlier this summer, I spoke with a twenty-year-old woman from northern Honduras named Tania. In early April, she and her fourteen-year-old sister were separated at an El Paso port of entry.

Her sister was sent to a children's shelter run by the Department of Health and Human Services and eventually placed with their mother, who lives in Boston. Tania spent six days in detention in the U.S., in a frigid holding cell known among migrants as a *hielera*, before Mexican immigration agents picked her up and took her back across the border, into Mexico. They dropped her off at a migrant shelter that was already full. She roamed the streets, looking for another place to stay. Her tattered clothes and accent marked her as foreign, and her race—she's black and belongs to an indigenous community called the Garifuna—led to several episodes of public abuse. "People would shout and spit at me when I was on the street," she said. "If I sat down somewhere, people would get up and move away."

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VIDEO FROM THE NEW YORKER

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She made it to her first court date, on May 15th, back in El Paso. Dozens of other asylum seekers were massed together in court; there were no lawyers present, and the judge read everyone their rights before sending them back to Mexico with a future court date. "People told me the whole legal proceeding was a lie, all the hearings and everything," Tania said. Back in Mexico, she decided that it was pointless to wait any

longer. She and another woman from Honduras hired a smuggler to help them cross into the U.S. Neither of the women realized it at the time, but the smuggler was in league with a cadre of Mexican federal policemen. For two nights, she and the other woman were driven to different stash houses along the border. On the last night before they expected to cross, they were taken to yet another house, where there were four other women and a group of armed men, including policemen in uniforms, keeping watch. That night, one of the policeman held a gun to Tania's head and ordered her to perform oral sex on him. "I could hear the other women getting beat up in the background," she said. Early the following morning, Tania and another woman were transported to a separate location, where they were repeatedly raped. A week passed before local authorities found them and took them to a hospital.

Migrant-rights advocates estimate that, to date, a dozen people have been granted asylum under M.P.P. The U.S. government has filed appeals in almost all of the cases. In September, the Department of Homeland Security opened two tent courts along the border, in Laredo and Brownsville, where as many as four hundred asylum seekers in M.P.P. can be processed each day. People who show up at ports of entry for their hearings will be sent directly to these makeshift courts, rather than to brick-and-mortar courthouses. The rationale behind this plan, according to a report in the *Washington Post*, is for U.S. authorities "to give asylum seekers access to the U.S. court system without giving them physical access to the United States." Kevin McAleenan, the acting Secretary of Homeland Security, said, "We are bringing integrity to the system."

The legality of M.P.P. has been challenged, most notably by the American Civil Liberties Union, which has filed a case against it that came before the Ninth Circuit Court of Appeals on Tuesday. Meanwhile, another recent development has further complicated the legal landscape. In September, the Supreme Court ruled to allow a new executive-branch regulation, which effectively ends asylum at the border, to remain in effect for the next several months while it goes through a separate series of court challenges. The ruling now makes it impossible for tens of thousands of migrants to obtain asylum when they reach the U.S., including those who are currently in Mexico under M.P.P. Anyone who arrived at the border after July 16th can only hope to seek what's called "withholding of removal," which protects individuals from being sent to

countries where they're likely to be persecuted or tortured. Such orders are more difficult to obtain than asylum, and confer significantly fewer legal benefits.

Judy Rabinovitz, the lead A.C.L.U. attorney challenging M.P.P., told me that the case raises two specific claims. The first is that the executive branch does not have the authority to forcibly return these asylum seekers to Mexico. The second is that, in doing so, the government is violating one of the most basic precepts of human-rights law: namely, the doctrine of non-refoulement, which prohibits any government from knowingly sending a refugee to a place where she will likely be persecuted. The new executive-branch regulations, Rabinovitz told me, “won’t change our case against M.P.P.” The main problem with M.P.P. was that the U.S. could not force migrants to wait in Mexico while they were going through their legal proceedings in the United States. She added, “Our concern is that people are being subjected to the risk of persecution and torture while in Mexico.”

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After I Morto:  
**By Char**

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Denis and his two children were unaware of the latest legal developments. One afternoon in September, the three of them had grown restless at Pan de Vida and decided to walk to a supermarket a few hundred yards from the shelter, to get some ingredients for dinner. There, in the parking lot, they saw one of their kidnappers, standing next to a truck. “It’s hard when you’re foreign,” Denis said. “People look at you differently. I can’t just point him out to the police, and say, ‘There he is.’ Better just to



thank God that nothing worse happened.” He steered his children back to the shelter and immediately began making arrangements to leave Juárez. A relative knew someone with a room in Monterrey, a less dangerous city around seven hundred miles south. They took a bus there a few days later. There were still two months before they were expected back in El Paso, for a preliminary hearing that typically lasts an hour.

The idea for M.P.P. originated in the White House, in July of 2018. At the time, the President’s family-separation policy was causing a national uproar, and top Trump Administration officials, who privately acknowledged the failure of the program’s implementation, responded by redoubling plans to increase enforcement efforts at the border. During a string of meetings held at C.B.P. headquarters, in Washington, the main concern, according to a person in attendance, was how the government could detain asylum seekers while they waited for their hearings before an immigration judge. The status quo, which the President lambasted as “catch and release,” allowed thousands of migrants to enter the country as their cases moved through the backlogged immigration-court system. To Trump and his senior adviser Stephen Miller, this practice was not only a legal “loophole” that immigrants could exploit but amounted to “open borders.”

What the Administration wanted most of all was a deal with Mexico known as a safe-third-country agreement, which would force migrants to apply for asylum in Mexico rather than in the U.S. For months, the Mexican government resisted. But, late last fall, discussions between the two countries turned to an alternative plan, which became known informally as Remain in Mexico. “This was the backup to the safe-third deal, when it became clear that the Mexican government wouldn’t agree to that deal,” the Administration official told me.

Andrés Manuel López Obrador had recently been elected as Mexico’s President, and his new administration was eager to avoid an immediate confrontation with the U.S. Officials within Mexico’s Interior Ministry, which included the National Immigration Institute and the Refugee Assistance Commission, were opposed to Remain in Mexico (later officially titled M.P.P.), citing a lack of resources and concerns about the welfare of asylum seekers. But López Obrador’s incoming team at the foreign office overruled them. When the agreement was announced, in December, “it was presented publicly, in

Mexico, as a unilateral move made by the U.S.,” a Mexican official told me. “But there was already agreement on it.”

One morning last month, I visited another migrant shelter in Juárez, called Buen Pastor, a complex of squat white buildings arranged around a small square paved in asphalt and surrounded by iron gates. Juan Fierro, a pastor who runs the shelter, told me that the space was designed to accommodate sixty people. But in the past several months he had been housing between a hundred and a hundred and thirty migrants at a time. “The same day they announced M.P.P. was coming to Juárez, I got a call from Grupo Beta”—Mexican immigration agents—“asking me how many people I could take,” he said. Fierro has received no additional financial support from the Mexican government to deal with the influx. He was using recent donations from local residents and N.G.O.s to invest in the construction of a separate facility, across the street.

There are more than a dozen migrant shelters in Juárez, many of which are run by different church dioceses. Buen Pastor is smaller than Pan de Vida, but larger than some others, which range from actual facilities—with beds, showers, and dining areas—to church basements that can accommodate one or two families at a time. The city’s best known shelter, Casa del Migrante, is already at capacity. This summer, the municipal government announced a new plan, called the Juárez Initiative, to repurpose an old export factory, or *maquiladora*, as a holding station for asylum seekers who are returned under M.P.P.

Buen Pastor isn’t just holding migrants who are in M.P.P. When I visited, there was a large contingent of people from Uganda and a few Brazilians. None of them are covered by M.P.P., but they still face long waits in Juárez, because, each day, U.S. immigration agents are interviewing fewer asylum seekers at the ports of entry. One official at Customs and Border Protection told me that, in El Paso, M.P.P. was a significant cause of the delays. Customs, the official said, “is so damn busy with M.P.P. people coming back to the bridge. They have to get these M.P.P. groups in, because they have court dates.” When I met Fierro, at Buen Pastor, he told me that it had been several days since C.B.P. accepted anyone at the port of entry. Each morning, asylum seekers at the shelter would pack their bags and say goodbye to Fierro, expecting their numbers to be called, only to return later in the evening.

Originally, M.P.P. was meant for migrants from Honduras, Guatemala, and El Salvador, the three countries in the region with the highest levels of emigration to the U.S. But, in June, after Trump threatened to impose tariffs on Mexico if the country didn't do more to limit the flow of migrants to the U.S., the program was expanded to cover anyone from a Spanish-speaking country. In Juárez, where growing numbers of Cubans, Venezuelans, and Nicaraguans were already arriving, en route to the U.S., the result was further chaos. By the strict dictates of U.S. asylum law, which prioritizes cases involving specific forms of political and identity-based persecution, a large share of the Central American asylum seekers showing up at the border have weak legal claims. They're often fleeing gang or domestic violence, or trying to outrun the brutal consequences of entrenched poverty, hunger, and political corruption. The cases of Cubans, Venezuelans, and Nicaraguans fleeing authoritarian regimes, on the other hand, more often tend to meet the requirements for asylum laid out in U.S. law. But, as the Administration has overhauled the asylum system, even these migrants have struggled to file legal claims.

One morning, at Buen Pastor, a thirty-four-year-old teacher from Cuba named Dani Torres sat in the mess hall and watched as a group of children played with small toys. Back home, the country's intelligence agency had tried to compel Torres and her sister to share information about their mother, who belonged to a political opposition group called the Damas en Blanco. Torres's sister left for Panama, and Torres travelled through nine countries to reach the U.S. When she arrived in Juárez, in May, the port of entry was blocked because of metering. She was given a wait-list number: 18,795. She initially planned to wait her turn, but she changed her mind when she learned that M.P.P. was being expanded to include Cubans. "One day, I had a chance-*cito* and tried to cross the river," she told me. Border Patrol agents immediately apprehended her and put her into M.P.P. At her first court hearing, she was determined to expedite her case. "A lot of people don't know about the papers they need to bring, but I was ready," she said. "I raised my hand and said, 'I have my forms and my petition for asylum.' " Through a translator, the judge responded that she could bring them to her next hearing, which was scheduled for five months in the future.

Fierro keeps track of everyone's court dates, on a spreadsheet on his desktop computer. Every Tuesday, at the Casa del Migrante, a fleet of buses leaves for Honduras, Guatemala, and El Salvador, carrying asylum seekers who have given up and opted for

what's called "voluntary departure." Those who have decided to leave Buen Pastor appear in yellow on Fierro's sheet; when he showed it to me, they accounted for about a third of the names. From July to August, in Juárez alone, Mexican authorities bused more than five hundred and fifty asylum seekers back to Central America, according to one Mexican official. Thousands of others, in border cities from Tijuana to Matamoros, have likely left on their own.

From the standpoint of the Trump Administration, such high rates of attrition were a welcome by-product of a more overt aim: deterring future asylum seekers from making the trip north in the first place. Even before Trump took office, the Department of Homeland Security had developed a raft of policies known, collectively, as the Consequence Delivery System, which includes everything from prolonged detention to the use of criminal charges and the deliberate deportation of migrants to remote locations in their home countries. The idea was to make crossing the border so difficult that migrants stopped trying. "M.P.P. is the logical extension of the Consequence Delivery System," one D.H.S. official told me. "By the logic of it, M.P.P. is the biggest deterrent of all."

A flat white scar runs the length of Alejandra Zepol's right forearm, the result of a knifing that she suffered at the hands of a schoolmate, nineteen years ago, when she first confessed that she was gay. She was fourteen at the time and living in southern Honduras. After the attack, which left her hospitalized for a month, Zepol never stayed anywhere in Honduras for more than a few years at a time, enduring a predictable cycle of threats, assaults, and acts of vandalism at each stop, once neighbors or friends found out about her sexual orientation. On a number of occasions, small businesses that she owned—a stationary store, a food cart—were boycotted, and she'd run out of money. Eventually, she met someone, and they moved in together in a small town in the western part of the country. For a while, they ran a restaurant and kept a low profile; to deflect suspicions, Zepol told people that she was living with her sister, and the two were careful never to be seen kissing or holding hands in public. Yet one day, in late 2018, a neighbor overheard one of their conversations, and news about the couple spread. A man broke into their house soon after, beating and raping Zepol's partner before threatening to return and kill them both. Zepol's partner fled first, to the U.S., where she had family. Once she arrived, she sent money to Zepol, so that she could

make the trip, too. When Zepol arrived in Juárez, in mid-April, she was one of the first asylum seekers to be put into M.P.P.

“After I first made it to the port of entry, I was dropped off in Juárez at three in the morning,” she told me, in August. We were sitting in the office of a church, on the west side of Juárez, where Zepol had spent the previous several months. “I didn’t have money or a cell phone,” she recalled. “I didn’t know where to go. I didn’t trust anyone on the street. But then I saw this Honduran woman. She had two kids with her. I felt I could trust her, and I asked her where to go. She was the one who directed us to a shelter, and that’s how I got here.” Her lawyer, an El Pasoan named Linda Rivas, who joined us that morning, beamed. They were meeting to prepare for Zepol’s fourth and final court hearing, scheduled to take place in El Paso later that week, and both of them were nervously optimistic.

I’d heard from a few immigration lawyers in El Paso that Zepol’s case looked as if it could be the first one in West Texas to end in a grant of asylum since M.P.P. was instituted. El Paso is among the most difficult places in the country to win an asylum case, with rejection rates above ninety per cent. With M.P.P. in place, it’s become even harder to win asylum. Migrants who are forced to wait in Mexico are much less likely to find lawyers to represent them, and, even if they do, the dangers of living in Juárez, coupled with the complicated logistics of making it back to the port of entry to go to court, have led thousands of asylum seekers to miss their hearings, resulting in immediate deportation orders. Zepol, who met her lawyer through a nun at the church and got rides to the bridge every month to go to court, was comparatively lucky.

On the Friday before Labor Day, I received a text message from Rivas. “We actually went through almost five whole hours of testimony today,” she said. “She did amazing. She felt very comfortable telling the details of her story.” Still, the judge said he needed more time to make his decision and scheduled another hearing, in two weeks, to announce his verdict. This was where the mechanics of M.P.P. broke down: the system was not predicated on people winning their cases or even making it to an advanced stage in the proceedings. M.P.P. was conceived not as a way to streamline or improve the asylum process but as a way to keep asylum seekers from entering the U.S. As far as Rivas knew, they were in uncharted territory, at least in El Paso. Mexican authorities in Juárez were reluctant to accept someone who was so close to a final ruling, and D.H.S.

refused to release her in the U.S. while she waited. “She’s in limbo,” Rivas said. Eventually, Zepol was transferred to ICE detention. A few weeks later, Rivas sent an update about Zepol’s case. The judge had reached a verdict—a denial.



*Jonathan Blitzer is a staff writer at The New Yorker.* [Read more »](#)

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## Video

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### *Best of Luck with the Wall*

*A visualization composed of two hundred thousand satellite images shows the 1,954-mile stretch of land where Donald Trump promised to build his border wall.*

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Sep. 29, 2019 | Updated: Sep. 29, 2019 9:32 a.m.



Migrants present their papers to a CBP agent in the middle of Bridge No. 1, on their way for a court hearing in Laredo, Tx on Thursday, Sept. 19, 2019.

Photo: Bob Owen, Staff Photographer / Staff photographer

NUEVO LAREDO, Mexico — Ten-year-old Anthony sat cross-legged on the floor eating soupy white rice while his mother recounted the day when 20 gang members stormed the migrant shelter where they stayed.

She said the men, dressed in black and wearing ski masks, yelled “Get to the ground!” and pointed their guns at them.



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Samaritan shelter here. “It’s not safe.”

The Good Samaritan is one of several shelters in Nuevo Laredo housing migrants caught up in the Trump administration’s Migrant Protection Protocols program, which has returned more than 45,000 asylum-seekers to Mexico to await their U.S. court hearings.

As of August, more than 6,300 migrants were sent back to Nuevo Laredo under MPP, according to the Syracuse University nonprofit TRAC, which monitors federal agencies and courts.

Gangs are taking advantage of stranded migrants, who often are penniless but have relatives who can wire them cash in an emergency. Many are robbed or kidnapped and held until their families in the U.S. or in their home country pay for their release.

“MPP creates a whole new profit center for the cartels,” said Denise Gilman, co-director of the immigration clinic at the University of Texas at Austin. “Insecurity in Mexico is becoming worse because of U.S. policy,” she said.

No one knows how many of the MPP migrants have been kidnapped or assaulted, or how much money cartels are making from them. But gangs typically demand ransoms of a few thousand dollars per migrant.

Kidnappings increased this year after the Trump administration reduced the number of asylum-seekers allowed through U.S. ports of entry per day, a practice known as metering. They ramped up under MPP, which started in California and has now rolled out across Texas.

MPP, also known as “Remain in Mexico,” was one of President Donald Trump’s few immigration directives allowed to continue during an ongoing court challenge.

The administration recently announced that it also will end “catch and release” – the practice of apprehending migrants, processing them and then releasing them into the U.S. with court dates – and instead will send all asylum-seekers back to Mexico.

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where they go to attend their court hearings on the U.S. side, in the central plaza where U.S. citizens shop for cheap medicine and even within their shelters.

Last month, a director at the Casa del Migrante Amar shelter was kidnapped. He has not reappeared.

The attempted kidnapping at the Good Samaritan shelter this month went south when someone managed to make a call to police. The gang members fled just as they had started to line up the migrants to force them into their van.

“Here, it’s horrible. It’s worse than my country,” Mariluz, a Nicaraguan migrant, said recently while she nursed her infant son at the shelter. “It’s more dangerous than I can say.”

She said she has not dared to venture outside the shelter. But after the close call, she is scared to stay inside, too. “We live in fear. If I talk about it, I cry,” she said, sobbing. “We don’t know what to do.”

### **‘Dead man walking’**

Asylum-seekers in Nuevo Laredo bear the mental and physical scars of gang violence.

A Cuban man at the central plaza lifted his sunglasses to show gashes between his eyes from getting beat up and robbed on the streets.

Noelia and her two daughters, migrants from Honduras, arrived at the bridge that crosses the river to Laredo for their court hearing out of breath — after running from kidnappers, Noelia said.

Another woman wound her way toward the bridge wearing a jacket that hides a ripped yellow shirt and knife markings on her breasts. She said she was attacked that morning on her way to work. Men stole her purse, emptied it and then returned it to her rented room. The implied message: We know where you live.

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“In Venezuela, I was a dead man,” said Axel, who has spent six months at the Barrio Para Dios shelter in Nuevo Laredo, waiting for his court hearing. “Here, I’m a dead man walking.”

Because the region has suffered cartel violence for years, the U.S. State Department has issued a “Do Not Travel” advisory for the state of Tamaulipas, where Nuevo Laredo is located.

“We all know there are eyes on the streets, and any one of them could stop us,” said Pastor Lorenzo Ortiz, a U.S. citizen who volunteers at the Good Samaritan shelter. “We all know that any one of these (migrants), it’s almost certain the cartels are going to kidnap them.”

The eyes are called *halcones*, or hawks, and they’re the cartels’ lookouts. Migrants walk the streets scanning for signs of these gang members, avoiding eye contact and trying not to be noticed.

In 2012, local paper El Mañana was sprayed with bullets and publicly announced that it would no longer report on cartel violence for its own safety. The practice remains true today there and at other local news outlets. As a result, there is little publicity of the city’s gang violence.

“It would be a very dangerous task to conduct a survey of all of (the MPP migrants) and see what has happened to them once they returned to Mexico,” said Guadalupe Correa-Cabrera, a George Mason University professor and expert on organized crime along the border. “We don’t have the capacity.”

Correa-Cabrera said the MPP migrant abductions are going to affect Mexican residents along the border, too, if they haven’t already.

“If these groups are better organized, and if they’re better organized to kidnap people, they’re not just going to stick to kidnapping migrants,” she said.

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gangs to smuggle them across the border.

“By eliminating ways to enter the U.S. legally, and strengthening border enforcement, you’re basically helping to strengthen criminal networks at the border,” she said.

The migrant smuggling industry made between \$5.5 billion and \$7 billion worldwide in 2016, according to a 2018 U.N. report. A 2019 study by the think tank Rand Corp. found that human smuggling from Central America to the U.S. made up to \$2.3 billion in revenue in 2017.

“No matter what, we can’t escape the cartels,” said a 22-year-old Cuban, who was a barber before he fled the country. “We’re the hunted here. We’re the game.”

### **‘For a dream’**

A woman missing an eye sat with a young girl at a table in what would be a living room. Babies crawled on dusty floors and chairs. Kids wrestled in a room outdoors, where laundry hung on ropes over bare mats for sleeping.

The Good Samaritan shelter was an abandoned home that Pastor Ortiz, who’s from Laredo, converted into an extension of his Baptist church’s network. The migrants wait there for their first court date and other appearances that follow.

Sandra, 33, and son Anthony had their first court date at 8:30 a.m. Sept. 12, not long after the abduction attempt. The government requires migrants to show up at the bridges four hours before their court date, so her husband Waulter, 27, escorted them to the bridge shortly before 4 a.m.

They fled Honduras after Anthony’s father was attacked by a gang member with a machete. Anthony watched it happen.

Sandra, Anthony and Waulter, his stepdad, left just days after his father was released from the hospital with a disfigured face and amputated arms.

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cross the international bridge and walk to the new, temporary courts built for MPP cases on the U.S. side. Waulter's court date was the next day because he isn't Anthony's biological father.

He noticed a group of gang members eyeing him as he left the bridge, but then they disappeared.

The next day, as he left from his own court hearing, the men reappeared. This time, they began to follow him. Scared to lead them to the shelter, Waulter took a circuitous route.

First, he walked. As they came closer, he ran.

They caught him. They told him to empty his pockets, and they patted him down. They took his cellphone and all his money – except for \$1.

“Here, take it as a gift,” said one of the men, throwing the bill at him and laughing as they left.

Waulter still keeps that dollar bill in his wallet. He said he's never going to use it.

“I want to keep this forever, to always remember what I've had to live through,” he said. “What my family suffered through for a dream.”

*Silvia Foster-Frau covers immigration news in the San Antonio, Bexar County and South Texas area. Read her on our [free site](#), [mySA.com](#), and on our [subscriber site](#), [ExpressNews.com](#). | [sfosterfrau@express-news.net](mailto:sfosterfrau@express-news.net) | Twitter: [@SilviaElenaFF](#)*

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# EXHIBIT NN

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LAW

# Tent Courts For Migrant Asylum-Seekers Described As Disorganized

September 18, 2019 · 5:07 AM ET

Heard on Morning Edition

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NPR's Rachel Martin talks to Lisa Koop of the National Immigrant Justice Center about new courtroom facilities in Texas at the U.S.-Mexico border that are processing asylum claims via teleconference.

**RACHEL MARTIN, HOST:**

This week, for the first time, asylum-seekers crossed the border into Texas and stepped into big white tents - tents that are now functioning as immigration courts. The Trump administration is trying to clear a huge backlog of cases, so it's set up temporary complexes in Brownsville and Laredo, Texas - makeshift courtrooms where judges preside via video conference. Lisa Koop of the National Immigrant Justice Center represents clients appearing in these courts, and she's with us now. Thanks so much for being with us.

**LISA KOOP:** Good morning, Rachel.**MARTIN:** What do the courts look like? I described them as tents. What - just tell us what it's like to be in them.

KOOP: Yeah. I think describing them as tents is pretty accurate. It's a collection of temporary facilities, kind of shipping container-looking trailers where we're sometimes allowed to have attorney-client meetings and then, you know, big spaces where fans are pumped in, and there are chairs set up. And it's definitely something that appears to be pretty temporary and brought together quickly.

When you approach the court, it doesn't look anything like a court. It doesn't really look like anything at all. There's a steep set of wooden staircases that we climb to approach a locked gate. There's no signage. And that's where we go in. Our clients come in directly from the bridge. So I'm in Laredo, Texas. And our clients have to appear at the - on the Mexican side of the bridge at 4:30 in the morning. And from there, they're escorted across the bridge and into a holding area where they remain until we're very briefly able to see them before going into court.

