



Border Observatory

2020 SITUATION REPORT: REMAIN IN MEXICO

by  **HOPE BORDER INSTITUTE**

The Hope Border Institute (HOPE) brings the perspective of Catholic social teaching to bear on the realities unique to our US-Mexico border region. Through a robust program of research and policy work, leadership development and action, we work to build justice and deepen solidarity across the borderlands.

We acknowledge the thousands of migrants forced to navigate a cruel immigration system as a result of Remain in Mexico. We are inspired by your courage and resilience.

Border Observatory. 2020 Situation Report: Remain in Mexico

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‘The Congress declares that it is the historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands, including, where appropriate, humanitarian assistance for their care and maintenance ...

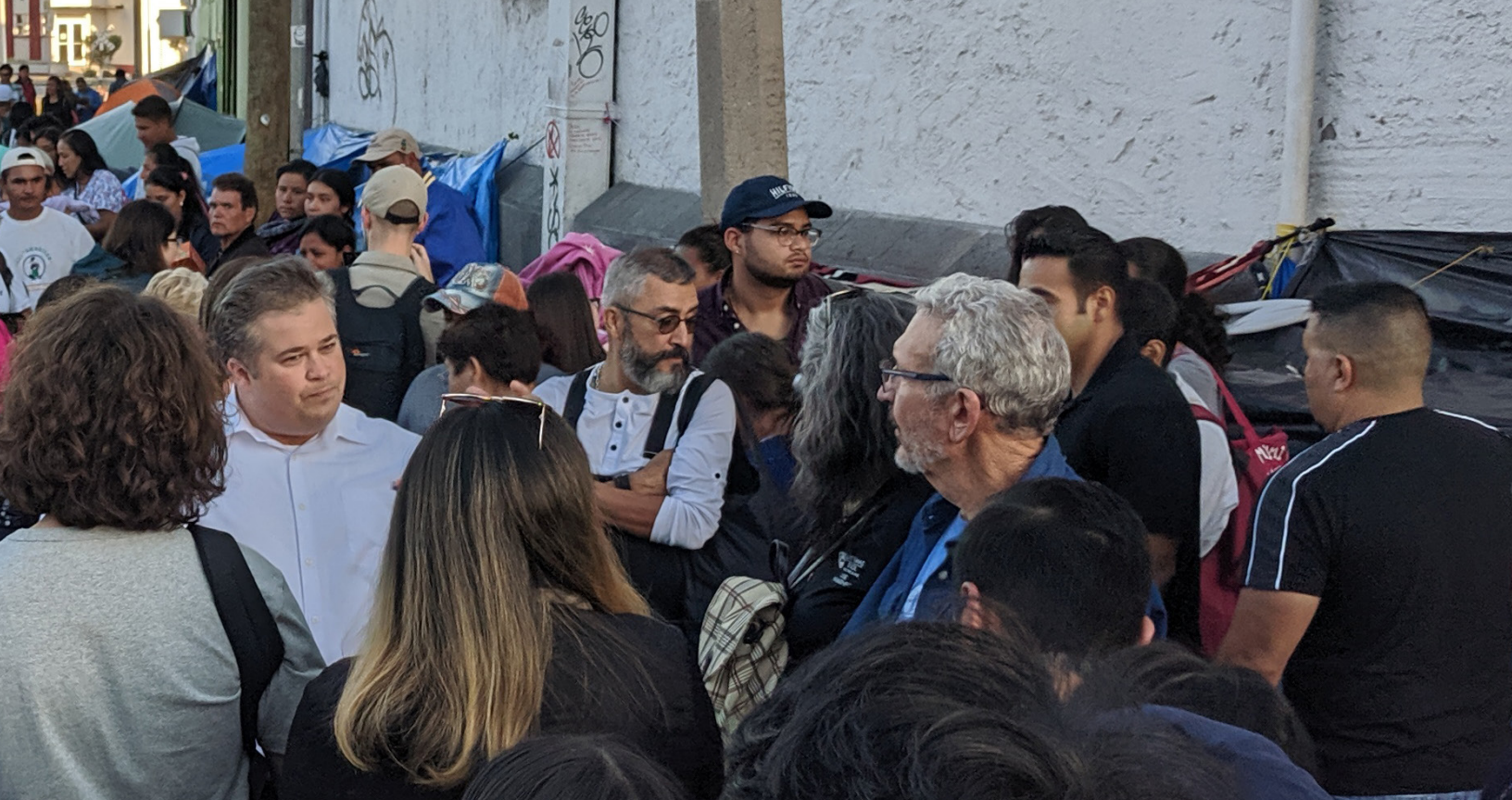
‘The Congress further declares that it is the policy of the United States to encourage all nations to provide assistance and resettlement opportunities to refugees to the fullest extent possible.’