MARTIN: So the question is, is this an improvement on what was happening before? And what was happening before were long waits - right? - weeks, months, many months.

KOOP: Right. No, it's not an improvement. You know, if the effort is to give people a meaningful shot at seeking asylum, that's not happening in these courts. You know, in Nuevo Laredo, we're not able to see our clients. It's not safe for them. It's not safe for us to travel over and see them. So we see our clients moments before they step into court and make decisions that are going to impact the rest of their lives. So our ability to counsel them is very limited.

And they're waiting in situations that are dire. It's not safe for them. They're afraid. Many of them don't have the resources to continue living in Mexico. Many of them aren't living in Nuevo Laredo. And so they're traveling in from Monterrey or places, you know, almost down to Mexico City in order to get to court.

And so there are so many obstacles that they face before they set foot in those courtrooms, where they're not seeing a judge live. They're seeing a judge who's beamed in from a courtroom - right now from San Antonio, but in theory, there will be judges appearing from all over the United States presiding over these cases.



MARTIN: So I hear you saying that it's a positive step to try to move people through this process quicker. It's just that there are all these other circumstances that still make it difficult for people to get a fair shot at asylum.

KOOP: Rachel, I don't think that there's any good intent behind this. I don't think there is any effort to say, let's make the program more efficient or let's give asylum applicants a quicker opportunity to present their cases. This is clearly an effort to foreclose asylum.

MARTIN: Lisa Koop of the National Immigrant Justice Center, we appreciate your time.

KOOP: Thank you, Rachel.

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VICE News

# Trump's Asylum Policies Sent Him Back to Mexico. He Was Kidnapped Five Hours Later By a Cartel.

David's story is not unique.

by Emily Green | Sep 16 2019, 11:23am



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NUEVO LAREDO, Mexico — David wept as U.S. immigration agents marched him and his child across the bridge into Mexico. “They say here in this country, where we are, they kidnap a lot of people,” he said.



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were forced into trucks, and abducted.

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David is among the estimated 42,000 asylum seekers who've been returned to Mexico in recent months under President Trump's new asylum policies. The Trump administration calls the policy "Migrant Protection Protocols," but far from offering protection, the policy has led to a brutal wave of kidnappings in some of Mexico's most dangerous border cities.

"They are sending them to a place that is too dangerous," Laura, David's sister, told VICE News. "Why are they doing this? Why, if Mexico is a place that is so dangerous?"

Powerful criminal organizations have seized on Trump's changes, targeting asylum seekers with family in the U.S. by holding them hostage until their relatives come up with thousands of dollars to pay for their release.

VICE News spoke with multiple asylum seekers who have been kidnapped or narrowly escaped being kidnapped upon being returned to Mexico. All of them said they suspected Mexican immigration officials were working in coordination with the cartels. Often, they were grabbed at the bus station or along the three-mile stretch from the Mexican immigration office to their shelter. The stretch between the border and the shelters may be a few miles, but it is among the most dangerous part of a migrant's journey.

"[The U.S. agents] told us they were going to bring us to a shelter," David told VICE News, a few hours before he and his child were kidnapped. "They lied." VICE News has changed names and withheld certain details of David's story to protect the identity of him and his family.

## The Phone Call





Clothes and shoes are set out to dry inside a phone booth at a migrant shelter in in Nuevo Laredo, Mexico. Sergio Flores/Vice News

Instead, once across the border, Mexican immigration officials gave David and the other 120 migrants sent back that day two options: The government would provide them a bus ride for free to Tapachula, a city 30 hours away, on the border with Guatemala, or they could go it alone in Nuevo Laredo.

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Those who took the government's offer did so with the understanding that they would never make it back to their court hearing in the U.S., which had been scheduled for three or four months down the road.

Those who stayed did so at their own risk.

David, without a cellphone or any money, was among them.

Nuevo Laredo is one of the most dangerous cities in one of the most dangerous regions of Mexico. It's marked not only by the near constant crime that fuels the city but also by the impunity with which criminals here operate. The corruption and crime is so prevalent that local news barely covered the recent kidnapping in



**“Why are they doing this? Why, if Mexico is a place that is so dangerous?”**

At the Mexican immigration offices, David was frazzled and desperate to reach Laura, who lives in the U.S., and was prepared to wire him money so he could get a bus ticket to a safer city nearby. He borrowed the cellphone of a man he said identified himself as an immigration agent and wore the agency’s typical white-shirt uniform. Outside the office, men in a white four-door truck kept an eye on who came and left the building’s parking lot.

The man who lent David his phone spoke with Laura, also identifying himself to her as an immigration agent. He told her he would help David and instructed her to send the money directly to his account. David didn’t have a Mexican ID or passport to receive a wire transfer on his own, but the man assured them their money was in safe hands.

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But after Laura sent the money, the man stopped picking up. At 8 p.m. that night, Laura received a call from a different number. “A man got on the line and said my brother had been turned over to him.”

David believes the immigration agents never intended to help them.





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A group of migrants cross back into Mexico after being sent back under the Migrant Protection Protocols. Sergio Flores/VICE News

He said when he and another dozen or so asylum seekers who had been returned that day to Mexico arrived at the bus station in Nuevo Laredo, a group of 20 men were already waiting for them. Immediately, the men forced David, his child, and the other migrants into trucks, as an immigration official looked their way but did nothing.

“The people in migration turned us over to the cartels,” he said. “They know what they are doing. They don’t care if you’re killed or not.”

Mexico’s Institute of Migration, which is in charge of carrying out Mexico’s immigration policies, said that it is “committed to combating any behavior that violates the rights and integrity of migrants,” and that it has not received any recent complaints regarding Mexican immigration officials turning migrants over to cartels or turning a blind eye to their kidnapping.

Foreign Minister Marcelo Ebrard downplayed the issue on Thursday, saying he didn’t see the kidnapping of migrants “as a massive phenomenon.” But minutes later, Mexican President Andrés Manuel López Obrador said the government was attentive to the issue. “The more migrants that arrive at the [border], the more criminal groups there are, and the higher the risks.”

Ebrard’s office later contacted VICE News to say it was looking into the problem.

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David said the kidnappers took his few belongings, including the paperwork U.S. Customs and Border Protection had given him. Without it, he and his child can’t enter the U.S. to attend their hearing in December.



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their family members. The cartel was also holding at least 20 other men, plus dozens of children and women, who “were treated like pieces of meat,” David said.

They separated the women from the men, and beat any of the men who turned to look. David said one man tried to escape and they shot him dead.

Back in the U.S., Laura was desperately trying to negotiate the release of her brother and his child. But she works in a factory earning \$10.50 an hour. She didn’t have a dollar to spare, much less the thousands the kidnappers were demanding.

### | **“It’s absolutely pointless to go to the police”**

Over the course of several days, Laura received up to three calls a day from them, recordings of which VICE News has reviewed. She was passed between an underling and his boss, as they alternately comforted and threatened her while demanding money.

“I need you to send me the money as fast as possible, Grandma,” one of the men told her.

When she told them there was no way she could pay the extortion fee, they said she didn’t need all the money at once and could start depositing it in pieces. “You’ll get all the money, mother, don’t worry.”





Migrants play table tennis at a shelter in Nuevo Laredo, Mexico. Sergio Flores/VICE News

Kidnapping and extortion stories like these have become the norm in Nuevo Laredo since the U.S. started returning migrants there in mid-July.

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There is no way to know exactly how many migrants have been kidnapped because most victims and family members are too terrified to file a report to the police, who are also believed to have ties with the cartels. It's estimated that hundreds, if not thousands, of migrants have been **kidnapped, raped, and targeted** for extortion after being returned to Mexico under Migrant Protection Protocols.

"It's pretty clear that the Department of Homeland Security is essentially delivering asylum seekers and migrants into the hands of kidnapers, and people who are attacking the refugees and migrants when they return," said Eleanor Acer, senior director for refugee protection at Human Rights First. She added that in these regions of Mexico, "it's absolutely pointless to go to the police."

The U.S. Department of Homeland Security didn't respond to queries about whether it was aware of the widespread kidnapping of migrants returned under Migrant Protection Protocols. Acting U.S. Customs and Border Protection Commissioner Mark Morgan said earlier this month that he has heard "anecdotal allegations" of migrants being kidnapped, but that "Mexico has provided nothing to the United States corroborating or verifying those allegations."

## The Business of Kidnapping



The business of kidnapping migrants is so entrenched in Nuevo Laredo that it's referred to as "passing through the office," according to victims and one person with knowledge of the process.

One woman, whom VICE News is calling Ana to protect her identity, was kidnapped with her husband and two children the day after the U.S. sent them back. She said they were at the bus terminal buying a ticket for a nearby city when a group of men surrounded them and said the family needed to go with the men.

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The first night they stayed at an abandoned house. Then they were taken to a hotel, where they spent the next six nights. Ana, her husband and children slept in one bed. Many others were forced to sleep on the floor, she said. Every day captives were taken out and more were brought in. The hotel door was guarded by a single man. Meals were provided daily.

Unlike David, Ana said the kidnapers never showed force. But they didn't need to. She said the man guarding the door made clear the consequences if they tried to escape. "I promise you won't make it two blocks before we will catch you again and the situation will be much worse for you," he told them.



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members. She gave them Honduran phone numbers. “We don’t want those. We want numbers from the U.S.,” they chastised.

Ana gave her the number of a brother in the U.S. In a separate room, hidden from her, the kidnappers negotiated over the phone. Over the next week, the brother scraped together more than \$15,000 for their release and wired the money.

A woman washes dishes at a migrant shelter in Nuevo Laredo, Mexico. Sergio Flores/VICE News

Ana said when they were released, they were given a keyword as a form of security: If they were kidnapped again, the keyword would indicate what cartel they pertained to and that they had already paid the ransom fee.

The cartels keep records of the people they kidnap, according to the person with knowledge of their operations. That includes how many people they have kidnapped, where they are from, who could pay, who couldn’t pay, where they crossed into the U.S., and how many opportunities the coyotes gave them to cross.



and indicate what smugglers they have traveled with — and by extension, what cartels have been paid off. If the migrants don't have a keyword, or the keyword corresponds to the wrong region, they are vulnerable.

“Here, organized crime is actually organized,” said the person with knowledge of the cartel's operations. “It's a company that functions like a clock. Exactly like it should.”

## The Threat

In the U.S., Laura was getting desperate. The kidnappers had promised to call back at 3 p.m. but hadn't.

She managed to pull together a few thousand dollars from family members to pay the kidnappers. When they called the following afternoon, the man on the other end of the line berated her for not having more.

Still, he told Laura that she should deposit what she had into Mexican bank accounts, and that he would talk to the boss. VICE News has reviewed records of the money deposits.

**“I can't sleep thinking about it. Every night, I dream about everything that has happened to us”**

After Laura deposited the money, members of the cartel drove David and his child back to the bus station. They told him the cartel would be watching him from there, that they had people everywhere. Dozens of migrants remained behind, including at least 10 children, he said.

“They told me they would kill me if I talked,” he said.

He has no idea how he will pursue his asylum claim in the U.S. since the cartel took away his paperwork that allows him to enter the U.S. for a hearing before a

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David can't stop crying, and his young child has stopped talking altogether.

“One of the kidnappers told me that the kidneys of my [child] were good for removal,” David said, sobbing so hard he could barely get the words out. “I can't sleep thinking about it. Every night, I dream about everything that has happened to us.”

*Cover: Migrants who were returned to Mexico under Migrant Protection Protocols prepare to be taken to a processing center in Nuevo Laredo, Mexico. Sergio Flores/Vice News*

*Design and illustrations by Hunter French.*

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# EXHIBIT PP

# Migrants at Laredo Tent Court Tell Stories of Kidnappings and Violence While Pleading Not to Be Returned to Mexico

Under Trump's Migrant Protection Protocols, asylum-seekers have been waiting for their hearings in Mexico. Many aren't making it back to court.



Migrants must attend court in a hastily constructed tent facility near an international bridge in Laredo. *GUS BOVA*



**Gus Bova**  
Sep 16, 2019, 4:05 pm

CST



On Monday morning, 52 asylum-seekers were scheduled to appear in court at a complex of tent structures hastily constructed next to one of Laredo's international bridges. More than 150 miles away in San Antonio, Judge Yvonne Gonzalez sat in her immigration court waiting for the supplicants to appear on a television screen, as I and a few other observers looked on.

Under Trump's Migrant Protection Protocols (MPP), the asylum-seekers had spent about two months waiting in Mexico, where many migrants have suffered kidnappings and assaults.

Only 26 of the asylum-seekers, half the total, made it to their hearing



Monday. The rest, presumably, were stuck somewhere in Mexico, or had given up on their asylum cases and returned to their home countries. In Nuevo Laredo, returned migrants have been pressured by Mexican officials into taking buses to the city of Monterrey and even Chiapas, on the other side of the country. Nuevo Laredo is dangerous: A migrant shelter director was disappeared there over a month ago, reportedly after protecting Cubans in his care from kidnappers.

Only four of the migrants arrived Monday with attorneys, confirming lawyers' claims that migrants in MPP are being denied reasonable access to counsel, which is key for navigating complicated immigration proceedings. One of the attorneys, Lisa Koop with the National Immigrant Justice Center, stressed to the judge that some of her clients were living in Monterrey and it was very difficult for them to pay for and arrange safe transport to Laredo.

**“I’m not in a position to demand anything, but I want to say, I’m with my family, and I’m very afraid of returning to Mexico.”**

Monday’s proceedings were just initial hearings; all the migrants will need to appear for court at least one more time before their case is decided. For the migrants who made it, the judge set another court hearing for October 16. As she was wrapping up, one father, there with his wife and young son, rose from his chair in Laredo to ask whether he had to return to Mexico. “I’m not in a position to demand anything, but I want to say, I’m with my family, and I’m very afraid of returning to Mexico,” he said through the video screen. He said that he had been kidnapped.

The judge told the father he would be given a separate interview with a U.S. Citizenship and Immigration Services (CIS) officer about his fear of returning to Mexico. She then asked if there were any more questions, and hands flew up all over the screen. Seven more migrants said they’d also been assaulted or kidnapped or otherwise feared returning to Mexico. One complained that she had no money so it was difficult for her to get to the hearings, and she was about to be kicked out of the housing she had found. All were later sent off to interviews with a CIS officer. But in other border cities where MPP began months earlier than in Laredo, the vast majority of these requests have been denied,

meaning the migrants were returned to Mexico again anyway.

At times, the judge seemed ill-informed about how MPP works. At one point, she turned to the government prosecutors in the room and asked whether the Mexican government was providing the migrants housing. One of the attorneys said he did not know. (The answer, generally, is no). She also advised the woman who said she had no money or housing to call a list of pro bono attorneys for help with that. But the U.S.-based nonprofits on that list, which the government provides to all migrants in MPP, don't and can't handle transportation and housing logistics in Mexico.



Migrants returning to Nuevo Laredo. *GUS BOVA*

Elizabeth Almanza, outreach coordinator for the legal services nonprofit American Gateways, was present at the Monday hearings. She said her group and others are overwhelmed with calls from migrants in MPP and unable to find enough lawyers to work on such difficult cases for little or no money. Asylum cases require gathering evidence and reconstructing clients' life stories, work made much more difficult when the migrants are transient and unstable in Mexico.

Most of the migrants who did not show up Monday were “ordered removed” to their home countries—meaning they’ll be subject to deportation if they return to the United States. Most were from Guatemala and Honduras; one was from Venezuela. One absent migrant was ordered removed to Mexico and had Mexican listed as her nationality on the judge’s docket—a seeming violation of the rules of MPP which exclude Mexicans from the policy. Court data compiled by Syracuse University show 36 Mexicans had been included in MPP as of August 1. The Department of Homeland Security did not respond to a request for comment.

Last week, the Supreme Court allowed a Trump policy known colloquially as “Asylum Ban 2.0” to take effect, which requires migrants to have applied for asylum and been denied in a country they passed through before reaching the United States. Under that measure, nearly all migrants in MPP who entered the United States on or after July 16—the day the rule was originally issued—are ineligible for asylum, but they may still qualify for more difficult to obtain forms of protections: namely, withholding of removal or protection under the United Nations Convention against Torture. Legal wrangling will continue on that front.

Members of the public are forbidden from attending proceedings at the tent courts in Laredo and Brownsville. The *Los Angeles Times* spoke to migrants at the Laredo bridge Monday morning and recounted stories of people who had arrived for their hearings. Some carried all of their belongings and meager amounts of money. Most had no legal representation.

Initial hearings will continue for the foreseeable future. Meanwhile, a lawsuit challenging the legality of MPP continues to play out, with a hearing scheduled for October 1.

Read more from the *Observer*:

- [Bridge to Nowhere](#): Where the Texas Gulf Coast meets Mexico, a trio of fossil fuel companies is planning an industrial complex the likes of which Texas’ Rio Grande Valley has never seen.
- [The Trump Administration Blows Its Border Wall Budget in South Texas](#): A *Texas Observer* review of federal documents found that Congress gave CBP \$445 million to build 25 miles of border wall in Hidalgo

County. The money only paid for 13 miles.

- **Rent By Another Name:** As rent continues to rise across the state, an increasing number of Texas tenants are also saddled with mandatory fees for everything from doorstep trash collection to cable television.

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Gus Bova reports on immigration, the U.S.-Mexico border and grassroots movements for the *Observer*. He formerly worked at a shelter for asylum-seekers and refugees. You can contact him at [bova@texasobserver.org](mailto:bova@texasobserver.org).

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**Read More:** [Donald Trump, Human Rights, Immigration, Mexico, migrants](#)

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#### Journalists Blocked from Attending Secretive Immigration Tent Courts

*Normally, the press can observe immigration court proceedings. But journalists are being turned away from the first asylum hearings in Laredo under the Migrant Protection Protocols.*

by [Gus Bova](#)

# EXHIBIT QQ

09.13.2019

NEWS

# Border Courts Swamped With New Asylum Cases

Thousands of cases have been filed since President Trump started forcing asylum seekers to wait in Mexico.

By ANDREW R. CALDERÓN  
Graphics by WEIHUA LI

Early this year, the Trump administration began forcing thousands of migrants seeking asylum to return to Mexico, to wait there for immigration court hearings that would decide whether they could settle in the United States. New government figures show the policy is rapidly flooding some courts assigned to handle the cases.

The numbers from the Executive Office for Immigration Review, the agency within the Department of Justice that runs the immigration court system, show that so far this year, nearly 17,000 new asylum cases for migrants waiting in Mexico have been assigned to border courts through the end of August. And the numbers have been growing. More than 6,000 were filed in August alone.

These figures are likely an undercount of the number of people affected by the policy. According to data compiled by the Transactional Records Access Clearinghouse at Syracuse University, 26,000 people had received notices to appear in these courts by the Department of Homeland Security through July.

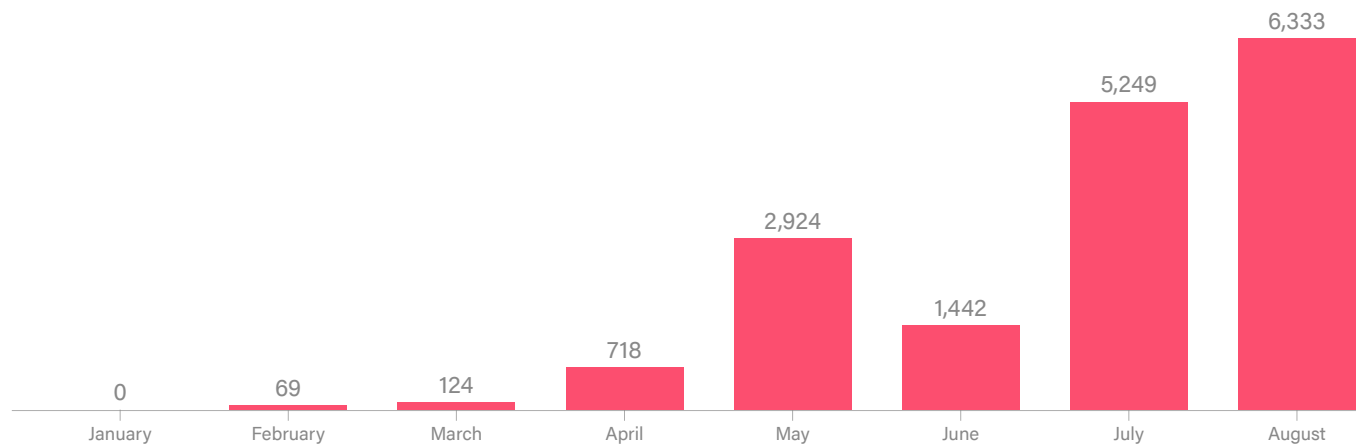
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# “Remain in Mexico” Cases Swamp Immigration Courts

The Trump administration announced the “**Migrant Protection Protocols**” in January, a program that makes asylum seekers wait in Mexico for their court dates in U.S. immigration courts. Since then, nearly **17,000 immigration cases** have flooded new hearing locations along the border.



Source: Executive Office for Immigration Review

In the past, people who came asking for protection from political persecution, or gang or domestic violence, would be held in U.S. detention centers or released to friends and family while pursuing their claims. But as a result of the new policy, tens of thousands of migrants have been stalled in Mexico until their asylum cases are processed. Lawyers on the ground and policy analysts say that this policy is overwhelming the courts.

As was widely reported this week, tent courts have been constructed at several hearing locations designated to handle cases under the government’s new “Migrant Protection Protocols,” known informally among immigration lawyers as “Remain in Mexico.” Those in Brownsville and Laredo have been fitted with video-teleconferencing technology, so that judges from across the country can be conferenced in to hear these cases.

Four immigration courts are seeing large spikes in the numbers of Remain in Mexico cases at hearing locations in Texas and California. The court in Harlingen, Texas, which is close to the border town of Brownsville, saw an almost three-fold increase last month in the number of cases it was receiving, driven almost entirely by asylum seekers in Mexico. In essence, the cases of those ~~waiting in Mexico have overwhelmed all other new business in these courts~~

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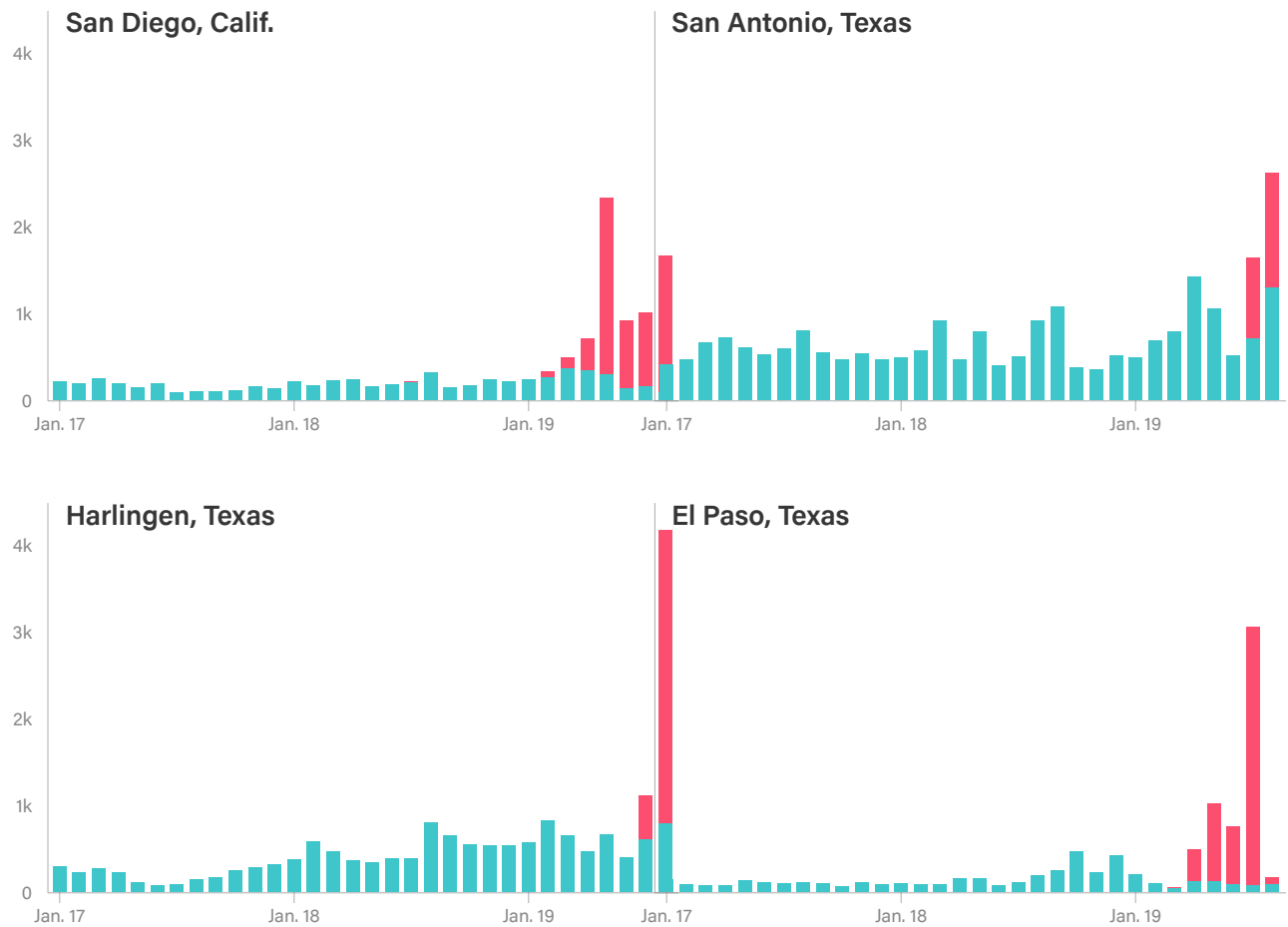


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# Cases by Immigration Court

The four immigration courts that have hearing locations dedicated to “Remain in Mexico” cases used to receive far fewer cases each month. That all changed this year after the “Remain in Mexico” policy took effect. While the number of **other cases** stays roughly steady, the number of **“Remain in Mexico” cases** drove each city’s caseload through the roof.



Source: Executive Office for Immigration Review

In an unexpected turn this week, the U.S. Supreme Court struck down an injunction that had halted a policy requiring migrants to first seek asylum in one of the countries they cross on their way to the U.S. The decision will likely decrease the number of new asylum applications, but border courts will still have large caseloads to work through.

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Even as cases have sharply increased, the exact number of people still waiting in Mexico is unknown. Customs and Border Protection estimates show that as of early September 42,000 people have been told to wait on the Mexican side of the border, according to reporting by Reuters and the Wall Street Journal, but not all of them have made it into the courts yet. What's more, some migrants may have returned home, or accepted offers from the Mexican government to be bused into the interior of that country.

The Executive Office for Immigration Review declined to answer questions about the "Remain in Mexico" courts for this story.

These new cases are being assigned to judges under pressure to complete cases quickly, in places where migrants have little hope of finding lawyers. On average, migrants wait nearly three years for their cases to be completed, due to an unprecedented backlog; and this fiscal year, the denial rate for asylum claims reached 48 percent. But for people waiting across the border in Mexico, speed is critical. They are in dangerous areas, like the states of Chihuahua and Tamaulipas, places that the U.S. Department of State has deemed unsafe for U.S. travelers.

Jessica Vaughan, director of policy studies at the Center for Immigration Studies, a think tank that seeks to reduce immigration, says that it's too early to say whether the "Remain in Mexico" policy is a success. But she thinks the administration has done well in launching the program first with a pilot in the spring and then by building tent courts to hold hearings near the border. "The Department of Justice planned for this upsurge," she said, referring to the sharp increase of cases in August. "That's why they allocated videoteleconfering and assigned judges to these specific dockets."

Lawyers in Texas representing migrants, however, are less optimistic. Jodi Goodwin, an immigration attorney at the Harlingen court, is rounding up lawyers from across the country to

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—where most of Goodwin’s clients are—there are frequent reports of shootings and other forms of violence. She said she is also concerned about due process for these asylum seekers in courts she described as understaffed and overworked, citing nearly 4,000 applicants over the last two months. “I can’t find enough lawyers to take on all these cases,” she said. ❧

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# EXHIBIT RR



NATIONAL

# Criminals Target Migrants In Mexico Seeking U.S. Asylum

August 27, 2019 · 12:00 PM ET



JOHN BURNETT

**5-Minute Listen**

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A special response team with Customs and Border Protection drills on the international bridge between Laredo, Texas, and Nuevo Laredo, Mexico, in the event that desperate migrants rush the port of entry.

One day last week in Nuevo Laredo, Mexico, a fearsome gun battle broke out on the main boulevard to the airport, as drivers careened off the thoroughfare in terror while rival narcos blasted away at each other.

The Cartel of the Northeast operates with impunity here, cruising around town in armored, olive-drab pickups with *Tropas del Infierno*, Spanish for "Soldiers from Hell," emblazoned on the doors.

And a pastor named Aaron Mendez remains missing after being kidnapped from the Love Migrant House, a shelter he operated. One news report says extortionists grabbed Mendez when he refused to turn over Cuban migrants they wanted to shake down.

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NATIONAL

## Cities Laredo And Nuevo Laredo Maintain Close Relationship Despite Border Separation

LISTEN · 3:22

PLAYLIST

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Transcript

This is where the U.S. is sending migrants who have asked for asylum after crossing the Rio Grande near Laredo, Texas.

More than 30,000 migrants have been sent back to Mexican border cities to await their day in U.S. immigration court under the "remain in Mexico" program. They are sent back from U.S. ports of entry and given a date — generally from two to four months in the future — to return and make their case for asylum before an immigration judge on a video link. About 4,500 of them have been sent to Nuevo Laredo, where mayhem is rampant and extorting migrants has become the cartel's latest income stream.

The program is officially known as the Migrant Protection Protocols, or MPP. In Spanish, the acronym is PPM.

"For me, it's P-M-M, or Plan of Lies to Migrants," says Father Julio Lopez, director of the Nazareth Migrant House. "Because there is no protection."

Lopez is anxious these days. He won't talk about organized crime in his city — it's too risky. But he has plenty to say about MPP. He's seen firsthand the asylum-seekers who cower in fear in the city's six shelters, including his own, leaving only briefly to buy food.

Mexico's National Immigration Institute has been providing migrants with free bus trips to Monterrey, 2½ hours away, and Tapachula, 36 hours away, to get them out of crime-ridden Nuevo Laredo.



Liceth and Leytan Morales, asylum-seekers from Honduras, have decided to return home after they were kidnapped for three weeks in Nuevo Laredo and their family in Texas paid \$8,000 ransom for their freedom.

*John Burnett/NPR*

But even that may not be safe. According to a witness account, several pickups full of mafiosos recently screeched to a stop in front of a government-contracted bus that had just left the central bus station. They ordered a dozen migrants off the bus, ordered them into their vehicles, and drove off, leaving the rest of the passengers shocked and frantic.

Cesar Antunes was on an earlier bus that departed, just before the bus that was ambushed. Antunes said he learned what happened to the second bus when both buses arrived in Monterrey and he spoke with one of the remaining passengers who witnessed the abductions. Antunes related the terrifying tale to NPR on his mobile phone from a city in Northern Mexico.

"Nuevo Laredo is more dangerous than San Pedro Sula, Honduras," Antunes says, "which is where I fled from."

The Mexican government has been cooperating with Trump's immigration agenda after the president threatened that country with steep tariffs in June. In addition to accepting migrants returned under MPP, Mexico has deployed security forces to its own borders to block migrants from going north.

Acting Commissioner of Customs and Border Protection Mark Morgan called Mexico's help "a game changer." As a result, the number of migrants in U.S. Border Patrol custody has dropped dramatically in the past two months.

Yet Morgan says he was unaware asylum-seekers waiting in Mexico are being disappeared and extorted by gangsters.

"I haven't heard anything like that," he said in a recent roundtable with reporters, "not with respect to the MPP program."



NATIONAL

Asylum Officers: Trump's 'Remain In Mexico' Policy Is Against 'Moral Fabric' Of U.S.



The CBP chief may be getting his misinformation from Mexican officials. The chief investigator for the Office for Disappeared Persons in Nuevo Laredo, Edwin Aceves Garcia, said in an interview: "We have received no reports of kidnappings and extortion of migrants. Those are just rumors. You can't believe everything those people say."

As for the case of Aaron Mendez, the kidnapped pastor, a spokesman for the state prosecutor's office in Ciudad Victoria said he remains missing and the investigation continues.

With the brazen crimes committed against migrants stuck in Nuevo Laredo, some of them are abandoning their asylum requests and returning home.

"It's dangerous here. Lots of things can happen," says Liceth Morales, her lip trembling.

The 40-year-old Honduran woman fled the city of Choluteca with her 6-year-old son, Leytan, when thugs repeatedly robbed her small store. Then, as she tells it, when they arrived at the Nuevo Laredo bus station last month, young men with tattoos and ball caps grabbed her and her son and held them prisoner for three weeks in a succession of safe houses. Ultimately, she says, her family in San Antonio paid \$8,000 in ransom for her freedom.

"When they released us, we immediately crossed the bridge to the U.S. to ask for asylum," she says. "But they sent me right back over here."

Contemplating a two-month wait in this treacherous border city for her court hearing in Laredo, Liceth and Leytan Morales decided to go back to Choluteca via the free daily bus to southern Mexico.

Lopez, the shelter operator, says most of the other migrants in his shelter are choosing to do the same — return home. The Mexican government points to crime and violence in Nuevo Laredo as a reason for migrants to consider leaving.

Lopez and others said they believe the bus trips to Tapachula, a city near the Mexico-Guatemala border, are a transparent attempt by Mexican authorities to persuade



migrants to return to their homes in Central America.

Crime in Nuevo Laredo "is the perfect excuse to get rid of them because the government doesn't want them here," said the priest.

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# Mexico is busing asylum-seeking migrants to southern border

August 17, 2019

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MEXICO CITY (AP) — The Mexican government said Friday it is busing migrants who have applied for asylum in the United States to the southern Mexico state of Chiapas.

About 30,000 migrants have been sent back to northern Mexican border cities to await U.S. asylum hearings under a policy known as “Remain in Mexico” under which they have to wait for hearings months away. But few provisions have been made for them to be housed or seek legal representation, and many cities on the northern border are among the most dangerous in Mexico.

Mexico’s National Immigration Institute said it uses to move migrants south from Nuevo Laredo and Matamoros — two of the most dangerous cities on the northern border. Both cities are in northern Tamaulipas state across from Texas and are dominated by drug cartels.

The migrant agency said the goal of the busing is “to provide a safer alternative for those who do not want to remain on the U.S.-Mexico border.” It did not say how many people had been taken by bus to Chiapas so far.

The Associated Press reported that in July, Mexico had begun busing some of the returned migrants out of Tamaulipas to the city of Monterrey, in neighboring Nuevo Leon state. Authorities said it was for their safety, but many were dropped off in that unfamiliar city in the middle of the night.

Officials gave no indication of how the migrants would return to the border from Monterrey for their court dates. That problem would be amplified for migrants bused to Chiapas, nearly all the way back to the Guatemala border.

# EXHIBIT TT

# The Washington Post

*Democracy Dies in Darkness*

## When they filed their asylum claim, they were told to wait in Mexico. There, they say, they were kidnapped.

By **Kevin Sieff**

August 10, 2019 at 5:00 a.m. PDT

MONTERREY, Mexico — For years, the Esquivel family watched as neighbors fled the violence of San Salvador for the long journey north to the U.S. border.

But it wasn't until July, after a local gang started murdering their relatives in broad daylight and the threats against their children grew more specific, that the family of four decided to join the migration. They traveled 2,000 miles to the Rio Grande, crossed by raft in the middle of the night, and landed in the small town of Roma, Tex.

There, they turned themselves in to the U.S. Border Patrol and began the process of filing for asylum.

Under the Trump administration policy called the Migrant Protection Protocols, the family — Victor Esquivel, his wife, Maria, and their sons Anderson, 10, and Ryan, 4 — were sent back to the Mexican state of Tamaulipas to await their first hearing, scheduled for October.

What happened next confirmed the worst fears of migrant advocates, lawyers and Mexican officials. All argued that the expansion last month of MPP — the so-called Remain in Mexico policy — into one of Mexico’s most dangerous states was a disaster in the waiting.

On July 24, U.S. officials dropped the family off at the international bridge that connects Laredo, Tex., to the city of Nuevo Laredo, in Tamaulipas. They were given a pile of immigration paperwork and escorted to the parking lot of the Mexican immigration office, 20 yards south of the Rio Grande.

For the first three nights, they slept on the ground outside the office in the 100-degree heat. Exhausted and hungry, they arranged through a family friend to pay for a small apartment where they could wait for their October hearing.

On July 27, Victor and Maria walked outside the immigration office in the early afternoon, they said, holding the hands of their two sons. They made it two blocks, toward a car that was supposed to take them to the apartment. Then a truck pulled up next to them and a group of men jumped out, screaming at them.

“They yelled, ‘Get into the truck!’” Victor said. “It all happened really quickly.”

Since “Remain in Mexico” began in February, Human Rights First, an advocacy organization, has catalogued 110 “cases of rape, kidnapping, sexual exploitation, assault, and other violent crimes” against asylum seekers sent back to Mexico under the program, according to a [report](#) released Thursday.

Since the policy was expanded from the Mexican states of Baja California and Chihuahua to the more dangerous state of Tamaulipas last month, several asylum seekers have been kidnapped, often from public places. Some were held during the same period as the Esquivel family, but apparently in different homes, potentially by different groups.

The U.S. State Department this year gave Tamaulipas its most severe travel warning — Level Four: Do Not Travel — placing it at the same level as Syria and Afghanistan.

“Armed criminal groups target public and private passenger buses as well as private automobiles traveling through Tamaulipas, often taking passengers hostage and demanding ransom payments,” the State Department advised. “Federal and state security forces have limited capability to respond to violence in many parts of the state.”

“This is exactly what we were worried about,” said Salvador Rosas, who represents Tamaulipas in Mexico’s Congress. “We can’t guarantee their security there. There are going to be more kidnappings. There are going to be migrants killed.”

Two Venezuelan and one Cuban asylum seeker who were sent back to Nuevo Laredo by U.S. officials in July also told The Washington Post of their ordeal.

They were at a bus station when two men approached them, asked where they were from and where they were going. Within minutes, and without weapons, the men physically forced the Venezuelans into a car.

They were taken to a small house and told to put all their possessions on a table. Three migrants from Nicaragua and Honduras were already there, according to the Venezuelans. They said they had also been kidnapped that morning.

“I just started crying,” one of the Venezuelan men said. They spoke on the condition of anonymity for fear of reprisals.

The Cuban man and one of the Venezuelans scraped together around \$400 in cash from an ATM and were released six hours later. The other Venezuelan was held for four more days.

Tamaulipas officials and immigration attorneys in South Texas say roughly 3,000 migrants have been sent back to the state in the past month. To safeguard them, Mexico's immigration agency is offering to take migrants three hours by bus to the city of Monterrey, which is considered to be safer than Nuevo Laredo. But that takes them farther away from their Texas-based immigration lawyers and the U.S. cities where their court dates are scheduled.

The Trump administration has supported "Remain in Mexico" as a way to reduce the number of asylum seekers who wait in the United States for their asylum hearings. Because of the backlog in asylum courts, many of them wait for years, with permission to work.

The U.S. Department of Homeland Security did not respond to multiple inquiries about the kidnappings in Tamaulipas. But at least one DHS representative in South Texas said privately that they had been informed about such cases through contacts in Mexico.

The Esquivels say they were taken to an abandoned house where migrants from Cuba and Guatemala were also being held. They were led to a room without furniture and told to sit on the ground.

"We never saw any guns," Maria said. "But they told us that if we weren't obedient, they would hurt us."

The kidnappers took their phones and used them to send messages to Esquivel's relatives in El Salvador and Wisconsin demanding \$7,500 per person. The family shared copies of those text and voice messages with The Post. They also shared messages that they sent to Salvadoran consulates in Mexico and the United States pleading for help. The Post was in touch with Esquivel's relatives for the duration of the kidnapping.



The Esquivels were moved between three different houses in and around Nuevo Laredo. They were held with about 10 different migrants, including a Nicaraguan family with two small children, Victor said. That family said they, too, had been returned to Mexico to wait for their asylum hearings.

The father of the Nicaraguan family wrote the telephone number of relatives back home on the front page of Victor's Bible, in case he was released first.

"Call them please," the father wrote in Spanish.

For the first few days, the kidnapppers gave the Esquivels tacos filled with mushrooms and potatoes. They give the children paper to fold into airplanes. But after a week, they grew more threatening. The two boys complained that they were hungry. Ryan, 4, started crying.

One of the kidnapppers texted Victor's sister, a teacher in El Salvador.

"If you don't pay us we're going to stop giving them food," he wrote.

"I'm going to send you the name and you're going to deposit the money there," the kidnapper told Jacky, Victor's sister in a conversation that she recorded.

Her voice quivered when she responded, which can be heard in the recording.

"We're going to keep looking for the money," she said. "We're trying."

The kidnapppers gave Jacky 16 bank accounts and told her to deposit \$500 in each, to start.

She made two deposits of \$467 in two different accounts and said it was all she had. She showed the transfer receipts to The Post, and a phone number one of the kidnapppers used to contact her.

The Post called the number. The man who responded said he was not aware of any kidnapping.

A Salvadoran official in Mexico said the country is trying to inform its citizens of how dangerous Tamaulipas is for migrants. El Salvador's government is investigating what happened to the Esquivels.

“What’s so dramatic about these cases is that these people made it to the United States. They were only kidnapped when they were returned,” said the official, who spoke on the condition of anonymity because he was not authorized to speak publicly about the kidnapping.

On the morning of their 11th day being held, Victor started weeping. He begged the kidnapers to release the family. By then, the two wire transfers had come through. The kidnapers herded the family into the truck, again, and dropped them off two blocks away from the bus station. Victor used \$60 he had kept in his sock to buy bus tickets to Monterrey.

“I still can’t believe they let us leave,” he said in a Monterrey hotel. “I thought they were going to kill us.”

Relatives in El Salvador paid for their flight back to San Salvador. Victor said the family isn’t sticking around for their U.S. asylum claim.

“We know the risks we are returning to,” he said. “There’s nothing good about going back. But there’s no way I’m taking the risk of keeping my family here any longer.”

# EXHIBIT UU



# News

## U.S. will now return asylum seekers to one of Mexico's most dangerous areas

WORLD

# Hearing

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The Trump administration will start returning non-Mexican migrants who claim asylum in Texas' Rio Grande Valley back to Mexico under the second expansion of the controversial "Remain in Mexico"

U.S. officials are slated to make the first returns of migrants who claim asylum in the Texas border city of Brownsville "as early as" Friday, a Department of Homeland Security (DHS) official told CBS News.

The move means asylum seekers will now be sent to Matamoros, the second largest city in Tamaulipas, one of five Mexican states the State Department warns Americans travelers not to visit because of

- NEWS WITH THIS
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M O R E I N I M M I G R A T I O

"Violent crime, such as murder, armed robbery, carjacking, kidnapping, extortion, and sexual assault, is common. Gang activity, including gun battles and blockades, is widespread," the State Department says in its [travel advisory](#) of Tamaulipas.'



Search CBS News

People cross the the Brownsville-Matamoros International Bridge on the U.S.-Mexico border in Matamoros, Tamaulipas, Mexico June 28, 2019.

C A R L O S J A S S O / R E U T E R S

Just this Thursday, Mexico's ambassador to the U.S., Martha Bárcena, said the Mexican government was not prepared for the expansion of "Remain in Mexico" in Tamaulipas. "We recognize there are certain areas of Mexico in which the challenges of security are higher," Bárcena said at a CQ Roll Call event. "So, that is why we've been very careful of not opening up, for example, the returns in Tamaulipas."

Many asylum seekers from Central America and other parts of the world have already been forced to wait in Matamoros because of a ["metering" policy](#) meant to slow the flow of migrants by having them put their names on a list and waiting in Mexico for their turn to request asylum in the U.S.



Migrants from Central America, the Caribbean, South America, and Africa line up for a meal donated by volunteers from the U.S., at the foot of the Puerta Mexico bridge that crosses to Brownsville, Texas, in downtown Matamoros, Tamaulipas state, Mexico, Wednesday, June 26, 2019. Hundreds of migrants, some of whom have been in line for months, are awaiting their turn to request asylum in the U.S.

R E B E C C A B L A C K W E L L / A P

The expansion of the policy, officially called the Migrant Protection Protocols (MPP) program, to Brownsville also represents the practice's first implementation in the Rio Grande Valley, the most heavily patrolled sector along the U.S.-Mexico border.

The first expansion occurred in Laredo, Texas. The policy is also in place at ports of entry in El Paso, Calexico and San Diego – where it made its debut last December.

Nearly 20,000 asylum seekers have returned to wait in Mexico, according to figures by the Mexican government.





Migrant children play soccer as their asylum-seeking families wait in hopes of being let through the nearby U.S. port of entry at a makeshift migrant camp near the Gateway International Bridge in Matamoros, Tamaulipas, Mexico, June 26, 2019.

L O R E N E L L I O T T / R E U T E R S

The "Remain in Mexico" program faces court challenges, and has been strongly criticized by immigrant advocates, Democrats and even some of the asylum officers overseeing it. They believe the policy violates U.S. and international refugee law because it places desperate asylum seekers at risk in Mexico's border cities – many of which are plagued by crime and violence.

While they wait for their day in a U.S. court, these Central American migrants struggle to find shelter and employment in Mexico. Some face persecution and extortion, and most will show up to court without a lawyer. Lawyers and organizations have also struggled to help and represent the tens of thousands of migrants who have been returned under the program.

Under the agreement reached by the U.S. and Mexico last month to avert Mr. Trump's threats to impose tariffs on Mexican goods, the Trump administration pledged to "immediately" carry out the expansion of "Remain in Mexico" along the entire southern border.

After the deal was brokered, Secretary of State Mike Pompeo called the "full-blown" expansion of MPP a "big deal" in the government's efforts to curb the flow of migration from Central American countries. In May, apprehensions at the southern border hit a 13-year high.

Although there was a dramatic drop last month in southern border apprehensions – attributed by

# EXHIBIT VV



## The New York Times

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# *Migrants in Mexico Face Kidnappings and Violence While Awaiting Immigration Hearings in U.S.*

By **Kirk Semple**

July 12, 2019

NUEVO LAREDO, Mexico — He waited 19 days for an appointment to apply for asylum in the United States, hoping to stay safe until his number came up.

It was a daunting challenge: He had to wait here in the Mexican border city of Nuevo Laredo, a place where kidnappings, extortion, robbery and murder are common.

So the asylum seeker, Jorge, who had made it this far from Cuba, used a simple strategy to stay out of harm's way. He never went outside.

He hunkered down in a migrant shelter until the appointed time to present himself to American border officials in Laredo, Tex.

Then, after his appointment this week, he was swiftly returned to the Mexican side of the border where, under a Trump administration policy, he has to wait until his next appointment with the American authorities — two months from now.

His personal security plan remains the same: Stay inside.

“I never lived the experience of crime here,” said Jorge, 24, withholding his last name to protect his family in Cuba. “And I don’t want to experience it, either.”

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This week, Nuevo Laredo became the latest city in Mexico to be added to a program, informally known as “Remain in Mexico.” Under the policy, thousands of migrants, including many asylum seekers, have been required to stay in Mexico while they await

their immigration hearings in the United States.

The program was rolled out in January, with the Mexican government's cooperation, in an effort to take pressure off the American detention system and dissuade migrants from making the trek to the United States.

Since then, more than 18,000 migrants, many of them asylum-seekers, have been returned to Mexico through border crossings in Tijuana, Mexicali and Ciudad Juárez — despite objections from human rights advocates who argue that the program is putting migrants at great risk in cities with high levels of violence.