- Refugee Act of 1980

‘Misguided court decisions and outdated laws have made it easier for illegal aliens to enter and remain in the US.

‘Instead, they will await a determination in Mexico and receive appropriate humanitarian protections there.’

- ‘Migrant Protection Protocols’, US Department of Homeland Security, 2019



Introduction | 29 January 2020

On the one year anniversary of the Migrant Protection Protocols, or Remain in Mexico, we are tempted, confessedly, with a certain sense of resignation and inevitability.

Just one year ago, Democrats dramatically defied the President over funding for the border wall, leading to a government shutdown. The eyes of the country were on border communities like El Paso responding heroically to what would become a historic influx of asylum seekers.

Remain in Mexico has fraudulently changed the narrative. By sending asylum seekers to Mexico, the Trump administration has effectively diverted public attention away from abuses against migrants and the attack on asylum at the border. Now, the attention of the media and political leaders is faraway, focused on impeachment and another election cycle. And Congress recently sent the President a bipartisan spending bill that funds additional border wall and enacts no controls on enforcement agencies.

As this report nears completion, the Mexican National Guard has taken violent action against a defenseless group of nearly 4,000 migrants from Honduras. This militarized response mirrors US action on its own southern border.

All of this is indifference and hatred normalized.

Or it is the epicenter of a new struggle for human rights.

This situation report documents the real impacts of Remain in Mexico on migrants in Ciudad Juárez, just across the border from El Paso, TX.

Remain in Mexico represents a new level of assault on migrants, our binational communities and our country's commitment to asylum. But it is also apiece with the long legacy of racism at the border and a national history of immigrant scapegoating. Both of these require a deep reckoning.

El Paso became a flashpoint for politically motivated attacks on migrants and Latinos with the murder of 22 individuals in a mass shooting on 3rd August, 2019. We witnessed the deep connection between that horrific spectacle of hatred and the brutal immigration enforcement of the present. Resignation and normalization in the face of dehumanization is not an option.

The politics of hate will not hold sway forever. It will fall to us to pick up the pieces of a broken asylum system, but also to rebuild the edifice on firmer foundations. And even alongside the injustice, those foundations are here at the border, in the tenacity of prophets and truth-tellers and those who witness, but also in the lives of those who continue to arrive with hopeful dreams of a better future.

Dylan Corbett
Executive Director



What is Remain in Mexico?

The US Department of Homeland Security announced the Migrant Protection Protocols (MPP), or Remain in Mexico, on 20 December 2018 and implemented the program with a policy memo on 25 January 2019.

According to the Department of Homeland Security, the Migration Protection Protocols:

are a US Government action whereby certain foreign individuals entering or seeking admission to the US from Mexico - illegally or without proper documentation - may be returned to Mexico and wait outside of the US for the duration of their immigration proceedings, where Mexico will provide them with all appropriate humanitarian protections for the duration of their stay.¹

There is an Orwellian character to the name 'Migrant Protection Protocols': in its name, in how the government frames its objectives and in its brutal operations.

On announcing the program, then DHS Secretary Kirstjen Nielsen stated that MPP represents a 'humanitarian approach'² to border enforcement. The government also claims that Remain in Mexico ensures the safety of migrants and ensures access to attorneys.

None of these are true.

In fact, Remain in Mexico places migrants -- including women, infants and unborn children -- directly into harm's way by trapping them in Mexico's northern border communities. There, they are exposed to the predations of criminal actors and have no guaranteed access to shelter, healthcare or employment. While the program allows exemptions to be made for vulnerable populations on a case-by-case basis³, the Hope Border Institute has documented the return of non-Spanish speakers, pregnant

women, cognitively impaired individuals, LGBTQ asylum seekers and others.

The right to due process in immigration court is severely compromised. In mass hearing settings, some under tents, judges have granted asylum to migrants in MPP, many fleeing some of the worst situations of persecution, in less than 1pc of cases. Of the nearly 60,000 individuals returned to Mexico, less than 5pc have legal representation.⁴

Remain in Mexico was not designed to protect migrants but to deter them through cruelty.

Remain in Mexico is illegal. It is currently making its way through the federal courts in a lawsuit, *Innovation Law Lab v. Nielsen*, supported by the labor union for federal asylum officers.⁵ Under US law, Remain in Mexico is a violation of the Refugee Act of 1980 as well as the Immigration and Nationality Act. Remain in Mexico is also a clear violation of international law under the 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees.

¹ US Department of Homeland Security, *Migrant Protection Protocols*, 24 January 2019, <https://www.dhs.gov/news/2019/01/24/migrant-protection-protocols>.

² *Ibid.*

³ *Ibid.*

⁴ Transactional Records Access Clearinghouse, <https://trac.syr.edu/phptools/immigration/mpp/>.

⁵ *Brief of Amicus Curiae Local 1924*, <https://www.documentcloud.org/documents/6172520-Local-1924-Amicus-Brief.html>.

1951 United Nations Convention Relating to the Status of Refugees

Article 33

No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

Situation Report

A deterrence strategy

Remain in Mexico is one element of a strategy to deter migration through cruelty.

There are other elements in this strategy of cruelty. In addition to Remain in Mexico, CBP continues to illegally meter immigration at the border with asylum 'wait lists' of varying degrees of formality and corruption. Under pressure from this administration, the Mexican government has also deployed the National Guard to its northern and southern borders as well as throughout the interior to interdict migrants. Immigration enforcement in Ciudad Juárez has very recently turned more aggressive; there have been reports of deportation operations and raids in the city.

Fast-tracked processing of fear claims for Central Americans and Mexicans under programs like PACR (Prompt Asylum Claim Review) and HARP (Humanitarian Asylum Review Process), at first implemented covertly by CBP, have led to quick returns of those populations to Ciudad Juárez. These programs are legally specious and, like Remain in Mexico, will face challenges in the courts. Asylum seekers have also begun to be removed from El Paso to Guatemala under new 'asylum cooperative agreements' between the United States and Central American countries.

The numbers in El Paso-Ciudad Juárez

Remain in Mexico has returned around 60,000 migrants to Mexico⁶, 25pc of whom were children or infants in 2019⁷. Around 20,000 migrants alone have been returned through El Paso, TX to Ciudad Juárez.

Ciudad Juárez has been unable to accommodate the migrant population, which at times has surged to well over 10,000 and possibly as high as 19,000.⁸ Because of the fluid and diverse nature of the migrant populations in Ciudad Juárez, it is difficult to know the exact number of migrants present in the city at any given time.

Inadequate access to shelter, schooling, healthcare and work

While a number of shelters have opened to respond to the influx, mostly sponsored and operated by Christian faith communities, the 1,274 spots available in shelters have been

insufficient. Many migrants have returned to their countries of origin at their own expense and through a problematic \$1.6 million repatriation program administered by the International Organization for Migration (IOM)⁹, funded by the US State Department.¹⁰ Many have found shelter in precarious and dangerous conditions outside of shelters.

While migrants can obtain permits to access healthcare and the local labor market, these are temporary. We have documented labor discrimination against migrants and many have opted to work in the informal system. Migrants in Ciudad Juárez have died due to lack of adequate care.

Educational opportunities for schoolage children are virtually non-existent.

Dangers to the safety of migrants

The safety of migrants in northern communities like Ciudad Juárez is significantly compromised and migrants have been subject to robbery, assault, extortion, trafficking and murder. Kidnappings of migrants are rampant. Migrant shelters in Ciudad Juárez have been attacked by criminal elements and penetrated by traffickers.

The state of Chihuahua is among the top five states in Mexico with the highest murder rates (67.8 per 100,000). Baja California, another place of forced return under Remain in Mexico, is also among the top five¹¹. The US State Department has active travel advisories for Mexico for four states where returns under Remain in Mexico take place: Chihuahua, Coahuila, Sonora and Tamaulipas. Tamaulipas has a high 'level 4' status, shared with Afghanistan, Iraq and Somalia.¹²

In Ciudad Juárez there were 1,499 reported homicides in 2019, or 4.1 murders per day, the highest number since 2011, which includes a troubling increase in the percentage of women killed.¹³ US diplomatic personnel are forbidden from travelling in many areas of Ciudad Juárez.