That opposition has grown in recent weeks as news spread that the American authorities planned to expand the program to this dangerous city in the lawless northeastern Mexican state of Tamaulipas.

In Nuevo Laredo, members of the dominant organized crime group openly prowl the streets in trucks bristling with weapons, residents say.

The State Department's own advisory for Tamaulipas warns against all travel here. "Federal and state security forces have limited capability to respond to violence in many parts of the state," it says.

"For us, for everyone, it's very dangerous," agreed Pastor Aarón Méndez Ruiz, who runs the Casa del Migrante Amar, a shelter in Nuevo Laredo.

Migrants have long been frequent targets of crime here. The risks are high enough that rather than let Mexican deportees walk from the border bridge to the state migrant reception center nearby, officials transport them in vans.

State officials have also arranged for bus companies to have buses pick up migrants directly at the reception center instead of allowing the migrants to go to the main bus terminal, a hunting ground for criminal groups.

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Criminals were making such easy prey of migrants coming and going from one migrant shelter that the federal police posted a permanent, round-the-clock sentry across the street.

Father Julio López, who runs that shelter, Casa del Migrante Nazareth, advises migrants not to leave the building with their cellphone. The reason: In case they are kidnapped,

their abductors will not be able to locate their relatives in the United States and demand hefty ransoms.

Doctors Without Borders reported that more than 45 percent of the hundreds of migrants it treated in Nuevo Laredo between January and May this year had suffered at least one act of violence in the city.

“The majority of our patients don’t go out in the street due to the imminent risk of kidnapping,” said María Hernández of the group’s Mexico chapter.

The expansion of the Remain in Mexico program was part of a migration-enforcement deal struck last month between the Mexican and American governments. As part of the accord, which was intended to help curb the northbound flow of undocumented migrants toward the United States, Mexico deployed more than 20,000 security forces to help stop illegal migration.

This week, the United States Department of Homeland Security said that overall apprehensions of migrants along the southwest border had dropped sharply from the month before, suggesting that the new cooperation between the Mexican and American governments might be working.

In addition, some migrants, facing long waits in Mexico as their immigration cases unfold in the United States, are giving up and going home. The International Organization for Migration chartered several buses over the past two weeks to transport about 140 migrants back to Guatemala and Honduras. None of them had planned to seek asylum in the United States, I.O.M. officials said.

The first people returned to Nuevo Laredo under the Remain in Mexico program were sent across the border from the neighboring city of Laredo, Tex., on Tuesday: 10 Cubans and Venezuelans.

---

Reinier, 38, another Cuban asylum seeker, was among them. Though he had been forewarned of the policy, returning to Nuevo Laredo was “a blow,” he said, adding that he would have preferred to remain in American detention because it was safer.

During the six weeks he had waited in Nuevo Laredo for his appointment, he rarely left the shelter because of the danger on the streets. Now he said he had to endure two more months in Nuevo Laredo before his first court date.

The return of the migrants here this week has followed a pattern: They are escorted halfway across the border bridge by American border officials, who hand them off to Mexican border officials. After the migrants are processed, they are released without any guidance or further assistance from the government.

“I felt abandoned, unprotected,” Reinier said in an interview at the Nazareth shelter, also withholding his last name to protect his family back in Cuba.

The shelter’s director, Father López, said he was outraged by what he considered the American and Mexican governments’ neglect of migrants returned under the policy, which is officially called Migrant Protection Protocols.

“There’s no protection,” he said. “There’s no security.”

Stories of the hazards that migrants encounter in Nuevo Laredo abound in the city’s six shelters. Migrants lucky enough to find jobs are often picked up by their employers and driven to work, then dropped off at day’s end out of concern for their safety.

Joel, a Honduran migrant who withheld his full name out of concern for his safety, said he had traveled to Nuevo Laredo with a plan to cross the Rio Grande illegally and sneak into the United States. But on his arrival at the city’s bus terminal, a group of strangers hustled him into a truck and spirited him away.

Joel, 25, said he was held for nine days, during which the kidnappers dialed American numbers they found in his phone, hoping to find a relative to pay a ransom of \$8,000. Failing to locate anyone who seemed able to pay, he said, the kidnappers released him with the threat that if they encountered him again, they would kill him.

Rattled by the experience, and realizing that crossing the border was going to be more difficult than he had predicted, Joel is now trying to figure out how to return home.

“I may turn myself in to immigration officials,” he said.

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Pastor Méndez, of the Amar shelter, expects an increasing number of asylum-seekers forced to wait in Nuevo Laredo to give up their pursuit of asylum as they come to realize how difficult it is — and how weak their cases are.

“Many are going to desist,” he predicted. “Many people, for lack of proof, are going to return to their countries.”

José Luis Navarrete Flores, 31, a Mexican who has been waiting here for three months with his wife and three children for their asylum appointment in the United States, said there was no way he would give up. But he said he might consider moving to a safer city with more work opportunities.

“More than anything, it’s the fear of going out in the street,” he said.

Jorge, the Cuban asylum-seeker sent back to Mexico this week, said that two more months of waiting in Nuevo Laredo would be a small sacrifice. He gestured toward the United States, several hundred yards from where he sat in the shelter.

“I’ll be staying there for the rest of my life,” he said, his certainty belying the distance that still separated his hope from reality.

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# EXHIBIT WW

**NEWS**

# MEXICAN BORDER TOWN WHERE AMERICANS ADVISED NOT TO TRAVEL SET TO RECEIVE MIGRANTS SENT BACK FROM U.S.

BY **SCOTT MCDONALD** ON 6/24/19 AT 10:59 PM EDT



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NEWS

U.S.-MEXICO BORDER

TEXAS

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IMMIGRATION

**M**exican officials said Monday a handful of towns along its border with the United States will receive migrants deported from the U.S.

which has also positioned thousands of troops along its southern border with Central America to help curb mass migration.

Nuevo Laredo, which is located just across the border from Laredo, Texas, is one of those cities, Nuevo Laredo Mayor [Enrique Rivas confirmed](#) in a story by the *Laredo Times*.

"It is a humanitarian issue that we will be attending to within the measure of our capacities," Rivas said. "The federal government must take responsibility for being the ones who took this decision (to accept the program's expansion). We will continue knocking on doors to find resources. The municipal government is overwhelmed."

Rivas said his city's shelters are already inundated with about 3,000 migrants, and that if the city were to accept more, then it will have to open other facilities to accommodate the returnees.

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The initial program plan indicated there would be just three centers along the border that would receive migrants, two along the California-Mexico border and the other in Ciudad Juarez, which borders El Paso. But with an increasing amount of migrants expected to be sent back, Tamaulipas — one of the more dangerous Mexican states where Nuevo Laredo is located — is set to house immigrants.

The U.S. State Department warns Americans from traveling to Tamaulipas and bars most American government employees from going there as well.

"Violent crime, such as murder, armed robbery, carjacking, kidnapping, extortion, and sexual assault, is common," the travel warning states. "Gang activity, including gun battles and blockades, is widespread. Armed criminal groups target public and private passenger buses as well as private automobiles traveling through Tamaulipas, often taking passengers hostage and demanding ransom payments. Federal and state security forces have limited capability to respond to violence in many parts of the state."



January 13, 2019. - Thousands of people cross back and forth every day, in cars or on foot, between Laredo, Texas and its sister city Nuevo Laredo in the Mexican state of Tamaulipas. The two cities have a "strong connection without a doubt," Laredo mayor Pete Saenz, an independent, told AFP. "We are connected economic-wise, culture-wise, socially as well." But Laredo also bears the marks of the heated debate over immigration that has roiled the country since the 2016 election of Donald Trump.

PHOTO BY SUZANNE CORDEIRO/AFP/GETTY IMAGES

Nuevo Laredo Deputy Mayor Raul Cardenas Thomae said his city would likely receive returnees from a 260-mile stretch of border from Roma, Texas, to Ciudad Acuna, which is located in the Mexican state of Coahuila.

The *Associated Press* reports that since the migrant transfer began in January, more than 14,000 have been transferred from the United States. The U.S. Department of Homeland Security has not provided the policy's expansion details.

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# EXHIBIT XX

# Migrants kidnapped from charter bus in Mexico



Posted: Thu 11:59 AM, Mar 14, 2019 | Updated: Thu 12:05 PM, Mar 14, 2019

**TAMAULIPAS, MEXICO (KGNS)** - A total of 22 passengers were kidnapped by armed men from a bus in northern Mexico last week.

Authorities say the gunmen had let the rest of the passengers go unharmed after intercepting the bus in the northern state of Tamaulipas last Thursday.

Mexican officials have not been contacted by any family members of the missing who are believed to be migrants.

State Security spokesperson Luis Alberto Rodriguez said in an interview that authorities had registered 22 people missing, three more than previously reported.

Mexican President Andres Manuel Lopez Obrador said on Tuesday that investigations remain ongoing to determine what happened including whether the abduction was in fact a means to cross the border into the U.S.



# EXHIBIT YY

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WORLD & NATION

# Mexico launching search for migrants pulled off bus by gunmen near the U.S. border

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A truck passes a sign on the Reynosa-San Fernando road in the town of Palos Blancos, in Mexico's Tamaulipas state, on March, 12, 2019. At least 19 men were kidnapped from a bus passing through Palos Blancos en route to the U.S. border last week, officials said. (Jesus Gonzalez / AFP/Getty Images)

By KATE LINTHICUM  
STAFF WRITER

MARCH 13, 2019  
4:18 PM



Reporting from Mexico City — The migrants were kidnapped in broad daylight.

At least 19 men believed to be from Central America were traveling on a bus in northern Mexico last week when masked gunmen stormed aboard, forced the migrants onto pickup trucks, then sped away, Mexican officials said.

The violent incident Thursday, which took place just miles from the U.S. border, was not unique. A group of 25 migrants was pulled off another bus under similar circumstances in February, a top Mexican human rights official said this week. The migrants' whereabouts are unknown.

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Conditions for migrants in Mexico have been under [added scrutiny](#) in recent months since U.S. officials began sending some Central Americans who have applied for political asylum in the United States to Mexico to await rulings in their cases.

Since January, more than 200 migrants have been [returned](#) to the border city of Tijuana under the so-called Remain in Mexico program, which U.S. officials say they plan to expand to other parts of the border soon.

Northern Mexico, and Tamaulipas in particular, is known for being dangerous territory for migrants.

In 2010, 72 men and women seeking to reach the U.S. were kidnapped in Tamaulipas and then shot to death at a ranch near the city of San Fernando. Mexican officials blamed the massacre on the Zetas, a powerful criminal group, saying the kidnappers killed the migrants after they refused to join the gang.

The migrants kidnapped last week were t

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Mexican President Andres Manuel Lopez Obrador speculated that the migrants may have staged their own kidnapping as a way to deceive immigration officials.

“We are investigating to get to the bottom of this, because there’s a theory that this could be a way to get into the United States, that they didn’t actually disappear but rather crossed the border,” he said at a news conference Tuesday.

But human rights officials said other, more predatory scenarios were more likely. A statement from the National Human Rights Commission said the migrants are in “a situation of vulnerability on various fronts that places them at extraordinary risk.”

On Wednesday, the country’s newly formed National Search Commission, working with state and federal police as well as the armed forces, officially launched an effort to locate the migrants.

Lopez Obrador has repeatedly promised to protect migrants seeking to reach the United States. But he has been criticized by some migrant activists for allowing the U.S. to send asylum seekers back to Mexican territory, and his administration has been accused of denying entry into Mexico of several attorneys and journalists who worked with or covered a recent migrant caravan in Tijuana.

Migrant kidnappings occur across Mexico, but a majority are concentrated in just three states: Tamaulipas, Coahuila and Veracruz, according to a report published last year by the Robert S. Strauss Center for International Security and Law at the University of Texas at Austin.

The report, which analyzed cases involving nearly 8,000 victims over a 12-year period, found that kidnappings in the three states were likely to be carried out by organized criminal groups — namely the Gulf cartel or the Zetas — as opposed to individual actors.

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In Tamaulipas, in particular, kidnappings demands ranged from \$500 to \$10,000, :

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Kate Linthicum is a foreign correspondent for the Los Angeles Times based in Mexico City.

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# EXHIBIT ZZ



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IMMIGRATION

# Mexico promises to take care of asylum seekers sent back by the United States



In this Oct. 23, 2018, photo, women in Tijuana look on as numbers and names are called to cross the border and request asylum in the United States. (Gregory Bull / Associated Press)

By KATE MORRISSEY, KATE LINTHICUM

JAN. 25, 2019  
5 PM



Reporting from TIJUANA — Mexican officials promised Friday to provide protection to asylum seekers who are sent back across the border from the United States under a new Trump administration policy, even though it could force the migrants to wait months or even years while their cases are considered by U.S. courts.

“The Mexican government does not agree with the unilateral measure implemented by the United States government,” Roberto Velasco, a spokesman for Mexico’s foreign ministry, said in a statement. “However ...

we reiterate our commitment to migrants and human rights.”

Velasco said the U.S. Embassy informed Mexican officials that 20 Central American asylum-seekers would be returned to Mexico on Friday afternoon at the San Ysidro Port of Entry, the largest border crossing between San Diego and Tijuana.

At the border on Friday, no official return appeared to be underway. But other migrants who were waiting on the Mexican side for their chance to lodge asylum claims with U.S. officials said they were deeply worried about the new policy.

“It will be horrible,” said a man from Cameroon who said he had been imprisoned and tortured by his government back home. He asked not to be named for fear of reprisals.

The man said he wouldn’t have a place to sleep if U.S. authorities turned him back to Tijuana to await the outcome of his case. He said he had slept under a bridge the night before.

A group of asylum-seekers from [Eritrea](#), an isolated African country that has been described as a dictatorship, were also worried about what would happen to them.

“We don’t want to come back here,” said one of the migrants, who also asked not to be named.

Officials in Tijuana also expressed anger at [the new policy](#), saying the city could be inundated by migrants returned from the border. Leopoldo Guerrero Diaz, secretary of the Tijuana government, called on the Mexican federal government to take responsibility for asylum seekers required to wait in Mexico.

“I hope that the federal government will assume its responsibility, especially with funding, which is the most important,” he said.

City officials have chafed since the arrival last year of several large caravans of migrants, most from Central America.

After the U.S. [dramatically slowed its intake](#) of asylum requests last year, migrants have had to wait weeks or months for the opportunity to plead their cases with officials at the border.

In the past, migrants who were deemed by authorities as having a credible fear of returning to their home countries were detained for months or released into the U.S. while they waited for their hearing. But under the new U.S. plan, which the Trump administration says is designed to reduce abuse of the asylum system,

those migrants would have to wait in Mexico.

Migrant advocates on both sides of the border complain that the plan would put migrants at risk by pushing them into dangerous Mexican border cities that have some of the highest homicide rates in the world.

### [Why and how are asylum seekers entering the U.S.? »](#)

A record number of people were slain in Tijuana last year, more than in any other city in Mexico. In December, two Honduran teenagers who had traveled with a migrant caravan here [were strangled](#), their bodies dumped.

Other Mexican border areas are under tight control of criminal groups. Migrants in the state of Tamaulipas have been killed, kidnapped, extorted from, and even forcibly recruited to work for cartels, authorities say. In 2010, [72 migrants were killed](#) by members of a cartel about 100 miles south of the border city of Reynosa.

On Friday, the leading Democrats on the House and Senate Judiciary Committees released a statement decrying the new plan.

“The Trump administration is on a mission to take apart the asylum system, which was developed after the horrors of World War II to ensure persecuted people have an opportunity to petition our government for safety,” said the statement by Sen. Dianne Feinstein (D-Calif.) and Rep. Jerrold Nadler (D-N.Y.).

“The basic responsibility owed to those seeking asylum under U.S. and international law is that people fleeing for their lives cannot be turned away without a chance to make their case,” they said.

U.S. and Mexican authorities met three times this month to plan the logistics of the returns, Velasco said. In those meetings, the U.S. said the return of migrants would begin at the San Ysidro port of entry and then be gradually expanded to other parts of the border, he said.

Velasco stressed that Mexico has not made a Safe Third Country agreement with the United States. Under such an agreement, Central Americans would be barred from traveling across Mexico to apply for asylum in the U.S.

Mexico, whose new president, Andres Manuel Lopez Obrador, has called for more humane treatments of migrants, believes that the key to reducing migration is [improving the conditions of migrants' home countries](#), Velasco said.

“We maintain that the basic solution to migration will be achieved by promoting the development of communities of origin of migrants, migration should be a choice and not a necessity.”

*Morrissey, who writes for the San Diego Union-Tribune, reported from Tijuana and Times staff writer Linthicum from Mexico City. Union-Tribune staff writers Wendy Fry and Sandra Dibble in San Diego contributed to this report.*

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IMMIGRATION

U.S.-MEXICO BORDER

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**WORLD**

**TWENTY PEOPLE FOUND DEAD AND BURNED CLOSE TO U.S.-MEXICO  
BORDER CROSSING**

BY **DAVID BRENNAN** ON 1/10/19 AT 5:03 AM EST

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As America's attention is fixed on the U.S.-Mexico border, a grisly new discovery has demonstrated just how dangerous the area remains for migrants and others traveling through and working in the area.

On Wednesday, an unnamed security official told Reuters that authorities had discovered 20 bodies near the frontier, close to the city of Nuevo Laredo in the state of Tamaulipas. Seventeen of the bodies had been burned, the official explained, and were discovered alongside five burned-out vehicles.

**Read More: [Mexico arrests three men over torture and murder of California teens](#)**

The gruesome discovery was made in the small town of Miguel Aleman, which sits just across the Rio Grande river separating Mexico from the state of Texas. The official did not provide any further details about the victims or offer any explanation as to the circumstances around the deaths.

Reuters noted that Tamaulipas is one of the most violent states in a country that has been beset by [drug-related violence](#). Its location on the U.S. border makes the state useful for the lucrative drug trade and human trafficking. The 20 bodies found Wednesday are among hundreds discovered in recent years, many in mass unmarked graves.

More than 10 years after the Mexican government launched a U.S.-backed war on drug-running cartels in 2006, the country remains riddled by corruption and violence. As troops were deployed to the streets and more aggressive tactics adopted, multiple major cartel leaders were killed or captured.

But these apparent successes merely unleashed a new wave of violence as large gangs fractured, pitting factions against one another in a vicious battle for territorial control and lucrative criminal enterprises. An estimated 150,000 people have been killed in gang-related violence since 2006, according to [Congressional Research Service](#).

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## Mexico Arrests Three Over Torture, Murder of U.S. Teens

The homicide rate hit a new record high in 2017 with almost 29,000 people murdered nationwide, but 2018 may well have broken that record. In the first six months of last year, homicide numbers were up 16 percent on the same period in 2017.

The border area has come into greater focus in recent months thanks to the U.S. immigration debate. President Donald Trump and the Republican Party have depicted migrants at the southern border as a national security threat, and called for greater spending on border security—most notably the construction of Trump's controversial border wall.

Tens of thousands of would-be migrants and asylum seekers have traveled to the U.S. border crossings. Those applying for asylum are being made to wait on the Mexican side of the frontier while their applications are processed, putting pressure on local infrastructure and leaving new arrivals at risk from criminal gangs operating in the area.

Many of those arriving have done so in large, multi-thousand person caravans coming from Central America—from countries which are also beset with gang violence. These travelers have had to brave a long and dangerous journey with the constant threat of assault, robbery and abduction.

According to Amnesty International, up to 20,000 migrants are kidnapped every year by criminal gangs as they make their way to the U.S. Trafficking can earn the gangs as much as \$50 million each year, the Mexican National Human Rights Commission has said.

In this file photo, police officers patrol the city of Nuevo Laredo, Tamaulipas, Mexico on April 5, 2018. The state—which runs along part of the U.S. border—has become one of the most dangerous in Mexico.

JULIO CESAR AGUILAR/AFP/GETTY IMAGES

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# EXHIBIT BBB

# The Washington Post

*Democracy Dies in Darkness*

## The U.S. sends thousands of deportees each month to Mexico's most dangerous border areas

By **Kevin Sieff**

Jan. 8, 2019 at 3:00 a.m. PST

REYNOSA, Mexico — The deportees arrive after dark, usually between 100 and 200 of them, deposited by U.S. immigration officials at a bridge that connects the United States to one of the most dangerous cities in Mexico.

Many of the deportees, all Mexican, have been living illegally in the United States for years, and they don't know Reynosa's reputation. It is the least secure city in Mexico, according to a government survey. It is in a state, Tamaulipas, that is the only place along Mexico's northern border to carry the State Department's most severe travel warning, putting it in the same category as Afghanistan and North Korea.

From 2017 to 2018, the number of homicides more than doubled to 225 in the city of 600,000. At least another 2,500 people are missing. Criminal groups enrich themselves through kidnapping and extortion, with migrants among their most common targets.

Last year, a third of people deported from the United States to Mexico, about

60,000 as of October, were sent through Tamaulipas. About 16,500 of the deportees arrived in Reynosa. Mexican officials and human rights advocates argue that the U.S. practice of sending deportees to these areas is a flagrant human rights violation.

Mexico's new administration says it plans to formally ask the United States to stop deportations to Reynosa and other dangerous, poorly resourced border cities, and instead concentrate on safer ports of entry.

“The ideal solution is not to have Reynosa as a point of return,” said Tonatiuh Guillén, head of Mexico's national immigration authority.

Ricardo Calderon, Tamaulipas state's top immigration official, greets the deportees almost every night, explaining how cautious they need to be while in Reynosa.

“The fact is, they're deporting people to one of the most dangerous places on the border,” he said from his office near the international bridge. “If people leave here to get something to eat, they're going to be kidnapped.”

Officials have catalogued a string of crimes against both deportees and other migrants. In 2017, the Tamaulipas government recorded dozens of cases of migrants being kidnapped or extorted by criminal groups. That year, the governor of the state created a program known as “Project Safe Passage,” providing a police escort to deportees as they navigate the city, a precaution not taken in any other state.

“I tell them, ‘Either you arrive with us, or you don't arrive at all,’ ” said Mario Garcia, another state immigration official. The program also warns deportees that if they attempt to travel independently, they should expect to be kidnapped.

The threats are constant. In some cases, Calderon said, deportees have been taken

away at gunpoint after withdrawing money to pay for bus tickets to their hometowns. In other cases, criminal groups stop southbound buses leaving Reynosa and force deportees out. The kidnappers then ask for several thousand dollars from the migrants' family members to secure their release. In October, 22 kidnapped migrants, most of them Honduran, were rescued in a single police operation.

“They’re seen as easy targets,” Calderon said, “people with relatives in the U.S. who can pay a ransom.”

In 2016, Mexico's federal government agreed to limit deportations from the United States to 12 border crossings, including Reynosa. It was an attempt to streamline the process, even though the inclusion of several dangerous locations in Mexico angered local officials and raised human rights concerns.

When asked about the deportations, U.S. Immigration and Customs Enforcement refused to comment on concerns about the security of deportees but said the Mexican government had agreed to accept deportees in Reynosa.

“Removals to Tamaulipas, like all removals to Mexico, are coordinated with and approved by the Government of Mexico,” said Brendan Raedy, an ICE spokesman.

Guillén said he would soon formally request the United States to limit deportations to fewer cities.

“This would help us create a neutral space and a safer environment for the deportees,” he said, suggesting that deportations in Tamaulipas could be concentrated in the safer — though still troubled — city of Nuevo Laredo.

Tamaulipas, in Mexico's northeastern corner, contains the closest border crossings

to ICE detainees held on the East Coast of the United States. It is also not far from some of America's largest immigrant detention facilities, which are in South Texas. The last time the portion of deportees sent here approached 30 percent was 2014, and security in Reynosa has since deteriorated.

“Why Tamaulipas? Why keep deporting people through a place where they are consistently kidnapped, recruited and extorted? The U.S. response is mostly that Mexicans have agreed to it,” said Maureen Meyer, director for Mexico and migrant rights at the Washington Office on Latin America. “On the Mexican side, it’s been hard for the government to admit that part of their border is so insecure that the U.S. shouldn’t send anyone there.”