Due process violations

Providing legal representation to migrants in Ciudad Juárez is extraordinarily difficult given insufficient legal resources in West Texas and Southern New Mexico and obstacles to attorneys crossing into Ciudad Juárez.

6 Transactional Records Access Clearinghouse, <https://trac.syr.edu/phptools/immigration/mpp/>

7 Figures provided to Hope Border Institute by the Consejo Estatal de Población (Coesp) Chihuahua.

8 See Human Rights Watch, 'We Can't Help You Here' US Returns of Asylum Seekers to Mexico (02 July 2019) <https://www.hrw.org/report/2019/07/02/we-cant-help-you-here/us-returns-asylum-seekers-mexico>.

9 See the letter from 30 NGOs expressing reservations about the IOM's repatriation program and detailing the risks of refoulement and negative consequences for asylum seekers in immigration proceedings (30 July 2019), https://www.cvt.org/sites/default/files/attachments/u101/downloads/letter_to_iom_-_avr_for_mpp_returnees_7_30_2019.pdf.

10 Reuters, *Thousands of Central American migrants take free rides home courtesy of U.S. government* (21 August 2019), <https://www.reuters.com/article/us-usa-immigration-returns/thousands-of-central-american-migrants-take-free-rides-home-courtesy-of-us-government-idUSKCN1VB0ZJ>.

11 Secretaría de Seguridad y Protección Ciudadana, *Se contiene crecimiento en homicidios y se reducen delitos patrimoniales durante 2019*, 21 January 2020, <https://www.gob.mx/sspc/prensa/se-contiene-crecimiento-en-homicidios-y-se-reducen-delitos-patrimoniales-durante-2019>.

12 US Department of State, *Mexico Travel Advisory* (17 December 2019), <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/mexico-travel-advisory.html>.

13 See statistics compiled by Molly Molloy and reported on Frontera List

REMAIN IN MEXICO IS A VIOLATION TO THE RIGHT TO ASYLUM² & A THREAT TO THE LIVES AND WELFARE OF MIGRANTS

Ciudad Juárez does not have the infrastructure to provide shelter and services to a burgeoning population of refugees.

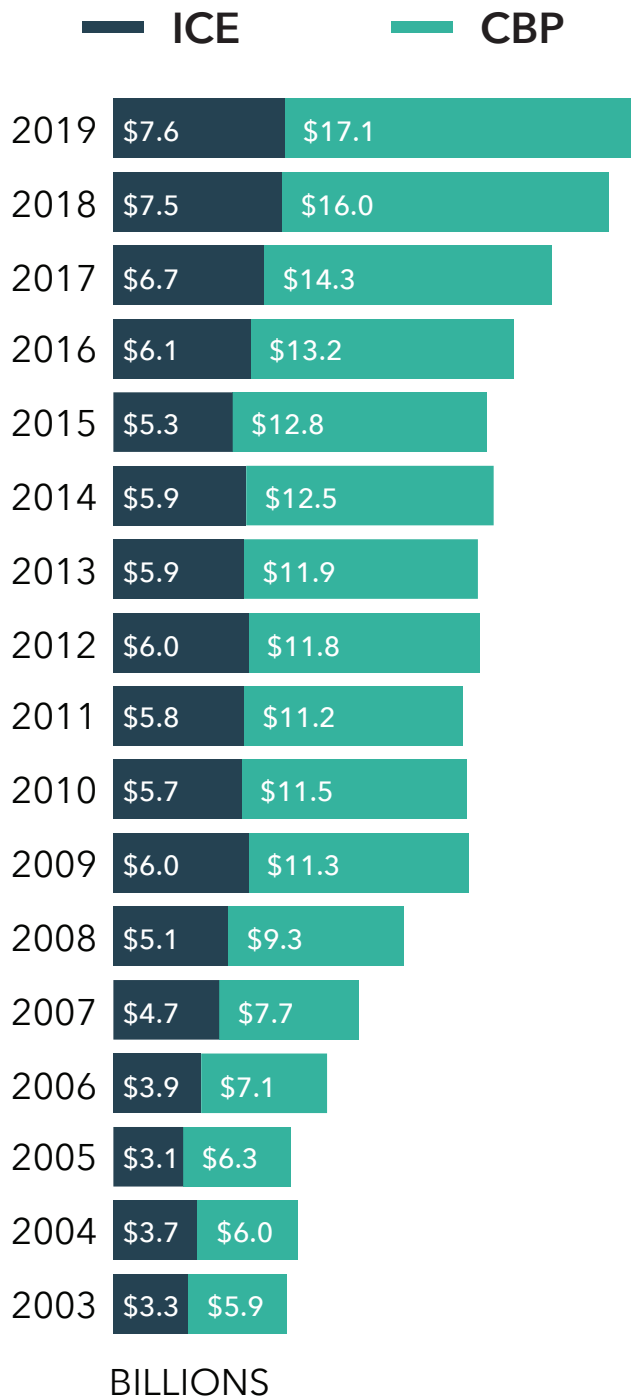
Migrants returned to Ciudad Juárez have suffered robbery, assault, kidnapping, extortion, trafficking and murder.

Asylum officers often return migrants expressing fear of return to Ciudad Juárez back to that city, violating the principle of non-refoulement.

CBP, Border Patrol and the Immigration Courts routinely return migrants with genuine cases of asylum back to Ciudad Juárez.

Access to counsel is severely limited for migrants waiting in Ciudad Juárez.

CBP & ICE Annual Budgets, FY 2013-2019¹⁴



Less than 3pc of migrants in Ciudad Juárez have been able to secure an attorney.¹⁵ The El Paso region does not have a law school or large law firms able to provide pro bono services. Even prior to Remain in Mexico, a fraction of asylum seekers in the region were able to access low-cost or free representation.

Of the approximately 7,500 cases where immigration proceedings have concluded in El Paso immigration courts, asylum or another form of relief was granted in only 15 instances.¹⁶ With a near 90pc denial rate, El Paso immigration courts routinely deny asylum significantly above the national average¹⁷; migrants are thereby disadvantaged by a program which forces them to remain within the El Paso jurisdiction.

Immigration judges frequently terminate individual proceedings with *in absentia* deportations, even though migrants may be legitimately impeded from reporting to the court for a host of reasons. These include incorrect paperwork filed by DHS personnel, the inability of homeless migrants to post addresses with the court, and malicious practices by enforcement agents like providing the wrong dates for hearing to migrants.

Remain in Mexico courts in El Paso, once relatively open, are now less accessible to independent monitors like Hope Border Institute.

Attorneys are often reluctant to cross into Ciudad Juárez out of concern for their personal safety, the legal ambiguities involved in practicing in Mexico and record high bridge wait times.

In 2019, bridge wait times in El Paso-Ciudad Juárez were the highest in a decade. Why? In part because CBP suspended the dedicated US citizen pedestrian line, suspended the rush hour 'All Lanes Initiative', created traffic choke points at the bridge with concrete barriers and closed the bridges to traffic twenty times for paramilitary-style exercises.¹⁸

Declining arrivals - an index of deterrence

Arrivals to the US-Mexico border have declined each month for the past seven months. In December 2019, CBP apprehended just over 40,000 inadmissible migrants, which represents a 70pc drop from the 2019 monthly high of 144,000 in May.¹⁹ In 2019, nearly 978,000 inadmissible migrants were apprehended at the border, a significantly higher number as compared to recent years.²⁰

Arrivals at the US-Mexico border continue to include

¹⁴ US Department of Homeland Security, *Budget-in-Brief*, FY2018-2020

¹⁵ Transactional Records Access Clearinghouse, <https://trac.syr.edu/phptools/immigration/mpp/>

¹⁶ Transactional Records Access Clearinghouse, <https://trac.syr.edu/phptools/immigration/mpp/>

¹⁷ The national asylum denial rate in 2019 was just over 60pc. See Transactional Records Access Clearinghouse, *Asylum Decisions Vary Widely Across Judges and Courts - Latest Results*, <https://trac.syr.edu/immigration/reports/590/>.

¹⁸ El Paso Times, *Backed up at the border: What caused worst wait times in 10 years at international bridges* (06 December 2019), <https://www.elpasotimes.com/story/news/2019/12/06/international-bridges-border-residents-brave-longer-lines-migration-crisis-goes/2587424001/>.