## **An insecure arrival**

On a recent Wednesday night, a relatively small group of deportees arrived in Reynosa — 59 men and women — carrying the red nylon bags distributed by ICE.

Victor Quevedo, a state immigration officer, picked them up at the international bridge and led them to the state migration institute.

Many of the deportees in the group had lived the bulk of their lives in the United States. Pedro Giesbrecht and his wife, Anna Giesbrecht, worked on a farm in Ulysses, Kan., for 27 years. Salvador Herrera was a roofer in Minneapolis for 23 years. Juan Fragoaso worked on farms and in restaurants in Del Campo, Tex., for 21 years. Some of the deportees felt more comfortable speaking to one another in English.

Most were originally from Mexican cities hundreds or thousands of miles away. Several were from Tijuana, at the opposite end of the U.S.-Mexico border. U.S. immigration agencies do not consider a deportee's city of origin when sending him or her across the border.

At the Tamaulipas immigration office, the migrants gathered on plastic chairs, near



a Christmas tree. They were each handed a sandwich. Calderon addressed them.

“Because of insecurity, you’re not going to be able to leave Reynosa tonight,” he said. “You need to be escorted by police wherever you go.”

A woman named Henriqueta started crying. She had lived in California for 31 years and had nowhere to go in Mexico.

“I don’t want to live alone,” she said.

It was already close to 10 p.m., and there was a bus waiting outside to take the deportees to the Virgin of Guadalupe migrant shelter, a few minutes away. A police truck, with five masked officers, waited behind the bus with its lights on.

It had been another brutal week in Reynosa. The previous Saturday, a shootout at a local bar left four people dead and nine injured. That Wednesday, hours before the deportees arrived, another shootout on a main thoroughfare forced a nearby elementary school to keep its students for hours after their scheduled release.

## **Rising violence**

Tamaulipas descended into chaos during the course of Mexico’s drug war, and it was often migrants who found themselves in the crosshairs of organized criminals. In 2010, authorities found the decomposing bodies of 72 migrants from across Latin America on a ranch 90 miles south of Reynosa. The Mexican government accused members of the Zetas, a criminal group with ties to drug trafficking, of committing the massacre.

Since then, the U.S. government has experimented with ways to keep deportees out

of the hands of criminal groups along the border. Beginning in 2013, for example, it operated twice-weekly flights that took deportees directly to Mexico City, bypassing more dangerous cities like Reynosa. But that program was paused in May, and human rights advocates say the United States is ignoring the reality along the border, especially by deporting people to Reynosa after dark.

“Dumping people in dangerous cities which they don’t know after dark and putting them at even higher risk for kidnapping and violence makes the already traumatic process of deportation needlessly more damaging,” said Marcelo Fernandez, head of mission for Mexico and Central America at Doctors Without Borders. “The practice of nighttime deportation by the United States puts people’s lives at risk and must end immediately.”

The situation has become so bad that the city's Virgin of Guadalupe shelter won't allow the deportees to walk outside until they are ready to depart the city.

Sometimes shootouts occur so close to the shelter that nuns find bullets next to the dining hall.

“If they go out on the streets, they can be kidnapped, they can be forced to work as members of these groups,” said Sister Catalina Carmona, the director of the shelter.

Last month, the group of 59 deportees awoke in the shelter on Thursday morning, and a silver bus took them to a kiosk where they could withdraw money their relatives had sent them. Four police officers waited outside.

“They’re telling us this place is dangerous, but I really don’t know anything about it,” said Herrera, the roofer from Minneapolis.

Some of the deportees grew antsy. Two young women told Garcia, the immigration official, that they wanted to leave the group and head out on their own.

“It’s not worth it,” he told them.

That week, like every other week, the shelter had received calls from families looking for relatives, migrants who were missing in Tamaulipas.

But the two deportees, both young women, left anyway. Garcia muttered to himself, shaking his head.

“They don’t know what they’re doing.”

# EXHIBIT CCC

## Why Trump's Latest Asylum Decision Will Put Migrants' Lives in Danger

*A Mexico expert explains why the move is far more significant than a border wall would be.*

NOAH LANARD



Migrants wait to eat at a temporary shelter near the US-Mexico border in Tijuana, Mexico, in November. **John Moore/Getty**

On Thursday, Homeland Security Secretary Kirstjen Nielsen announced that the Trump administration will force asylum-seekers to wait in Mexico while their applications for protection in the United States are pending. Remain in Mexico, as the plan was known while under development, is a historic rejection of people fleeing persecution that could force asylum-seekers to spend years waiting in dangerous Mexican border cities.

Remain in Mexico would be the Trump administration's most significant asylum crackdown to date if the judiciary allows it to remain in effect. *Mother Jones* spoke to Adam Isacson, a Mexico expert and director of the defense oversight program at the Washington Office on Latin America, about the risks to migrants' lives posed by the new policy, the threats to their due-process rights, and the reasons a left-wing Mexican president might have agreed to cooperate with Trump.

**Mother Jones:** What are the biggest humanitarian concerns raised by Remain in Mexico?

**Adam Isacson:** The No. 1 humanitarian concern is that a lot of migrants are simply not physically safe in Mexican border towns. In Tijuana, which is one of the safer towns, we already saw two Honduran teenagers get murdered [this weekend]. In South Texas, which sees more Central American kids and families than anywhere else, that area is across from the state of Tamaulipas, which is being contested by factions of the Zetas and factions of the Gulf Cartel. It's a war of all against all. It's so bad that migrant shelters there don't let migrants

leave at night. The idea now is to have Central Americans wait their turn for months or years in these very, very dangerous places. That's the No. 1 concern.

Migrants inside Mexico who are obviously Central American migrants will be vulnerable to being recruited by organized crime. They'll also be vulnerable to being extorted by organized crime because in many cases there will be a belief—often a correct belief—that they have relatives in the United States who can wire money either for ransom or for extortion payments.

If you're looking at three years in Mexico, you'll probably have fewer people approaching [Customs and Border Protection], approaching Border Patrol. You're going to have many more people taking their children through the most remote parts of the desert and trying to evade capture instead of doing what they're doing now, which is going up to a Border Patrol agent. I worry that instead of just young men trying to evade capture, you're going to see three-year-olds with their parents trying to do the same thing. It's just not going to work. People are going to die of dehydration and exposure.

**MJ:** Can people get a fair shot in US immigration court if they are being forced to wait in Mexico?

***“The No. 1 humanitarian concern is that a lot of migrants are simply not physically safe in Mexican border towns.”***

**AI:** Their chance of getting a fair shot in a US immigration court will be much less. If you're developing an asylum case, you need to be in regular contact with counsel that knows US immigration law. If you can't have in-person meetings, your case is going to be far weaker. If people are unable to make their cases properly—even if it is a very strong and compelling case of imminent danger—they will be sent right back into the danger they were running away from.

**MJ:** Mexico just elected a left-wing president, Andrés Manuel López Obrador (AMLO). Why is he agreeing to this plan?

**AI:** My only guess is that he wants to avoid a big battle with the Trump administration in his first weeks in his office. I'm not sure why he wants to avoid that—you'd think it would actually help rally the people around him—but he seems to want to.

Also, these decisions are being made by Mexico's foreign ministry more than the agencies that are actually in charge of dealing with migrants. The foreign minister is a former mayor of Mexico City, who is a smart guy but I don't think is well-versed in the ins and outs of migration.

I can't imagine they've reckoned with the sheer number of people they would be dealing with. I think maybe in their mind they thought they only would be taking 10,000 a year or something. But it will be many times that if this is fully implemented. In 2018 alone, 93,000 people had credible fear interviews [the first step in the asylum process], and just last month, more than 30,000 Central American kids and family members arrived at the border. I think they're going to be backpedaling.

**MJ:** The head of Mexico's migration authority, Tonatiuh Guillén, an AMLO appointee, said yesterday that Mexico doesn't have the capacity to handle asylum-seekers.

**AI:** And Tonatiuh ran El Colegio de la Frontera Norte in Baja California, which is a semi-governmental think tank about migration, and he knows all the facts. He knows what this means, and he must be quite panicked.

**MJ:** How is this policy likely to be received in Mexico once it becomes clear what it looks like in practice?

**AI:** They've never had to deal with that kind of a presence in Mexico before. And some people will welcome this new population with open arms. But as you see just about everywhere, where there's a sudden change in migration, there's going to be some xenophobia. And I think AMLO will be blamed for some of it.

**MJ:** What are the most important things we don't know?

**AI:** Even CBP officers on the line have no idea what the specifics are. They have no guidance. What if you are a Central American who is afraid of being in Mexico? How do you convey that fear and prove it? What about people from outside the Western Hemisphere who are also seeking asylum? There's a long-established route that often starts in Brazil or Ecuador and goes all the way up through Central America and Mexico. Through that route go about 10,000 people from Asia, Africa, Cuba. Will they be forced to spend years in Mexico even if they don't speak the language?

***"It's just not going to work. People are going to die of dehydration and exposure."***

Who is covering the cost? At least in the short term, these are homeless people. They're going to need a place to live. They're going to need somebody to feed them. There are kids that are going to need to go to school. Some of them may be sick. That's a huge cost. There's no offer in this deal for the United States to put up a nickel to help Mexico defray those costs.

There are short-term migrant shelters in most border cities. All of those shelters are private. They are run by churches or charities. They get just about nothing from the national government. So this great need—at least in the short term—could fall on *charity*? To deal with hundreds of thousands of people? That's impossible.

**MJ:** If it isn't blocked in court, is the Remain in Mexico policy more important than a border wall?

**AI:** It is. The human impact of this is far more than the wall. The wall is mostly symbolic. The wall will not stop determined migrants. This will. This will stop people who desperately need help in many cases, and maybe even send some of them to their deaths. But we also expect the judiciary to get in on this very quickly.

*This interview has been edited for length and clarity.*

# EXHIBIT DDD



# The Washington Post

*Democracy Dies in Darkness*

## Migrants will wait in Mexico while the U.S. processes asylum claims. That's a dangerous proposition.

By **Kevin Sieff**

Dec. 20, 2018 at 1:53 p.m. PST

REYNOSA, Mexico — This city has become so dangerous for migrants that the nuns at a migrant shelter in Reynosa have had to establish a new rule: No one can leave the compound.

“They walk outside to get a sandwich, and they disappear,” Sister Edith Garrido said.

Over the past several years, migrants have increasingly been targeted by criminal groups in Reynosa and other cities along this stretch of Mexico’s border with the United States. They have been kidnapped after withdrawing money. They have been pulled off buses by armed men. Shootouts have occurred so close to the migrant shelter that nuns have found bullets on the floor.

And now, with Thursday’s announcement by the United States that it will force asylum seekers to wait in Mexico as their claims are processed, Reynosa might soon be home to hundreds or thousands of migrants waiting to seek refuge in the United States. No one is sure how they would survive here.

In 2018, the United States received more than 100,000 asylum applications. The government hasn't said how many of those applicants traveled through Reynosa or the other dangerous border towns in the state of Tamaulipas. But almost any surge in migrants here could have devastating consequences. The state says its five migrant shelters have the capacity to house only 600 people at the same time.

Already in Reynosa, its two shelters are sometimes so overwhelmed with recent deportees that migrants sleep on the floors of kitchens and hallways. Those who can't find space at a shelter put themselves in great peril. State immigration authorities say migrants are consistently picked off by organized criminals, sometimes held for as much as \$5,000 ransom and sometimes forcibly recruited by cartels.

"They are targeted because they are vulnerable, because they are seen as an easy source of money," said Ricardo Calderón, the top immigration official in Tamaulipas.

Violence in Tamaulipas skyrocketed beginning in 2009 as the federal government sent in the military to confront the state's drug cartels. But the cartels ended up splintering, fighting both one another and security forces. In some cases, organized-crime offshoots focused more on kidnapping than on drug trafficking.

In 2010, 72 migrants were killed about 90 miles south of here, in the ranches of San Fernando. Police found their decomposed bodies and later accused the Los Zetas cartel of the killings.

There are no reliable government statistics on how many migrants have been kidnapped, killed or extorted in Reynosa, though the reports are frequent. In October, Mexican authorities found that 22 migrants, mostly Hondurans, had been kidnapped here.

Each week, the nuns at the Casa del Migrante receive phone calls from families in Central America looking for their missing relatives. At least once in recent months, Calderón said, armed men forced migrants off a private bus heading out of the city.

The Mexican government said Thursday that it would grant work permits to the migrants who wait for their asylum processes to unfold in the United States and that it would ensure they have access to legal services.

But few American lawyers are willing to travel regularly to cities such as Reynosa. And the idea that migrants could spend months or years working here while awaiting an American judge's decision is baffling to immigration experts and local officials.

“Under international law, you can't send someone back to a dangerous place, you can't send them back to cartel country,” said Jennifer Harbury, an immigration lawyer based in McAllen, Tex., and one of few who works in Tamaulipas. “How would you even get a lawyer to talk to you?”

U.S. officials suggested Thursday that if asylum seekers could prove their fear of persecution in Mexico, they could avoid being returned to cities like Reynosa. But it remains unclear what kind of proof would be necessary.

“Mexico can say welcome and we'll give you work and provide safe haven, but there are no safe havens in these places,” Harbury said.

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# US says migrants will wait in Mexico after claiming asylum

By COLLEEN LONG and MARK STEVENSON December 20, 2018

WASHINGTON (AP) — People seeking asylum at the U.S. border with Mexico will no longer be released in the United States and will instead be forced to wait in Mexico under a policy announced Thursday that marks one of the most significant moves by President Donald Trump to reshape the immigration system.

The measure is an aggressive response to a large and growing number of Central American asylum seekers, many of them families, who are typically released in the United States while their cases slowly wind through clogged immigration courts. It does not apply to children traveling alone or to Mexican asylum seekers.

The U.S. and Mexican governments called it a unilateral move by the Trump administration, but the announcement came two days after the U.S. pledged \$10.6 billion in aid for Central America and southern Mexico to make people feel less compelled to leave. Critics, including some legal experts, said migrants would be unsafe in some Mexican border towns and said the U.S. was illegally abandoning its humanitarian role, hinting at a legal challenge against a backdrop of previous courtroom setbacks for Trump on immigration.

The government of Mexican President Andres Manuel Lopez Obrador, who took office Dec. 1, said foreigners will have temporary permission to remain in Mexico on humanitarian grounds after getting a notice to appear in U.S. immigration court and they will be allowed to seek work authorization.

Asylum seekers who pass an initial screening in the U.S. — about three of four do — typically wait years before their cases are resolved, allowing them to put down roots in the U.S. Many are fitted with electronic ankle monitors.

Administration officials say many are gaming the system and making false claims as a way to stay in the U.S. While most pass their initial screening, only about 9 percent are eventually granted asylum.

“They will not be able to disappear into the United States,” Homeland Security Secretary Kirstjen Nielsen told the House Judiciary Committee. “They will have to wait for approval. If they are granted asylum by a U.S. judge, they will be welcomed into America. If they are not, they will be removed to their home countries.”

Nielsen said in a statement that the move “will also allow us to focus more attention on those who are actually fleeing persecution.”

While the number of people caught crossing the border illegally has fallen sharply since the early 2000s, the U.S. has been grappling in recent years with a surge of families and children traveling alone, especially from Guatemala, Honduras and El Salvador.

U.S. border authorities fielded 92,959 “credible fear” claims — the initial step toward asylum — in the fiscal year that ended Sept. 30, up 67 percent from 55,584 the previous year.

U.S. officials said the changes will be rolled out gradually across the border. Many details have not been worked out or have not been disclosed.

U.S. officials said the Mexican government will allow asylum seekers access to U.S. immigration lawyers, but it was unclear where attorneys and their clients would meet. They would be allowed into the U.S. for their court hearings.

Mexico’s Foreign Relations Department said foreigners will be allowed to leave the country and return while waiting for the U.S. to decide their asylum cases.

“They will have rights to equal treatment without discrimination and respect for their human rights as well the opportunity to seek work authorization for pay, which will allow them to meet their basic needs,” the department said in a statement.

Forcing thousands of asylum seekers to remain in Mexico, possibly for years, will put many of them in life-threatening danger, said Jennifer Harbury, a South Texas attorney and human rights advocate.

Some parts of northern Mexico, particularly across from Texas, are considered very dangerous due to violence and drug trafficking. The U.S. State Department has warned American citizens not to travel to the Mexican state of Tamaulipas, which borders the Texas cities of McAllen and Brownsville.

“Giving them food or work authorization does not protect them from the cartels or the war zone that they would be sent to,” Harbury said. “If Mexico could protect them, they would be protecting their own citizens, and they can’t.”

Immigrant advocates questioned the legality of the move.

“This deal is a stark violation of international law, flies in the face of U.S. laws passed by Congress and is a callous response to the families and individuals running for their lives,” said Margaret Huang, executive director of Amnesty International. “The end result could be the endangerment of thousands of families and individuals seeking protection.”

American Civil Liberties Union attorney Lee Gelernt, who won major legal victories against the administration’s policies on asylum and its practice of separating families, said the plan could not be done lawfully.

Last month, Trump invoked national security powers to deny asylum to anyone caught crossing illegally, but a judge

halted that change as a lawsuit progresses. A separate judge also halted restrictions on who could claim asylum, allowing victims of domestic violence and gang violence to once again make the claim.

Thursday's decision marks the latest in an unusual relationship between Lopez Obrador, a leftist and nationalist, and Trump. Discussions between the two countries began well before Lopez Obrador took office.

Trump credited Lopez Obrador for helping push forward free trade negotiations, and Lopez Obrador praised the United States for the \$10.6 billion development deal.

Experts in Mexico doubted whether Lopez Obrador would face any significant backlash.

"These are not humiliating concessions, they're quite reasonable," said Federico Estevez, a political science professor at the Autonomous Technological Institute of Mexico. "Lopez Obrador may absorb a cost, but it's relatively small price to get your neck out of the noose on the immigration issue."

Estevez noted that some anti-migrant sentiment had sprung up on the northern border, especially in Tijuana, where the caravans have been marooned.

"I don't think you can find on the Mexican side much of a coherent stance against these concessions," Estevez said. "I don't think you have a very strong constituency on this side" in favor of the Central American migrants.

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Stevenson reported from Mexico City. Associated Press writers Nomaan Merchant in Houston and Amy Taxin in Santa Ana, California, contributed to this report.

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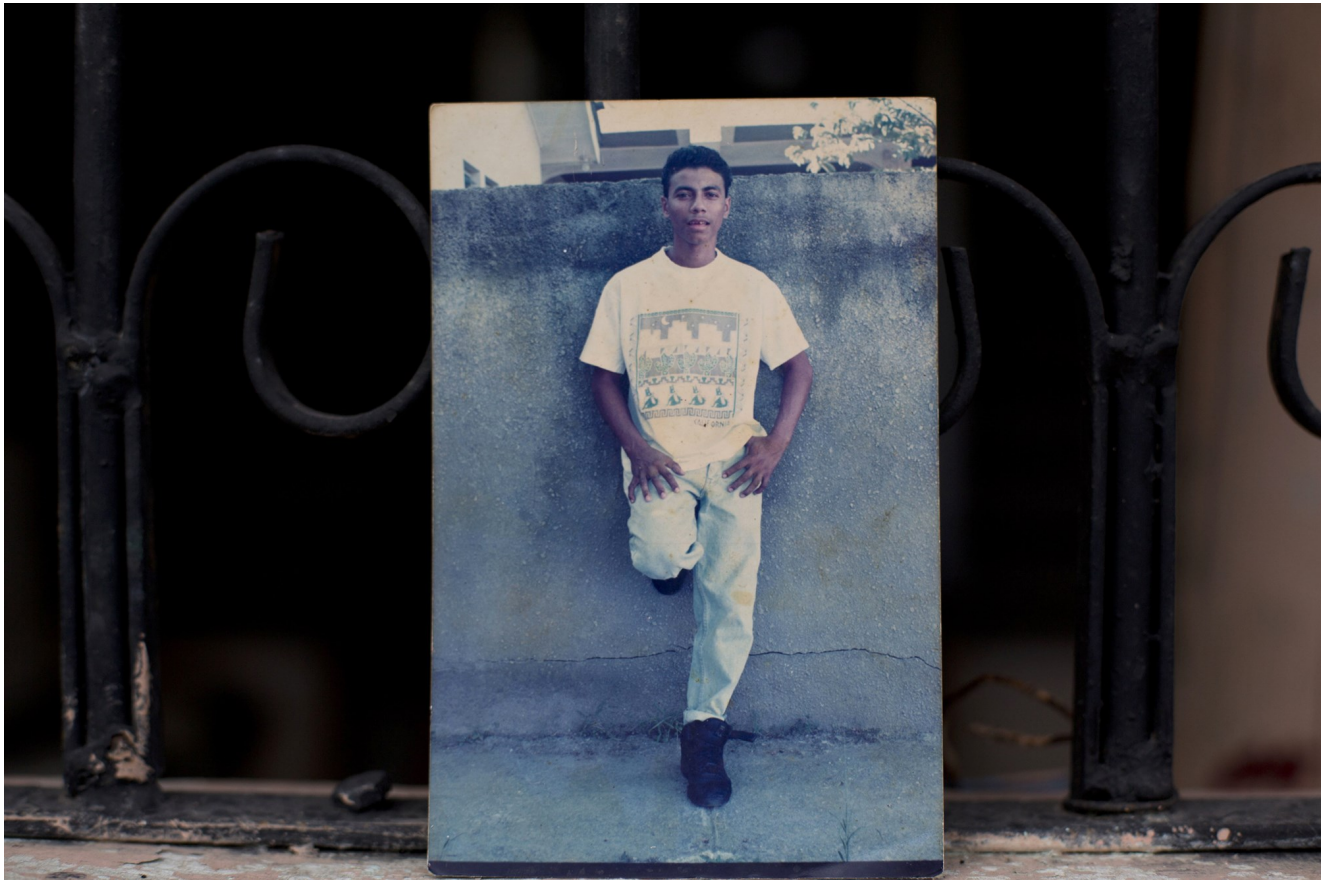
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# EXHIBIT FFF



## At least 4,000 migrants on way to U.S. have died or gone missing in last four years

In Honduras, Haydee Posadas waited years to find out the worst – her son had been killed in Mexico on the way to the U.S.



Wilmer Gerardo Nunez in an undated family photo at his mother's home in Ciudad Planeta, Honduras. Eight years ago, Nunez left Honduras for the United States but disappeared in Mexico. Moises Castillo / AP

Dec. 5, 2018, 6:37 AM PST

**By Associated Press**

SAN PEDRO SULA, Honduras – Haydee Posadas had waited eight years for her son to come home. On the last night of her long vigil, she was too agitated to sleep.

Her son had fled Honduras for the U.S. in 2010 in part because of gang threats, just as thousands are doing today in the migrant caravans headed north, including men from the same neighborhood. But en route in Mexico, again like so many others, Wilmer Gerardo Nunez disappeared into the vortex of drug violence that he was trying to escape in the first place. Left in limbo, his anguished mother prayed for an answer.

“I am between a rock and a hard place,” she begged God through the years. “I know nothing about my son, whether he’s dead or alive.”

Haydee Posadas rides home after an interview in San Pedro Sula, Honduras, on Oct. 30, 2018. Posadas' son fled Honduras for the United States in 2010. *Moises Castillo / AP*

Nunez's story is part of the hidden toll of migration to the U.S. through Mexico: In the past four years alone, almost 4,000 migrants have died or gone missing along that route, The Associated Press has found in an exclusive tally. That's 1,573 more than the previously known number, calculated by the United Nations. And even the AP's number is likely low – bodies may be lost in the desert, and families may not report missing loved ones who were migrating illegally.

These Latin American migrants are among [about 56,800 worldwide](#) who died or disappeared over the same period, the AP found.

While migrants everywhere face risks, the Mexico route holds the added danger of drug trafficking and gang violence. More than 37,000 people have gone missing throughout Mexico because of this violence, with the highest number in the border state of Tamaulipas, through which many migrants cross. The sheer numbers of the disappeared, along with crushing bureaucracy and the fear of gangs, makes it difficult for families to track what happened to their loved ones – as Posadas found out.

Ciudad Planeta in San Pedro Sula looks like an ordinary working-class neighborhood, with one-story concrete houses with metal roofs. Only the bars that hem in nearly every porch let on that it is one of the most dangerous neighborhoods in one of the world's most dangerous countries.



### [Do migrants know what's expected of them at the border?](#)

NOV. 26, 2018 03:47

This is the neighborhood Nunez left for the first time in the 1990s to go to the United States at 16, when his mother lost her factory job.

“He did not say anything to me. One day he simply left,” said Posadas, a diminutive 73-year-old grandmother known in the neighborhood as “Mama Haydee.”

Nunez was not the oldest of the 10 children in the family, but he was the one who looked out for the others. He sent money home, some of which Posadas used to build metal bars around the porch. And he called his mother almost every day.

Nunez was deported twice but returned to the U.S. each time. In 2007, he fell in love with a Mexican woman, Maria Esther Lozano, now 38, and they had a child, Dachell. When Lozano was about to give birth to another child, in July 2010, Nunez was deported a third time.

Posadas was happy to have him back home. He would make lunch with her, stewing meat, kneading tortilla flour and frying up ripe bananas.

A bus transporting relatives for Nunez's burial drives through San Pedro Sula, Honduras, on Oct. 31, 2018.

Moises Castillo / AP

“He cooked better than a woman,” Posadas said, her face lighting up at the memory.

But the neighborhood had grown more dangerous, with organized crime moving in and frequent bloody raids. All of Posadas’ children left except for one who stayed, and one who died of illness.

Once Posadas’ daughter was handcuffed to the bars of the house, while men who said they were police went inside and shot her grandson because they suspected his involvement with gangs. Other nights there were shootouts in the streets. Sometimes Posadas awoke to the thunder of footsteps from someone fleeing across the metal sheet roofs of houses.

Posadas has a mantra for survival in Planeta: “If you saw it, you didn’t see it. If you heard it, you didn’t hear it. And everyone keeps quiet.”

The third time Nunez was deported, in 2010, things were so bad he barely went outside the home.

“He seemed very pensive,” Posadas said. “‘I’m afraid,’ he told me.”

He was also anxious to get back to California and meet his new daughter. After just a few days in San Pedro Sula and an apparent threat from gang members, he left earlier than planned.

“I have to get out of here now,” he told Lozano, without further explanation.

Nunez, his nephew, Joao Adolfo, and two neighbors hopped on a midnight bus that takes dozens of migrants daily to the Guatemalan border.

In the past, Nunez had crossed the U.S. border in California. But this time he hurt his ankle while fleeing from the Zetas gang in Veracruz state, Lozano said. So he struck out for the border with Texas, a shorter but more dangerous route.

He called Lozano every day, sometimes from the phone of the smuggler taking them across the border. He liked the guide but worried that the group was too big, with dozens of migrants in two trucks.

About a week after he left Honduras, he spoke to his mother for the last time, telling her to pray that everything would turn out well. A day later, he spoke to Lozano, for nearly an hour. Rula – Nunez’s nickname – seemed relaxed,

making jokes, she said.

Pallbearers carry Wilmer Gerado Nunez's casket in Ciudad Planeta, Honduras, on Oct. 31, 2018. Moises Castillo / AP

They were in Piedras Negras, across from Eagle Pass in Texas. Lozano was supposed to wait for a call to pay the smuggler half the money, about \$3,000. Then she needed another call from Nunez's sister to confirm his safe arrival before paying the remaining \$3,000.

The calls never came. Lozano never heard from Nunez. She talked to the smuggler a couple of times, who told her they were still waiting to cross. Then the phone went unanswered.

At first Posadas and Lozano weren't too worried. They were used to losing contact with Nunez, then 35, for a few days during his trips, for example when his cellphone failed.

But about two weeks after he left, when Posadas turned on the television news, fear suddenly seized her. Authorities had found 72 corpses of migrants on a ranch in San Fernando, Tamaulipas, across the border from Texas, the report said.

"I started to weep like a crazy person. There were no names, but I was shaken," said Posadas.

It turned out that gang members in vehicles marked with the letter Z – the calling card of the feared Zetas drug cartel – had stopped two tractor-trailers with dozens of migrants in northern Mexico. They were taken to the ranch and asked to join the cartel. Only one agreed.

The rest were blindfolded, tied up on the floor and shot dead. An Ecuadorian managed to escape and alerted the navy.

A list of victims released days after the massacre included the names of Posadas' grandson and the two neighbors who had been traveling with them. But there was no trace of Nunez, and authorities told Posadas that if he was not among the dead, he could be alive.

Haydee Posadas wipes away tears during her son's burial at a cemetery in San Pedro Sula, Honduras on Oct. 31, 2018.

Moises Castillo / AP

Posadas asked local prosecutors, the Honduran foreign ministry and Mexican authorities about her son, but no one had information for her. Her ex-husband, Nunez's father, offered a DNA sample to be compared with the cadavers that had not yet been identified. Photos of those cadavers did not include Nunez.

Hoping against hope, Posadas and Lozano worked to find Nunez. They tried jails, detention centers and hospitals. Nothing. Lozano gave the Honduran consulate names, photos and descriptions of Nunez's tattoos, including one of Dachell and another of the number 8. She went there every day.

Still nothing.

Then they heard that the Ecuadorian survivor said another man – a Honduran – also had escaped the massacre and helped him get away from the ranch. Honduran and Mexican authorities refused to give Lozano any more information because the man was under protection. They would not even confirm whether it was Nunez.

There was no luck with the Ecuadorian embassy, either, when Lozano asked to convey a photo of Nunez to the Ecuadorian survivor.

"I didn't want to see him, or even talk to him, just for him to look at the photo and tell me if it was the same person who helped him," Lozano sobbed.

In Honduras, Posadas also ran up against hurdles. She went to the capital, Tegucigalpa, to consult with Honduran and Mexican officials, but nobody could even say what had happened with her ex-husband's DNA sample. She called and called for a year, until finally they stopped answering.

The only thing left was to go to Mexico. But how could a sick old woman do that? Lozano was in no better position to do so, with five children depending on her and no legal residence in the U.S.

Lozano hired a lawyer to help relatives search prisons in Tamaulipas. That's when they thought they had a breakthrough: The lawyer said he saw a man resembling Nunez in one of the prisons. Posadas asked herself, "Has God heard my pleas?"

But that lead also vanished. They heard nothing more from the lawyer, and Lozano's brothers had to abandon the search because of threats from the Zetas.

Posadas told herself that if her son were alive, he would have called her. Yet without information or a body, she still held on to hope.

After three years of searching, that began to diminish. She spent nights awake in her small living room, decorated with knick-knacks and photos, including one of Nunez as a teenager. Days were just as desperate.

"I felt like I was falling into a terrible depression," Posadas said. "I would walk down the street and people would see I was smiling, but it was on the outside ... nobody knew how I was on the inside."

Posadas had no way to know, but she could have had her answer days after the mass killing.

The official report on the massacre stated that body No. 63 was a male with tattoos, including "Dachell" and the number 8. Documents note the finding of a Honduran driver's license in the name of Wilmer Gerardo Nunez Posadas, with a photo of a man with a moustache and beard. Yet nobody made that information public, and body No. 63 was eventually buried in a common grave.

In September 2013, the Argentine Forensic Anthropology Team and other groups reached an agreement with Mexican prosecutors to identify more than 200 bodies from three massacres, including the one at San Fernando. All the bodies in the common grave were exhumed for new autopsies. In March 2015, Mexico's Attorney General's Office sent a letter to the Honduran Supreme Court asking for help locating the relatives of two men, including Nunez.

When the Argentine team found out about Nunez's ID, they tried to track down the family, but did not want to set foot in Planeta.

"I made it clear that I could not enter that area," said Allang Rodriguez, a psychologist with the Committee of Relatives of Disappeared Migrants of El Progreso, a group working with the Argentines.

The Catholic church helped in the search, and talked to nuns who worked with migrants. One woman, Geraldina Garay, knew a taxi driver who lived in Planeta. He offered to leave a scrap of paper with a phone number that Posadas could call in one of the neighborhood's oldest stores, behind her home.

A neighbor saw the message and brought it to Posadas late last year. Confused, she called the number. The voice on the other end wanted to meet to talk about her disappeared son.

A mourner touches Wilmer Gerardo Nunez's casket at the end of the wake on Oct. 31, 2018. Moises Castillo / AP

“Today I finally have hope,” she thought.

When they met, the forensic experts told her about the driver’s license and the tattoos. They arranged for DNA tests for her and for Wilmer Turcios Sarmiento, 18, who was thought to be Nunez’s son from a teenage relationship before he left for the U.S.

In May, Posadas learned the DNA tests had come back positive – one of 183 matches for dead migrants found with help of the Argentine team since 2010.

“My heart hurt so much ... most of all because of the death he suffered, not even knowing who killed him, with his eyes blindfolded, hands tied ...” Posadas said, her voice trailing off, tears in her eyes.

The DNA tests also proved Nunez was Turcios’ father. It was like finding and losing a father at the same time, he told his grandmother.

One question continued to rattle around in Posadas’ mind, and it was what pained her the most: “Why? Why, having the proof, did they hide it so long?”

The report she was given spoke of errors and inconsistencies in the handling of the case, and called for an investigation into the delay. To date, nobody has been convicted for the killings, and nine people are still unidentified. Mexican officials did not comment.

On Oct. 31, Wilmer Gerardo Nunez came home to Honduras.

The coffin arrived at the airport in San Pedro Sula, packaged in cardboard with a thin black ribbon and Nunez’s name, and was transported to the morgue. When it was opened, the odor of death filled the room, softened by chemical products.

Posadas, holding a small red towel to wipe away tears and sweat, approached with her husband, her sister and a psychologist. A forensic worker unwrapped the cadaver. By now the head was just a skull, but on the arms some of the skin remained, along with tattoos. Posadas didn’t need to see any more.



About 20 people came to the brief wake at the house in Planeta, where the coffin took up most of the living room in the baking sun. After eight years, the final goodbye lasted about two hours. Posadas feared that if it went any longer, the gangsters who control the neighborhood would show up.

Then a bus from the Planeta Baptist Church took the family to a small cemetery with a motley collection of unkempt tombs.

“I am finally sure. It is him. It is him. I give thanks to God,” Posadas sobbed before collapsing next to the coffin.

Several mourners took cellphone video for relatives in the United States to see, but Nunez’s children in Los Angeles still don’t know he is dead. His younger daughter, Sulek Haydee, now 8, talks more and more to her grandmother online, and often asks: “Where is my daddy? Why doesn’t he come to see us?”

“He can’t, mamita,” Posadas answers with a knot in her throat. “He’s working.”

Nunez’s son in Honduras dreams of going to the U.S. himself to seek a better life. “Anything is better than this,” Turcios said.

Eight years and three months after the last hug from her son, Posadas says she feels peace for the first time, although she still wants justice.

In her prayers now, she asks for her grandson not to migrate.

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# EXHIBIT GGG

## Migrant caravan: One reason Central Americans are going all the way to Tijuana to reach the U.S. border? El Chapo

By **Nick Miroff**

November 15, 2018 at 7:17 a.m. PST

Large groups of Central American migrants are traveling north through Mexico, defying President Trump. Although Trump has described the groups as “invaders,” those making the journey are unarmed, and many are women and children who say their goal is to seek asylum in the United States. We have been tracking the caravans' advance through Mexico and U.S. preparations for their arrival at the border. What you need to know:

- Several hundred members of the first caravan have arrived in Tijuana, and thousands more are expected to arrive in the coming days
- The Pentagon has deployed nearly 6,000 troops to the border in anticipation of the caravan's arrival
- The Trump administration will deny asylum to anyone who crosses the border illegally, urging migrants to come to ports of entry

[How big is the caravan?](#) | [Troops at the border](#) | [Annual arrests at border](#) | [What's next?](#)

**Why is the caravan going all the way to Tijuana to reach the U.S. border? One reason is “El Chapo.”**

Last week, after caravan members recuperated for several days at a Mexico City sports complex, they held a vote. The group opted to travel all the way to Tijuana, Mexico's largest border city, instead of taking a much shorter route toward the Rio Grande Valley of South Texas.

AD

So why would they decide to go more than twice as far to reach the U.S. border?

The simplest explanation is that the activist group guiding the caravan, Pueblo Sin Fronteras (People Without Borders), has a strong support network in California, a “sanctuary” state where local officials and courts are more sympathetic to migrants.

But there's another, idiosyncratic reason the caravan is going all the way to Tijuana: its reputation as a safer route, where migrants are less vulnerable to the kidnapping gangs and extortionists that prey on Central Americans.

This has to do, in no small part, with the legacy of Joaquín “El Chapo” Guzmán, the indicted Mexican drug kingpin whose federal grand jury trial began this week in New York.

Over nearly three decades, Guzmán built the Sinaloa drug cartel into the world's wealthiest and most powerful trafficking organization. And despite his capture, the Sinaloa group continues to dominate the most lucrative drug smuggling routes along Mexico's Pacific coast and into California, including the grand jewel of the North American narcotics trade, the San Ysidro port of entry. Which is also the destination for the migrant caravan.

Connecting Tijuana to California, San Ysidro is the world's busiest border crossing, receiving nearly 100,000 northbound vehicles and pedestrians a day. It is also the single largest gateway for high-value narcotics into the United States, accounting for nearly half of the hard drugs-- heroin, cocaine, fentanyl and methamphetamine-- seized along the entire border, smuggled mostly in fake vehicle compartments.

Under Guzmán, Sinaloa waged sanguinary warfare against its rivals, eventually winning control of the entire western portion of the U.S.-Mexico border. But Sinaloa became so dominant in the North American drug trade that the criminal groups along Mexico's eastern border (opposite Texas) developed a different criminal portfolio, especially starting in the late 2000s, in order to compete.

The two most powerful groups there, the Gulf Cartel and its now-diminished but still-dreaded rival, Los Zetas, were overshadowed and outsmarted by Guzmán in the drug trade, so they looked to diversify into other sources of revenue. Central American migration to the United States was increasing, and these groups saw tens of thousands of Hondurans, Guatemala and Salvadorans passing through areas under their control to reach the Rio Grande. Many were riding on freight trains and buses. It wasn't hard to find them.

In 2010, Los Zetas kidnapped and massacred 72 migrants on a remote ranch an hour south of the U.S. border, an act of horrifying depravity with a ruthless business objective. The group was determined to extract profits from every migrant and smuggling guide passing through its territory. Anyone who didn't pay risked kidnapping, torture and death. And those who didn't pay enough could be abducted and held for ransom until relatives living in the United States handed over their life savings. They knew that almost everyone heading north had a relative or loved one financing the journey.

Their reign of terror has taken a terrible toll. Mexican human rights officials have discovered more than 1,300 mass graves since 2007, and an untold number of Central American migrants have gone missing in the Gulf Coast Mexican states of Veracruz and Tamaulipas along the route to south Texas.

This sordid state of affairs never fully developed along Mexico's Pacific Coast and the areas under the control of Guzmán Sinaloa cartel. The Sinaloans would sometimes abduct young men and impress them into service as drug mules, fitting them with marijuana-stuffed backpacks for a grueling trek through the Arizona desert. But some Central Americans viewed this as a mutually beneficial arrangement. A free guided trip into the United States was the price for carrying Sinaloan brick weed.

You would also hear from many Mexicans that Guzmán was a drug kingpin who lived by a code, like the Sicilian mob bosses or the Omar character in "The Wire." A tunnel-digging, meth-making, cocaine-shipping mastermind, and a killer, but not a monster who kidnaps and butchers humble Central American migrants. This appeared to explain, more than anything, why Central Americans were routinely murdered and disappeared in one part of Mexico but not (or far less) in another.

So when it came time last week for caravan members to pick between a shorter route to Texas or a much longer one to Tijuana, they chose the latter.

One leads to the migrant version of Mordor. The other is merely dangerous.

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## **Hasn't illegal immigration declined by a lot? Why all the fuss over a few thousand people in caravans?**

In 2000, the year before the Sept. 11 terrorist attacks, the U.S. Border Patrol made 1.6 million arrests along the Mexico border, a record. The agency had fewer than half as many agents in the field then, and in several areas along the border those agents would spend an entire shift rounding up and deporting large numbers of migrants who were overwhelmingly from Mexico and male.

AD

The Arizona deserts were the border's busiest place, and agents in the Tucson sector made more than 50,000 arrests every month that year. As one agent who worked during that era told The Post, "it was like a riot every night."



The prevailing currents at the border have completely changed since then. Last year, the Border Patrol made 303,916 apprehensions, the lowest level since 1971, and while that figure jumped to 396,579 during the fiscal year ending Sept. 30, border arrests remain far closer to historic lows. (See table below.)

So what's the big deal with a few thousand people in a caravan? Why is the Trump administration claiming there is a "crisis" at the border?

AD

The big change — and the thing that is so galling to Border Patrol agents and the Trump administration more broadly — is that the government now has an extremely difficult time detaining and deporting the migrants taken into custody. They're Central American families and kids seeking asylum, not Mexican laborers who are, by comparison, easy to deport.

Basically, the government's enforcement model is being short-circuited by Central American migrants who, unlike Mexican nationals, cannot be bused to the border and deported. This new wave of migrants consists increasingly of parents with children who request humanitarian protection and express a fear of return, steps that slow or stop their deportation.

This is the administrative path to a shot at a better life in America.

AD

Most migrants who arrive with children turn themselves in to Border Patrol agents and go through a screening to see if their fears are “credible.” They typically spend a few days in custody, and then they are released pending a court appearance for their asylum claims, because courts have limited the government’s ability to hold kids in immigration jails for longer than 20 days.

This is the model the Trump administration abhors as “catch and release” even as the practice has become its de facto enforcement policy at the border.

One result is that more than half of all those taken into custody along the Mexico border today are family groups or underage minors traveling alone. And the number of “family units” (consisting of at least one parent and child) is at a record high.

So while the migrant caravans moving their way north — perhaps 5,000 to 10,000 travelers in total — amount to only 10 to 20 percent of the 50,000 or so people arrested along the border each month, they symbolize what has become, for the Trump administration, a real crisis for its enforcement model.

AD

This is why we're also likely to see new administrative attempts to tighten the asylum process, perhaps in the coming days, while the caravans remain more than 600 miles from the U.S. border.

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**Trump is threatening to jail caravan migrants in “massive tent cities” and warned that U.S. troops could fire on anyone throwing rocks. Did that scare anyone?**

The Washington Post's Michael E. Miller spoke to caravan members late Thursday, as news of Trump's speech reached their encampment in Matias Romero Avendano, Mexico. Here's his dispatch:

The migrants were resting in a soggy sports field on the edge of town, a few miles from where Mexican families celebrated the Day of the Dead in the town cemetery.

“They won't shoot because we're not criminals,” Erik Miranda, 39, said of Trump's threat that U.S. troops would open fire if attacked with rocks. “I lived there for 15 years. I know the United States is a country of laws.”

Miranda said he had been deported from America twice despite asking for asylum after being shot three times by the 18th Street gang in his native Honduras. “If the caravan

reaches the border and enters, these people will have their day in court in front of a judge,” he said.

Miranda said he would not try to enter the United States again but instead was hoping to reach Mexico City, where he planned to request asylum.

“How horrible,” Daniela Carbajal, 27, said when told of Trump’s threat. “I’m not justifying throwing rocks but remember: We have children among us.”

As she spoke, her 9-year-old son, Oscar, watched a video advising migrants of their rights, his head poking out of an orange tent Carbajal and her husband had just bought for 150 pesos. Inside, her 3-year-old daughter, Karla, was sound asleep.

### **Could Trump’s military deployment turn lethal, and under what circumstances are U.S. troops authorized to use force?**

Trump’s threats carry a not-so-veiled suggestion of military force. Such a scenario has long been promoted by extremists who believe lethal violence is an acceptable response to illegal border crossings. And the president himself repeatedly depicts the migrants in warlike terms, characterizing their journey as an “invasion” consisting of “tough fighters” who “fought back hard and viciously against Mexico,” according to his tweets.

### **All of this raises a disturbing question: Under what circumstances would U.S. troops open fire?**

The Pentagon has been deeply wary of such a scenario. The 2,000 or so National Guard troops who have been assigned to the border since April are not supposed to make arrests or carry weapons, as a general rule. And active-duty forces are limited by the Posse Comitatus Act, a 19th-century law curbing troops' ability to carry out law enforcement duties on U.S. soil.

At the border, the use of active-duty forces has also been haunted by a 1997 fatal shooting of a teenage shepherd — an American citizen — who U.S. Marines thought was a drug runner.

The new deployment, an operation the Pentagon is calling “Faithful Patriot,” appears less troubled by such a possibility. The troops — at least 5,200 but maybe more — will include armed units, and their rules of engagement appear to be significantly less restrictive.

The latest caravan groups have acted more unruly and confrontational toward authorities in their path. One contingent broke through a gate at the Guatemala-Mexico border last month, and members of a second caravan pelted Mexican police with bottles and stones. A man from Honduras died in the clashes, apparently struck in the head by a rubber bullet.

If a large part of the caravan reaches the U.S. border — by no means a sure thing — U.S. authorities fear a large crowd could attempt to overrun U.S. barriers and enter the country by force. But that alone would not be sufficient to justify a lethal response from troops.

As The Post’s Paul Sonne, Dan Lamothe and Missy Ryan report, citing Pentagon planning documents, “troops will deploy with a mixture of lethal and nonlethal weapons and are authorized to use deadly force in defense of ‘all persons, foreign or domestic, who are faced with imminent threat of death or serious bodily harm, and where lesser means have failed or cannot be reasonably employed.’”

That said, the soldiers are supposed to operate in an auxiliary role. The Border Patrol and U.S. customs officers will be the ones making arrests and potentially confronting caravan members if they attempt to enter the country unlawfully.

Among the activities the soldiers are supposed to carry out: constructing barriers and fencing, providing helicopters and fixed-wing aircraft to transport Border Patrol agents and providing medical care.

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## **How did this caravan get so big?**

The United Nations estimated that more than 7,000 people have joined the caravan, although the size of the group appears to be fluid. Most of those traveling north are from Honduras, where the caravan originated. There has been no evidence of any “Middle Easterners” in the group’s ranks, as Trump has alleged.

Predictions about how many of its members will eventually reach the U.S. border are difficult to make. It is probable that the caravan’s size will remain elastic as some drop out or turn back, and others join in.

It’s important to remember that more than 50,000 people were taken into custody last month along the U.S.-Mexico border, so even if 5,000 caravan members go all the way, they would represent a fraction of current flows. As one Homeland Security official put it: “We get a caravan every day.”

Many of the migrants have told reporters that their decision to leave was made in a flash. They had been waiting for an opportunity to come along but could not afford to attempt the journey any other way. The cost of hiring a “coyote” smuggling guide to go from Central America to the United States can exceed \$10,000. But grabbing a backpack and hitting the road with a mass movement? That’s free.

And on a route beset by kidnapping gangs, extortionists and other predatory criminals, joining a caravan offers a degree of protection. There’s safety in numbers, and the processions attract many police officers.

## **Why doesn’t the Mexican government stop the caravan?**

The Trump administration is leaning hard on Mexico to make a stand and block the group's advance. There are several reasons that has not happened — and remains unlikely to happen anytime soon.

A big one: The six-year term of President Enrique Peña Nieto will end Dec. 1. He is one of the most unpopular presidents in recent Mexican history. He has little incentive to use escalating force on impoverished Central Americans to appease Trump. That would be humiliating for him.

Mexico already is taking steps it has not in the past, soliciting help from the United Nations to screen and process asylum seekers, and the government says that more than 1,000 caravan members have done so. Mexican federal police officers also held off the caravan at the border with Guatemala last week, although many of those migrants simply waded through the river to continue their journey.

It is important to note that there is little stigma in Mexico to joining a caravan like this in hopes of reaching the United States. Poor Central American migrants are treated more like pilgrims than criminals. When they arrive in Mexican towns, people offer food, clothing and other donations as a way to support them and to encourage them to move on.

In a heavily Catholic country, and at a time when Pope Francis has urged sympathy and support for migrants worldwide, many Mexicans think they have a moral duty to help the caravan. An attempt by their government to repress the caravan by force would clash with that sentiment and court political disaster.

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**Trump's show of force at the border is an election ploy, right?**

The president's political calculation here is impossible to ignore. He seems determined to make the caravan appear as dangerous and threatening as possible — and to cast himself as a kind of border sheriff. He has claimed, without evidence, that “Middle Easterners” have infiltrated the group. Administration officials insist that the caravan is full of gang members and criminals, again without proof, because, well, odds are that bad people are mixed in.

That said, the migrant caravan, and another one with about 3,000 people that crossed into Mexico on Monday, have stirred up some bona fide fretting at the Department of Homeland Security. The scenes from the Guatemala-Mexico border last week, in which thousands of people broke down a border gate and forced their way into Mexico, are nightmare scenarios for DHS.

### **The White House wants a travel ban for the Mexico border. How would that work?**

The Post and other media outlets have reported on a plan under consideration at the White House that would use the president's executive powers to deny entry to Central Americans, and restrict or suspend their ability to seek asylum in the United States. Details of the proposal remain sketchy, but draft versions would rely on the same legal provisions the administration used during the travel ban in early 2017.

By citing national security concerns, Trump could refuse entry to certain Central American nationals or another subgroup, including members of the caravan. Trump is also weighing a measure that would deny asylum seekers the ability to seek humanitarian relief once they reach U.S. soil, according to administration officials and people familiar with the proposals.



Both moves would land the administration in federal court “in about five minutes,” one former Homeland Security official said, and it’s not hard to imagine lower court judges slapping an injunction on a White House “border ban” in about as much time.

### **Trump already won legal victories on this front. Wouldn’t a ban on Central Americans and asylum denials stop the caravan?**

Not likely. The administration’s biggest challenge at the border is not that too many Central American migrants are being allowed in or that they are easily winning asylum. Rather, those who cross illegally — between ports of entry — must be taken into custody. U.S. detention capacity is nearly maxed, and U.S. courts limit the government’s ability to keep children in immigration jails beyond 20 days.

It is not as though huge numbers of Central Americans are winning asylum, either. The latest statistics show that fewer than 10 percent of Central American applicants are granted asylum by an immigration judge, but it is the act of coming over, applying for it and waiting for the legal process to play out that has become such an alluring way for impoverished migrants to live and work in the United States, if only for a few years.

That brings us the big flaw with the Trump administration’s proposal for a “ban.”

It is one thing to do it at a foreign airport thousands of miles away. It is another to try it on the banks of the Rio Grande. If members of the caravan reach the U.S. border and are denied the ability to approach ports of entry — the official crossings — they probably will go to the river or into the desert where they can walk across.

Then they will be on U.S. soil. The Border Patrol will have to take them into custody. Unless Mexico agrees to take them back, the migrants would have to be held in detention until they can be deported. But if the migrants are accompanied by children, the government has virtually nowhere to put them.

## **Didn't Trump already deploy the National Guard to the border?**

Yes. Trump sent U.S. troops to the border this spring, when another caravan piqued his anger and fueled similarly bombastic tweets. At the time, Defense Secretary Jim Mattis authorized the deployment of up to 4,000 National Guard troops but restricted their activities — so they don't make arrests, carry weapons or interact with migrants.

About 1,600 Guard troops remain along the border, mostly in Texas.

U.S. Border Patrol officials insist that the Guard troops are a big help, saying they free up agents to concentrate on drug interdiction and enforcement duties “along the front line.”

The Guard forces fly drones, monitor sensors and operate other surveillance equipment. They perform data entry tasks at Border Patrol stations. Others have been assigned more mundane jobs such as clearing vegetation and tending to horse stables.

## **Isn't that what happened with the last caravan — the one that angered Trump earlier this year?**

Yes. That caravan, organized by a migration activist group, Pueblo Sin Fronteras, grew to about 1,500 people at one point. About 400 ended up crossing into the United States to seek asylum.

The big difference? That caravan was organized. It had leaders, legal advisers and a support network in the United States and Mexico. Most important, it had chartered buses.

Rather than attempting to cross in the Rio Grande Valley — the closest place, geographically, to Central America — that caravan traveled all the way to Tijuana. That made sense, because it had a large contingent of supporters on the California side. The caravan’s legal advisers steered members to the U.S. ports of entry, where it is legal to enter the United States to request asylum.

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# EXHIBIT HHH

MON, NOV 25, 2019

# Migrant Caravan in Mexico Changes Course, but Dangers Still Lurk

Written by Seth Robbins - NOVEMBER 13, 2018

Kidnapping Mexico Zetas

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*Migrants rest at the Jesus Martinez 'Palillo' Stadium in Mexico City.*

A caravan of Central American migrants traveling to the United States has changed its intended route to avoid the Texas-Mexico border — a move that shows even such a large group remains vulnerable to powerful criminal organizations operating in Mexico.

the [Los Angeles Times](#) reported. The migrants, which left Honduras in October, have rerouted onto the much longer but safer path toward California, to avoid one of the most dangerous Mexican states for migrants.

This decision comes amid a report that prosecutors in the state of Puebla are investigating the alleged kidnapping of 100 migrants, including 65 children, [HuffPost Mexico reported](#). There are, however, conflicting reports about what happened to the migrants.

Oaxaca Ombudsman Arturo Peimbert first [spoke](#) of the alleged mass kidnapping on November 5. He said it happened while the migrants were moving through the state of Veracruz, another high-risk region.

**SEE ALSO:** [Mexico News and Profiles](#)

Three people who claim they managed to escape the kidnappers have now given statements to authorities. One woman, who was not identified, said eight hooded men had stopped the fruit truck they were traveling in. She also said one

The report of an alleged mass kidnapping and the decision of caravan leaders to change course shows that this journey is still one of the most dangerous in the world as criminal organizations continue to take advantage of the steady flow of vulnerable people traveling through Mexico.

Migrants and asylum seekers are exposed to the entire [spectrum of criminals](#) in this region: from small independent groups working along the border to large organizations and gangs known to [kidnap, extort, prostitute](#), and even murder migrants.

**SEE ALSO:** [Violence against migrants](#)

For migrants, the shortest route to the United States is to the southern tip of Texas, requiring them to trek through the Mexican state of Tamaulipas, a [stronghold](#) for criminal organizations.

For years, the Zetas [controlled](#) this area. In 2010, the group orchestrated the [massacre](#) of 72 migrants in the municipality of San Fernando.

victims of kidnappings and extortion. Corrupt Mexican police and immigration officials [only exacerbated this situation](#), colluding with criminal organizations or even extorting migrants directly.

With the added risks, the journey for migrants has become costlier. Central Americans now pay nearly \$10,000 to cross the US border illegally, up from less than \$3,000 a decade ago, according to the [New York Times](#).

Reducing costs and gaining safety in numbers were key reasons why such a large group of migrants joined this caravan. Its large size, media attention, and dedicated leadership — all unusual features for caravans — have allowed it to largely remain together, Carolina Jiménez, Americas deputy director of research at Amnesty International, told InSight Crime.

Caravans in the past, however, have tended to fracture as they approach the US border. And that is the point where they become even more vulnerable to criminal organizations, as may have occurred with the reported kidnappings in Veracruz.



one. Another group of some **2,000 migrants**, mostly Salvadorans, is “getting much less attention,” she said.

“We are afraid not everyone will stay with the larger group,” Jiménez said. “And this could be a situation where they become victims of criminal gangs and organized crime.”

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# EXHIBIT III



WORLD NEWS

SEPT. 4, 2018 / 3:43 PM

# African migrants surge at U.S.-Mexico border; Rio Grande drownings up

By [Patrick Timmons](#)



3



People entering the United States walk past asylum-seeking immigrants from Guatemala and Cuba who wait in the middle of the bridge between Matamoros, Mexico and Brownsville, Texas on June 29. File Photo by Larry W. Smith/EPA-EFE

MEXICO CITY, Sept. 4 (UPI) -- Piedras Negras, a city across the U.S.-Mexico border from Eagle Pass, Texas, saw the arrival of more than 90 refugees in the past two months from

war-ravaged African countries trying to flee to the United States.

Eagle Pass has also seen 15 migrants from Latin American countries dying as they tried to enter the United States this year, either drowning while crossing the Rio Grande river or from heat stroke.

Many of the African refugees had been travelling for at least three years, the Rev. José Valdés, an advocate for migrants' rights told UPI in a phone interview from Piedras Negras, where the Catholic Church runs a shelter.

"After leaving Cameroon, Angola and the Congo they arrived in South America. Then they made it to Guatemala, and after crossing into Mexico at Tapachula, Mexican authorities provided them with two-week transit visas so they could cross through the country legally to the United States, where they are seeking asylum," Valdés said.

#### RELATED

[Mexico facing two-year backlog as asylum requests soar](#)

"They were fleeing war but some were also escaping persecution for their beliefs," said Valdés, who serves as media spokesman for the Piedras Negras-based Casa del Migrante Frontera Digna shelter and advises immigrants there.

"The Africans came to Piedras Negras because they heard it is a safer border city than the rest," Valdés said.

To the east is the state of Tamaulipas, one of Mexico's most dangerous states and a hotbed of organized criminal activity. To the west is the border metropolis of Ciudad Juárez, which has experienced a surge in violent homicides.

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"There were at least 16 nuclear families with children who traveled to Piedras Negras to wait their turn to request political asylum in the United States," Valdés said. "They

crossed the border formally at the international bridge to request political asylum from U.S. authorities."

Valdés said the African refugees waited in Piedras Negras until they obtained an appointment with U.S. [immigration](#) officers to make their asylum claim.

This summer, Customs and Border Protection officers routinely told asylum seekers attempting to enter U.S. ports of entry they would have to wait in Mexico until an appointment with an immigration officer became available. The practice of making asylum seekers wait in Mexico sparked criticism as possibly in violation of U.S. international treaty obligations. It also forced migrants to sleep rough in Mexican border cities like Tijuana, Matamoros and Nogales, a situation Piedras Negras wanted to avoid.

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[ICE raid devastated tiny Midwest town; 10 years later, it's still recovering](#)

Until last week, the number of Africans arriving each day overwhelmed Piedras Negras' two migrant shelters. One of the shelters is run by the city and usually only accommodates minors, but city officials relaxed that restriction to house the African refugees.

Officials also turned a gym into a temporary shelter.

"The gym was only open for two or three days," Valdés said. "Migrants could not sleep on the street as the temperature in Piedras Negras this summer was unbearable, more than 40 degrees [Celsius, or 104 degrees Fahrenheit] and no shade. Having migrants sleep rough can also lead to social problems."

Overwhelmed, city officials reached out to U.S. immigration authorities for help, Piedras Negras Mayor Sonia Villareal told Mexican newspaper *Zócalo*.

For three weeks, the U.S. accepted 12 asylum applications a day instead of just three, to clear the backlog.

"If other asylum seekers now turn up at the bridge and U.S. authorities say they have no appointments available, they turn them back. The situation has returned to what it was," Valdes said.

José María Fraustro, the state of Coahuila's Interior Minister told Mexican news media about 25 migrants arrived daily during the summer months at Piedras Negras.

Now, Fraustro said only about five migrants a day arrive at Piedras Negras. That's because Mexico's immigration authorities have deployed agents on northbound highways for immigration checks, he said. Authorities also say they are telling refugees they have the option of requesting political asylum in Mexico.

"We aren't seeing entire families anymore," Valdés said. "Recently, African mothers with children have been arriving, and normally they are accompanied by a man who is leading them."

Meanwhile, it's been a deadly year for U.S.-bound migrants who swim the river.

Mexico's consul in Eagle Pass, Arturo Rueda Brown, said 15 migrants have died this year while trying to cross the Rio Grande into the United States -- the same number as died crossing the same stretch of river in all of 2017.

"In one week we had four drowning deaths," Valdés said.

"These deaths happen because migrants feel besieged by Mexico's immigration authorities. The migrants know they can't be here very long and the Casa del Migrante is often full and we can't accept more people. There just isn't enough space. So the migrants are forced to cross the river by swimming and it's very dangerous and they are risking their lives."

U.S. Customs and Border Protection [issued a press release](#) describing how its agents in Eagle Pass rescued three families from the river in a 24-hour period starting Aug. 24.

On Sunday, a [Border Patrol](#) agent shot a 48-year old Honduran man in the arm after he had crossed the river and been apprehended, according to a CBP press release. Border

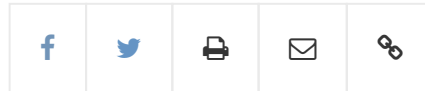
Patrol said the officer feared assault and shot the man, who was then taken to hospital in San Antonio for treatment. He was then transported back to Eagle Pass to initiate deportation.

The unnamed Border Patrol officer has been placed on administrative leave pending an investigation.

**Topics** Border Patrol Immigration & Border Security

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# EXHIBIT JJJ



## What happens to deportees back in Mexico? One group is offering a hand

No governmental agencies in the U.S. or abroad are tracking the whereabouts of people after they're deported, says New Comienzos founder Israel Concha.



Israel Concha poses with New Comienzos volunteers on the rooftop of the co-working space they use in Mexico City.

Gustavo Martinez Contreras

Aug. 5, 2018, 4:13 AM PDT / Updated Aug. 5, 2018, 4:13 AM PDT

By Daniel Peña

MEXICO CITY – In the area known as Little Los Angeles, in the Tabacalera neighborhood of Mexico City, some passersby may not know what goes on in the nondescript white building where many binationals – as repatriated Mexicans deported from the U.S. refer to themselves – are working in call centers, adjusting to new surroundings and struggling to rebuild their lives.

For these recent deportees, who have long been under the gaze of people and groups – whether it's ICE or the U.S. Border Patrol, criminal groups or even fellow Mexicans – it's easy to see how anonymity might feel welcome.

This makes the radical openness of someone like Israel Concha – a former deportee himself – magnetic and slightly subversive but vital. He thinks that Mexicans who have spent time in the U.S. bring crucial skills back to their home country and should be an integral part of society.

Concha, 38, is the president of [New Comienzos](#), a nonprofit that helps Mexicans recently deported from the U.S. get back on their feet. Founded in January 2015, New Comienzos works in most states across Mexico and has helped over

5,000 deportees adapt to returning home, search for employment, find access to legal and psychological help, and get accreditations in both English and Spanish through government sponsors and the help of [VIRAL](#), an internet youth platform aimed at facilitating community projects.

Israel Concha is the president of New Comienzos, a nonprofit that helps Mexicans recently deported from the U.S.

Gustavo Martinez Contreras

Mexico has a federal program, [Somos Mexicanos](#), founded in 2014 and with a presence in all 32 Mexican states; it was created to aid in the social and economic reintegration of repatriated Mexicans. But New Comienzos is arguably on the vanguard when it comes to helping those who were sent back navigate crucial issues beyond jobs and housing – such as sexual assault, bullying and discrimination.

It's not uncommon for the Mexican government to reach out to New Comienzos as they and organizations like the Instituto Nacional de Migración find themselves [bracing for a surge of repatriated Mexicans](#) in the wake of the Trump administration's deportation policy.

Concha was brought by relatives to the U.S. when he was 2; the family stayed in the country when its tourist visa expired. Concha obtained a business degree from the University of Texas-San Antonio but couldn't find work because of his undocumented status. So he started his own business, American Yellow Cab, which offered limo, cab, shuttle and rental car services and employed more than 30 Americans. But then he was stopped for speeding, which led to deportation proceedings. At the time, his company was making over \$300,000 in net profit a year and growing.



### [What happens when ICE separates a mother from her children](#)

DEC. 1, 2017 09:53

After walking the international bridge from the U.S. into Nuevo Laredo, across the border from Laredo, Texas, in 2014, Concha was kidnapped the same day. He managed to escape and vowed from that day to use his savings to help others in the same situation.

Still funded in part by Concha's own contributions, New Comienzos is now largely funded by [donations](#) from other undocumented people living in the United States.

### [At the airport, waiting](#)

There are 11 repatriation points across Mexico, Mexico City being one of them.

Concha, along with a group of volunteers from New Comienzos, has been going every week to Terminal 2 at Mexico City's Benito Juarez International Airport to greet the approximately 150 deportees who were arriving every Tuesday, Wednesday and Thursday. They bring fresh clothes – many deportees are still wearing what they wore when they were apprehended – as well as food and the offer of any help New Comienzos can provide to those who need it.

Israel Concha welcomes volunteers to the New Comienzos space. Founded in 2015, the group has helped over 5,000 deportees. Gustavo Martinez Contreras

But since the end of May, it's been different. "We started noticing at the airports that the flights have been canceled," Concha said. "We know there's clearly a problem going on."

In June, Mexico's foreign secretary, Luis Videgaray, [said](#) that the Trump administration had halted flights to Mexico City in an effort to focus resources on the repatriation of Central American migrants.

An official from ICE told NBC News in a statement on July 31 that commercial flights taking Mexican nationals back to Mexico were still being conducted, and that, as of July 23, the agency had flown 112,441 Mexican nationals so far this fiscal year. The official also said that 80 percent of 128,765 removals in 2017 were by land borders, meaning that no flights were involved.

According [to a report in June](#), some shelters in the northern part of Mexico have had a steep increase in deportees; advocates say the region is more dangerous for migrants.

In Mexico City, Concha said he still hasn't seen flights resume. He worries about what is happening to deportees if the repatriation process is slowed or halted.

"We have family members that tell us that people are still being detained even after a deportation order by a judge," Concha said.

## **[What happens to deportees?](#)**

While Concha worries about the fate of deportees who have still not made it back to Mexico, he's also deeply immersed in his newest project: a kind of demographic research of the recently deported in Mexico City.

In New Comienzos' Silicon Valley-like co-working space, surrounded by tech entrepreneurs, freelance writers and graphic artists, he meets with volunteers and explains the study. American academics are doing part of the research and journalists have been invited to observe.

Israel Concha of New Comienzos writes a meeting agenda on a glass wall. Gustavo Martínez Contreras

"We haven't had any recent studies in Mexico when it comes to return migration," Concha said. "So with all of this information we gather, with all of this data, it's going to give us a lot of information when it comes to what we're going through regarding specific areas: if you were extorted, if you suffered because of the police or organized crime, if you even feel safe in Mexico."

No governmental agencies in the U.S. or abroad are tracking the whereabouts of people after they're deported, explained Concha.

But according to [Sarah Stillman](#), director of the Global Migration Project at the Columbia School of Journalism, the data looks grim. Stillman's group of graduate students track violence experienced after deportation by collecting raw data from police departments, mortuaries, law offices and shelters in Mexico and Central America.

Her team has found that it's increasingly common for those deported from the United States – especially to the Northern Triangle of Honduras, Guatemala, and El Salvador – to be deported to de facto death sentences whether it be by gangs, cartels, personal conflict, or even federal and local police, as Stillman detailed in January in a New Yorker piece, ["When Deportation Is a Death Sentence."](#)

The day of the return migrant interviews, the New Comienzos' co-working space is abuzz with activity. U.S. scholars and volunteers alike crowd a table, jockeying for a bit of Concha's time but also for time with the interviewees themselves, who are the fresh new faces of the recently deported. Their experiences and stories have yet to be told.

Volunteers are giving out coffee to the interviewees, who have been promised 300 pesos, about \$15, for an hour of their time. This includes a tour of the New Comienzos work space and a battery of questions.

I sit down with Angie, who is being interviewed by Dr. Anita Isaacs of Haverford College in Pennsylvania and one of Isaacs' students.

Angie, 32, is a single mother; she's been back in Mexico for seven years.

She lived in Plano, Texas, where she bused tables for the Mexican food chain, El Chico, and also worked as cashier for Wetzel's Pretzels at a local mall. She was stopped while driving from Plano to Brooklyn, New York, where she was



moving to be with family; her detainment and deportation lasted mere hours. She was taken to a detention facility in Buffalo, sentenced and sent on her way.

Angie answers the opening questions: Why did you migrate to the United States? How old were you? How did you enter the United States? Did you apply for political asylum upon entry into the U.S.?

From here, the questions get heavier: Do you feel safe in Mexico? Have you been a victim of a violent crime? Do you feel more vulnerable as a returning migrant? Have you experienced violence or discrimination in your home country?



### [What happens when parents are deported back to Guatemala without their children?](#)

JUNE 19, 2018 05:14

Angie admits she doesn't feel safe in Mexico and has been the victim of several assaults since returning. But what's also making life precarious is the class-based system that bleeds into the most mundane of things.

As a returning migrant, she found it difficult to find a job with her American credentials and was confronted by mountains of red tape – the translation of grades, transcripts and proof of residency – just in order to finish high school.

Moreover, she found that Mexicans often bristled at her desire to pursue higher education. Now a student at Mexico's most prestigious public institution, the National Autonomous University of Mexico, she hopes to finish her degree with the help and resources of New Comienzos.

While Mexican binationals like Angie have to grapple with discrimination when they get back, it can be particularly intense for Central Americans who are either deported to Mexico from the U.S. or are passing through the country on

their way to the United States. New Comienzos offers them resources as well, including legal and psychological help, shelter assistance and even access to a system of mentors to help navigate the complexities of emergency situations.

As New Comienzos grows, they're hoping to strengthen their presence in Central America to help the repatriated community there.

## [Hoping for change in Mexico](#)

Despite the discrimination, Angie still feels a part of the Mexican fabric. She made it a point to vote in the July 1 elections, giving her vote to President-elect Andrés Manuel López Obrador, who, in a campaign stop in Culiacán, vowed to "defend the migrants from Mexico, Central America, all the American continent and all the migrants of the world."

Adrián, a New Comienzos volunteer, hopes López Obrador will help repatriated deportees. "Not necessarily economically, but practically. When you arrive, you arrive with nothing. And then suddenly to find a job, they ask of you a million documents," he said. "Your matrícula consular that they allow you to use in the U.S. doesn't even work here."

In the past decade and under two different political parties, Mexico has grappled with wrenching violence: more than 175,000 [dead](#), over 27,000 [disappeared](#) and dozens of journalists killed.

Cartel fighting and corruption in large swaths of Mexico – from the northern regions of Tamaulipas and Nuevo León to Guerrero, parts of Jalisco, and the Estado de Mexico right outside of Mexico City – has exacerbated the plight of migrants, many of whom have a tepid relationship with Mexican authorities.

Listening to Adrián talk – about wage justice, about red tape, about class struggle, about creating a Mexican fabric in which Mexicans aren't forced to migrate north – it's apparent that, like López Obrador, binationals want change. Time will tell if repatriated Mexicans and López Obrador's new government end up on the same page.

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TODAY

# EXHIBIT KKK



Trump's immigration policies were supposed to make the border safer. Experts say the opposite is happening.

By Ray Sanchez, Nick Valencia and Tal Kopan, CNN

🕒 Updated 3:03 AM ET, Fri July 20, 2018

### Trump implements new asylum policy 01:21

**(CNN)** — Before US immigration authorities detained him and took his son, the Honduran migrant said he spent three days in the hands of armed men who identified themselves as members of the [Gulf Cartel](#).

Christian, who did not want his full name used, said he was traveling to the US border with his 7-year-old last month when the men stopped a bus full of migrants in the northeastern Mexican state of Tamaulipas. The demanded \$300 from each family.

"They told us if we didn't pay that they were going to kill us," recalled Christian, who said he was freed three days later after relatives wired money to his captors.

"There were 30 of us. There was another building next to where we were being held and they said there were even more people there."

President Donald Trump has said that he wants immigration policy that secures the border. But his aggressive policy has instead resulted in organized crime groups preying on droves of desperate asylum seekers who have been turned away by US authorities, according to people familiar with the smuggling operations.

Experts said the administration's now-reversed policy of prosecuting parents who cross the border illegally -- thus separating children from their families -- and the elimination of



human smugglers, other organized crime groups and corrupt local law enforcement along the border.

"Ironically, these policies that claim to be trying to clamp down and secure the border and stop smuggling and stop traffickers... actually empower the traffickers, the cartels, the smugglers," says Michelle Brané, director of the Migrant Rights and Justice program at the Women's Refugee Commission.

**Related Article:** Documents reveal DHS knew ending protections could cause more, not less, illegal immigration

## Zero-tolerance policy strengthens criminal groups, smugglers

### See dads and toddlers reunite after separation 00:41

Christian and his son eventually reached the US, where immigration authorities detained them and separated him from his son in mid June. He said he was held at the Port Isabel Detention Center in Texas, where he claims he went nearly two weeks without word of his son's whereabouts. After a month in detention, he was released and reunited with the boy. He has a court date next month.

But the trauma of the journey to America started days before he crossed the Rio Grande.

Christian said he had fled the violence of his homeland but was then detained by men who said they were part of the Gulf Cartel, which has an extensive transnational network in Central and South America. They repeatedly

"My child was with me the whole time," Christian said. "He would just bury his face into me for protection."

While organized crime groups along the border have long preyed on US-bound migrants, experts said the administration's immigration policy has increased the desperation of those migrants, as well as the demand for smugglers and the cost for their services.

That desperation increased after [nearly 3,000 children were separated from their parents](#) as a result of the White House's [now-reversed zero tolerance immigration policy](#), according to experts and advocates.

**Related Article:** With a deadline looming, the US can't find parents of 71 children it may have separated

The cost for clandestine passage into the US for migrants from Central America has soared from \$6,000 to \$8,000 a couple of years ago to about \$12,000 today, according to Guadalupe Correa-Cabrera, a professor at George Mason University and an expert on organized crime and immigration.

"An unforeseen consequence of this (immigration crackdown) is the strengthening of criminal groups that are very organized and smugglers that are transnational and have connections with different groups," she said. "You create these monsters in reality with your own policies."

The money collected from the migrants helps grease sophisticated smuggling networks involving drivers, guides, stash houses, corrupt local police and people with links to criminal organizations, including the drug cartels, she said.

"The connections between organized crime and migrant smugglers are becoming tighter," Correa-Cabrera said.

"They are lords of the routes, of these dangerous journeys. They manage because they have the connections with local police, the cartels and other criminal groups."

## 'Human smuggling business has taken off'

## Most immigrant families still separated 02:06

Juan Francisco Loureiro said he came across 15 Central American migrants sitting together earlier this month in the food court of a shopping center in the Mexican border city of Nogales.

"I asked if they needed anything," said Loureiro, who runs a small migrant shelter a couple of miles south of the border from Nogales' sister city in Arizona.

A migrant said they were waiting for the smuggler who delivered them there. The guide told them to stay inside to avoid the US Border Patrol agents, according to Loureiro.

"You're still in Mexico," Loureiro told them.

"They told us we were in the United States," the migrant said.

They refused to believe him. Loureiro said he offered to take them to the San Juan Bosco shelter, which he has run for more than 30 years. They insisted on waiting.

## Fact-checking Trump's claim on family separation 03:58

In Nogales, Loureiro said human traffickers have been capitalizing on Washington's stricter enforcement actions since a [caravan of Central American migrants seeking asylum](#) arrived at the US-Mexico border in May.

"They see the desperation of people and they're taking advantage," he said. "The human smuggling business has taken off since the caravan. The smugglers prefer migrants with family in the US. They know family members will respond when they demand money."

Loureiro said migrants at the shelter have told him smugglers have been going around seeking families with relatives north of the border.

"We see people who waited up to 15 or 20 days trying to get across the bridge legally and then we don't see them again," he said. "Many eventually connect with smugglers who prey on their desperation."

## 'More people are going to be assassinated'

## Trump implements new asylum policy 01:21

The administration's new policy of rejecting asylum claims based on fears of gang and domestic violence will result in potentially thousands of people being turned away before they can plead their cases in court.

Immigration lawyers and advocates said turning away traumatized immigrants puts their lives at risk immediately upon their return home.

"More people are going to be assassinated, more people are going to suffer from domestic violence, more people are going to die," said Carlos Garcia, an immigration attorney in McAllen, Texas. "That's the reality. When I go and talk to them at the detention center ... they look at me and they tell me, 'I can't go back.'"

More and more migrants, especially women with young children, will turn to smugglers, according to experts.

"More powerful criminal groups means more corruption, more instability and -- contrary to the Trump administration's wishes -- more migration," Steven Dudley, co-director of InSight Crime, a foundation that studies organized crime in the Americas, [wrote in an analysis](#) last month.

Brané, director of the Migrant Rights and Justice program at the Women's Refugee Commission, said the desperation of migrants makes them more vulnerable to exploitation by criminal groups.

"We see migrants who don't have the money to pay these higher prices but are that much more desperate, and so then you start seeing a market for traffickers saying you can pay me off when we get to the other side, and that's when the smuggling turns into trafficking," she said.

*CNN's Ed Lavandera, Leyla Santiago and Rosa Flores contributed to this report.*

# EXHIBIT LLL

## With Cartels In Control, There Are No Easy Answers To The Border Crisis

*Much of Mexico and Central America is ruled by cartels, and until we come to terms with the role they play in migrant smuggling, the crisis will worsen.*

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In the debate over President Trump's "zero tolerance" policy on illegal immigration, pundits and politicians from across the political spectrum are offering simplistic solutions to the problems along our southern border.

On the Left, outrage over family separation has morphed into outrage over family detention with Trump's announcement last week that families would be kept together but still prosecuted for illegal entry. Although they won't come right out and say it, most liberals would like to return to a policy of catch and release, in which families caught crossing illegally are assigned a court date and released into the country.

On the Right, many seem to think it's possible to solve illegal immigration simply by building a wall, or carrying out mass extrajudicial deportations, or separating parents and children as a deterrent.

Libertarians, too, are grasping for simple solutions. Over at Reason, J.D. Tuccille **suggests** that "better smugglers" are the best way to fight Trump's draconian border policy. "Immigrants and their supporters should give some thought, and effort, to improved smuggling channels that treat migrants better than the existing criminal networks, and offer them a better chance of success," writes Tuccille. He doesn't mention the possibility that these new smugglers might find themselves at odds with the old smugglers, whose profits are at stake, or that jumping into Mexico's migrant smuggling trade as a freelancer carries the risk of, say, being beheaded by one of the cartels.

Tuccille's facile take is emblematic of the way the media has more or less ignored the role that "criminal networks" are playing in all of this—a role that makes easy solutions impossible. Throughout the border crisis, the media's attention has been focused on the plight of Central American families and the chaos created by Trump's zero-tolerance policy. Sure, the president **likes to exaggerate** how many MS-13 gang members are



crossing the border, but neither Trump nor his detractors are thinking seriously about the escalating violence and accelerating social collapse now underway in Mexico and Central America, and how crime syndicates are playing into illegal immigration along the southern border.

## Violence In Mexico Is Out Of Control—And Getting Worse

National elections in Mexico are set for July 1, and so far 121 political candidates, most of them running for local office, **have been assassinated**, along with dozens of their family members. Hundreds more have been attacked. On Thursday, a mayoral candidate in Ocampo, in the western state of Michoacan, was killed outside his residence—the third politician to be killed in Michoacan in just over a week. Federal police responded by **arresting the entire town's 27-officer police force** on suspicion of involvement with the murder, another reminder that across Mexico drug cartels have infiltrated local and state police forces, political machines, and major industries. Candidates who speak out against corruption and vow to stand up to the cartels **are especially in danger**.

The violence is bad enough that the U.S. State Department **has issued “do not travel” advisories** for five Mexican states—Colima, Guerrero, Michoacan, Sinaloa, and Tamaulipas, whose northern boundary runs along the U.S. border from Brownsville to Laredo, Texas. These are the same travel advisories in place for countries like Libya, Syria, and North Korea. For much of the rest of Mexico, including nearly the entire U.S.-Mexico border, the State Department advises Americans to “reconsider travel.”

Tamaulipas is so dangerous right now that the interim governor of Nuevo Laredo, which sits directly across the Rio Grande from Laredo, has **warned his citizens** not to try to travel to the United States through Tamaulipas, and especially not through the town of Reynosa, across the river from McAllen, Texas. The official warning came a day after gunmen believed to be associated with the Gulf Cartel ambushed marines with the Mexican Navy three times in Nuevo Laredo, killing one and injuring 12 others. According to Mexican officials, the gunmen **wore marine uniforms** and drove vehicles with government markings. The ambushes only stopped when the marines called in a helicopter gunship for support.

Part of what's driving the violence in northern Mexico is **the breakdown of the Gulf and Los Zetas cartels**. The most recent wave of violence began last April when Mexican authorities in Reynosa killed Juan Manuel Loisa Salinas, the leader of the Gulf Cartel. His

death created a power vacuum, and various factions are now competing for a piece of the cross-border drug trade and other criminal enterprises.

Signs of the grisly cartel violence that was associated with Juárez back in 2010—severed heads, bodies hanging from highway overpasses—are now cropping up in border towns further east along the Rio Grande. In March, cartel gunmen **dumped bags filled with dismembered body parts** outside a gas station in Reynosa, where **more than 500 people have been killed** in the past 12 months.

Cartel violence is getting worse all over Mexico, not just along the border. Last year **brought a record 28,710 homicides** nationwide, and this year is **on track to surpass 30,000**. May was the **deadliest month ever recorded in Mexico** since the government began releasing homicide data in 1998—2,890 people were killed, an average of four people per hour. By comparison, **only Syria is more violent**.

## The Migrant Crisis Benefits The Cartels

Into this maelstrom have come a relentless stream of refugees and migrants from Central America, driven by worsening gang violence and poverty in the “Northern Triangle” of Honduras, El Salvador, and Guatemala. Most of those crossing Mexico’s southern border are headed for safety and better prospects in the United States, which puts them at the mercy of Mexican cartels that have developed diverse income streams, from **child organ trafficking** to migrant smuggling.

In **an interview with the Daily Beast last year**, Eric Olson, deputy director for Latin America at the Wilson Center, explained that “Over the last several years more sophisticated criminal organizations have begun to take control of the migratory schemes,” citing growing competition among cartels “for control of routes and people coming through.”

Migrant smuggling has become **a lucrative business for the cartels**, which charge migrants anywhere from \$3,000 to \$10,000 a head for passage over the Rio Grande. Homeland Security Secretary Kirstjen Nielsen told a Senate Committee last month that human smuggling brings Mexican cartels more than \$500 million a year, but that figure is **almost certainly too low**. The fact is, the cartels **began to professionalize human smuggling around 2010**, when large numbers of Central American migrants began

coming through what had long been drug smuggling routes. In response, the cartels created a system of fees for migrants and dedicated personnel to police the routes.

The effect of tougher immigration enforcement like Trump's "zero tolerance" policy is that the *coyotes*, as the smugglers are called, increase their fees while often misleading migrants about what they can expect once they cross into the United States, **promising them visas or some form of amnesty**. The *coyotes* are notorious for abandoning migrants on either side of the Rio Grande once they get paid, or, for those who run out of money, raping or kidnapping helpless customers, some of whom are sold into human trafficking near the border.

Because migrants must often pay for each leg of their journey up from Central America, including bribes for various law enforcement officials along the way, by the time they reach the U.S.-Mexico border they're often out of money and completely at smugglers' mercy. Migrants who can't pay are sometimes forced to carry large packs of drugs over as payment for their fare.

Ironically, the tougher immigration enforcement is on the U.S. side, the greater the potential profits from migrant smuggling—not just because *coyotes* charge more but also because migrants and recently deported illegal immigrants have no other way of getting into the United States, and are willing to take greater risks. The mainstream media doesn't seem to grasp this connection, which is why the *Washington Post* can publish **a lengthy feature** on a couple trying to illegally cross the border and barely mention the role of smugglers or the connection they have to larger criminal syndicates.

All of this is to say that we can't have a serious conversation about the border crisis without being clear-eyed about the role the cartels play in societies that are essentially collapsing. Pretending that illegal immigration isn't really a problem, as liberals and libertarians tend to do, ignores the close connection between human smuggling, drug trafficking, and cartel violence on both sides of the border. Pretending that it's an easily solvable problem, as conservatives tend to do, is like claiming there's an easy way to defeat Islamic radicalism—as if the cartels will agree to stop smuggling and trafficking just because we put up some more border fencing or ramp up deportations.

But until we get real about the almost unimaginable levels of violence and corruption in Mexico and Central America, our immigration crisis will fester, and eventually the chaos

south of the border will spill over onto our side—no matter how high Trump builds his wall.

*John is the Political Editor at The Federalist. Follow him on [Twitter](#).*

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# EXHIBIT MMM

## U.N. says Mexico's security forces likely behind disappearances of people along the border

By **Joshua Partlow**

May 30, 2018 at 2:32 p.m. PDT

The United Nations has “strong indications” that Mexican security forces were involved in the disappearances of 23 people over the past four months who were plucked off the streets of a Mexican city along the U.S. border, a top U.N. official said Wednesday.

MEXICO CITY —

The U.N. investigation has documented the disappearances of 21 men and two women, including minors as young as 14, in Nuevo Laredo between February and May 16. Local human rights groups have reported that even more people have gone missing in that period from the border city. Some relatives of the victims blame Mexico's navy for the disappearances.

“Many of these people are reported to have been arbitrarily detained and disappeared while going about their daily lives,” the U.N. high commissioner for human rights, Zeid Ra'ad al-Hussein, said in a statement. “These crimes, perpetrated over four months in a single municipality, are outrageous.”

AD

The United Nations reported that the Mexican government has made little progress locating the disappeared, “despite ample information and evidence,” and added that “several witnesses have been subjected to threats.” According to testimony gathered by U.N. investigators, federal security forces had picked people up late at night or early in the morning, “as they walked or drove along public roads.” The U.N. statement did not identify the security forces.

Families searching for relatives have found six bodies.

President Enrique Peña Nieto’s office referred queries about the U.N. statement to the Foreign Ministry, which did provide an immediate response. The navy did not respond to a request for comment.

AD

Mexico has endured record levels of violence in the past year as the drug war rages in many parts of the country, including in the states along the U.S. border. Mexican production of opium poppy and heroin has risen to meet American demand, and the quantity of methamphetamines and other drugs flowing into the United States has also increased.

Mexico's military has a visible presence in many hot spots, and the navy's elite marine units have played a key role in anti-drug operations. The military has faced regular accusations of human rights violations, including torture, disappearances and extrajudicial killings. A report last year by the Washington Office on Latin America (WOLA), a research and advocacy group, found that about 97 percent of human rights violations committed by Mexican soldiers go unpunished.

Concern about disappearances in Nuevo Laredo, a city across the Rio Grande from Laredo, Tex., has been building in recent months. Relatives of the disappeared blocked the border bridge this month, demanding that the navy leave their city and that the Mexican government investigate more than 40 cases of people who had been abducted.



“The silence of the government in these situations is really unacceptable,” said Ximena Suarez-Enriquez, assistant director for Mexico at WOLA. It is “necessary now for the government to come out and clarify if they are investigating these cases and if there are members of the navy or the military involved.”

In the state of Tamaulipas, which includes Nuevo Laredo, the threat of violence and the power of drug cartels often make it difficult for human rights groups and journalists to investigate such allegations. A civil society group called the Network of Disappeared of Tamaulipas has a database of more than 1,300 unresolved disappearances in Nuevo Laredo since 2006, said its president, Josefina de Leon.

She added that sometimes organized crime groups wear police and military uniforms, making it even more difficult to identify those responsible.

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“The state has little capacity to find the disappeared” or prevent the phenomenon from happening, she said.

Last month, Mexico’s National Human Rights Commission sent a message to the navy and other security bodies urging them to protect civilians in Tamaulipas.

Mexico recently passed a law intended to improve the government's ability to track and investigate disappearances. Zeid called it "extremely worrying that these enforced disappearances are taking place just a few months after the adoption" of the new law.

*Gabriela Martinez contributed to this report.*

AD

# EXHIBIT NNN

## Trump keeps calling the Southern border ‘very dangerous.’ It is — but not for Americans.

By **Alex Horton**

Jan. 20, 2018 at 4:02 a.m. PST

“The border” is an evocative concept. A majority of Americans do not live near it, and their encounters with the roughly 2,000 miles that separate the United States and Mexico have mostly been art emphasizing lawless badlands — in the form of Cormac McCarthy books and films such as “No Country for Old Men” and “Sicario.”

You can add President Trump’s Twitter feed to that.

On Tuesday, the president wrote: “We must have Security at our VERY DANGEROUS SOUTHERN BORDER, and we must have a great WALL to help protect us, and to help stop the massive inflow of drugs pouring into our country!”



**Donald J. Trump**

@realDonaldTrump

We must have Security at our VERY DANGEROUS SOUTHERN BORDER, and we must have a great WALL to help protect us, and to help stop the massive inflow of drugs pouring into our country!

106K 5:54 AM - Jan 16, 2018

[43.3K people are talking about this](#)

Then, on Friday night, as a shutdown loomed, the president returned to the topic.

AD



**Donald J. Trump**

@realDonaldTrump

Not looking good for our great Military or Safety & Security on the very dangerous Southern Border. Dems want a Shutdown in order to help diminish the great success of the Tax Cuts, and what they are doing for our booming economy.

105K 6:28 PM - Jan 19, 2018

[76.4K people are talking about this](#)

When he awoke Saturday, Trump mentioned “our dangerous Southern Border” yet again.



**Donald J. Trump**

@realDonaldTrump

Democrats are far more concerned with Illegal Immigrants than they are with our great Military or Safety at our dangerous Southern Border. They could have easily made a deal but decided to play Shutdown politics instead.

[#WeNeedMoreRepublicansIn18](#) in order to power through mess!

130K 3:17 AM - Jan 20, 2018

71.4K people are talking about this

Is the border dangerous — or as Trump contends, “very dangerous”?

It is an important question at a moment when the government has shut down amid a debate over the fate of “dreamers,” undocumented immigrants who were brought to the United States as children, while the Trump administration seeks to link immigration and terrorism.

The answer depends on who you are and where you find yourself.

### **For U.S. citizens north of the border**

If you are an American concerned about safety, your best statistical bet is to live close to the border. The crime rates in U.S. border counties are lower than the average for similarly sized inland counties, with two exceptions out of 23 total, according to an upcoming analysis by the Mexico Institute at the Wilson Center, a Washington think tank. “There is no doubt, the U.S. side [of the border] is a very safe place,” said Christopher Wilson, deputy director of the institute.

AD

There are a few general conclusions as to why this is the case. There is a substantial federal law enforcement presence in towns and along highways in the border counties. And migrants — both documented and undocumented — are careful to avoid law enforcement so as to not endanger their immigration status; their lower rates of committing crimes compared with U.S.-born citizens reflect that.

Wilson cautioned about some exceptions. Ranchers in southern Arizona have encountered drug traffickers on their property, and the traffickers are more likely to carry weapons and commit violent crimes. From the ranchers' porches, the relative safety of their community may not matter when they are looking at traffickers through binoculars.

The traffickers' criminal activity also would not register in the United States, which could contribute to an artificially low crime rate where illicit activity is going on but not documented by authorities. Traffickers, too, avoid law enforcement — such contact is bad for business — and they are more likely to settle disputes and problems in Mexico, where police and the rule of law are barriers they can more easily overcome.

White House press secretary Sarah Huckabee Sanders did not respond to a request to provide context for Trump's remarks.

### **For migrants and Mexican citizens south of the border**

Drug trafficking is the main driver of violence on Mexico's side of the border. The northern state of Tamaulipas is among the deadliest in Mexico, with cartels clashing over valuable smuggling routes into South Texas, and violence surging in Tijuana as criminal elements vie for similar routes and an expanding local drug market. Migrants and locals try to avoid being caught in the cartels' crossfire, but the danger does not end there.

Migrant deaths climbed 17 percent in the first seven months of 2017, according to U.N. data, fueling speculation that tougher rhetoric and enhanced security led to migrants taking riskier routes across rivers and in open desert, a "balloon effect" of security measures forcing migrants to try their luck farther from cities and highways.



Migrants also turn to smugglers, who often charge thousands of dollars to get them across the border. In many cases, the smugglers are tied to the very drug cartels whose violence migrants are trying to avoid by crossing the border. In July, 10 migrants suffocated in a tractor-trailer parked in San Antonio.

There was a slight decline in deaths last year — 294 migrants died crossing the border in 2017, compared with 329 in 2016 — but that comes with a decline in overall border activity and questions raised about local authorities undercounting and underreporting human remains found in their jurisdictions. More than 7,200 migrants died crossing the border from Mexico since 1998, or about 1,500 more than the number of U.S. troops killed in Iraq and Afghanistan combined.

When it comes to drug smuggling, a physical wall would appear to bring few solutions, Wilson said. Hard drugs such as heroin and cocaine mostly come into the United States through formal ports of entry, mixed with the \$1 million a minute in trade that flows both ways. And sealing the border over the past two decades has produced an unintended consequence: It forced drug cartels to become more sophisticated, producing networks of scouts, lookouts and bribery infrastructures to sidestep the human element, Wilson said.

And as Ioan Grillo noted in the New York Times, blunting avenues does nothing to drug demand, but it does make trafficking operations more expensive, and the cost is passed on to the buyer. The consequence, he wrote, is cartels only becoming richer and deadlier.

“Stronger levels of security are met with new creative efforts. It doesn’t mean we shouldn’t do it, but we need to be skeptical of something that sounds like a silver-bullet solution,” Wilson said.

Tyler Houlton, a spokesman for the Department of Homeland Security, disputed that notion, saying a border wall would block “illegal aliens” and drugs, and in effect, the criminals who traffic them.

AD

“Our goal is to diminish their power,” Houlton said of the cartels, adding that the wall is among a number of policy proposals, such as ending what has been called chain migration and curtailing the practice of immigrants overstaying their visas. That method of establishing an unlawful presence was twice the rate of illegal border crossings in 2014 and eclipsed illegal border crossings as the primary means of entry a decade ago.

**For U.S. Customs and Border Patrol**

Protecting the southern border is a difficult task, officials contend. There were 786 documented assaults on officers and agents in 2017, an increase from 454 in 2016, according to government data, although Houlton could not say why there was a dramatic increase in assaults. “Any crime committed by an illegal alien is a crime that shouldn’t have occurred in the first place,” he said.

AD

In December, an agent was struck in the chest with a rock and knocked off his all-terrain vehicle near migrants suspected of crossing illegally. Responding agents dispersed the group with tear gas.

And in November, U.S. Border Patrol agent Rogelio Martinez was found dead with a head injury and broken bones in West Texas. Trump seized on the moment to justify hard-line immigration policies and invoked his “build the wall” rhetoric, but it remains unclear whether Martinez was the victim of a homicide or died of injuries sustained in an accidental fall in rough terrain. A spokesman for the CPB union did not respond to a request for comment.

*This post, originally published Jan. 17, has been updated.*

**Read more:**

# EXHIBIT 000

MEXICO

# This Map Shows Where Americans Are Being Told 'Do Not Travel' in Mexico

Julia Zorthian, Lon Tweeten  
Jan 11, 2018



The State Department issued new travel warnings for parts of Mexico on Wednesday, advising American travelers to entirely avoid five regions due to crime.

The advisory tells Americans "do not travel" to the five Mexican coastal states of Sinaloa, Colima, Michoacán, Guerrero, and Tamaulipas. It also suggests exercising "increased caution" or "reconsider travel" to other parts of the country.

Here's a map of Mexico's five states the U.S. deemed most dangerous, as well as the general warnings across the rest of the country. The State Department gave Mexico a level 2 travel warning overall, encouraging travelers to exercise increased caution in general.



Mexico Travel Warning Map TIME Graphic by Lon Tweeten

“Violent crime, such as homicide, kidnapping, carjacking, and robbery, is widespread,” the advisory states.

The latest advisory gives the five Mexican states the same warning level as risky travel destinations like Syria, Yemen and Somalia.

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