¹⁹ US Customs and Border Protection, *Southwest Border Migration FY2020* (Accessed 27 January 2020), <https://www.cbp.gov/newsroom/stats/sw-border-migration>

²⁰ *Ibid.*



families, unaccompanied minors and individuals. In FY2020, El Paso is presently the third destination (after San Diego and Laredo) for arrivals of unaccompanied children; the third destination (after Laredo and San Diego) for arrivals of families; and the third destination (after San Diego and Laredo) for arrivals of individuals.²¹

In FY2020, unaccompanied child and family arrivals to the border come primarily from Mexico and Honduras.²² There continues to be a significant spike in arrivals of single adults from Mexico, who are the largest group of arriving adult individuals (nearly 54 times more than Honduras, the second highest country of origin for single adults).²³

Mexican asylum seekers

In the past several months, there has been a spike in the arrival of Mexican asylum seekers to the border, including Ciudad Juárez. For several months, approximately 3,000 Mexican asylum seekers crowded around the El Paso-Ciudad Juárez ports of entry because CBP refused to expeditiously process their asylum claims. Mexican authorities removed them on 07 January 2020 after threatening them with criminal prosecution for child neglect. Migrants interviewed by the Hope Border Institute in Ciudad Juárez have come from across the states of

Sinaloa, Durango, Zacatecas, San Luis Potosí, Michoacán, Guerrero and Veracruz. The Hope Border Institute has documented disparate causes relating to violence, often connected to narcotrafficking.

This situation coincides with an increase in generalized violence and murder across Mexico; nearly 35,000 homicides were reported in 2019²⁴ and more than 5,000 persons were disappeared.²⁵

A heightened culture of cruelty in border enforcement

17 individuals were killed by or died in the custody of Border Patrol in 2019, more than any year in the past decade except 2012.²⁶ Six migrant children died in government custody between September 2018 and May 2019, the first such deaths in a decade, including two in the El Paso region, Jakelin Caal Maquin (7) and Felipe Gomez Alonso (8).

Criminal arrests of border enforcement agents have reached a five year high²⁷ and arrest rates are five times as high as rates of peers in other federal law enforcement agencies.²⁸ 9pc of agents were accused by a supervisor or the public of misconduct in the past year.²⁹ There has also

²¹ US Customs and Border Protection, *Southwest Border Inadmissibles by Field Office Fiscal Year 2020* (Accessed 27 January 2020), <https://www.cbp.gov/newsroom/stats/sw-border-migration/fo-sw-border-inadmissibles>.

²² *Ibid.*

²³ *Ibid.*

²⁴ Secretaría de Seguridad y Protección Ciudadana, *Se contiene crecimiento en homicidios y se reducen delitos patrimoniales durante 2019*, 21 January 2020, <https://www.gob.mx/sspc/prensa/se-contiene-crecimiento-en-homicidios-y-se-reducen-delitos-patrimoniales-durante-2019>

²⁵ Washington Post, *More than 60,000 Mexicans have disappeared amid drug war, officials say* (06 January 2020), https://www.washingtonpost.com/world/the_americas/more-than-60000-mexicans-have-been-disappeared-amid-drug-war-officials-say/2020/01/06/07a4ea56-24f8-11ea-9cc9-e19cfc87e51_story.html.

²⁶ Southern Border Communities Coalition, *Deaths by Border Patrol Since 2010* (08 January 2020), https://www.southernborder.org/deaths_by_border_patrol.

²⁷ US Customs and Border Protection, *Discipline Analysis Report Fiscal Year 2018* (2019), 25, <https://www.documentcloud.org/documents/6510092-Cbp-Discipline-Analysis-Report-fy18-Compressed.html>.

²⁸ Quartz, *Border officers are arrested 5 times more often than other US law enforcement* (16 July 2019), <https://qz.com/1664253/cbp-officers-arrested-5-times-as-often-as-other-law-enforcement/>

²⁹ Quartz, *Criminal misconduct by US border officers has reached a 5-year high* (24 October 2019), <https://qz.com/1734240/criminal-misconduct-by-us-border-officers-has-hit-a-5-year-high/>.

been a nearly 11pc increase in domestic violence reports among border enforcement agents.³⁰

In 2019, a secret Facebook group for Border Patrol agents was exposed; the group had 9,500 members, including an El Paso supervisor as well as the outgoing Border Patrol chief.³¹ The Facebook group was noted for its racist, indecent and lurid content.

Hope Border Institute executive director Dylan Corbett was detained at an El Paso port of entry in December 2019, after a CBP officer searched the contents of his belongings and found receipts for the purchase of beds for migrants. His files and mobile phone were confiscated for a time. He was harassed and interrogated for being a human rights worker, threatened with return to Mexico and made to sit in holding for an extended duration.

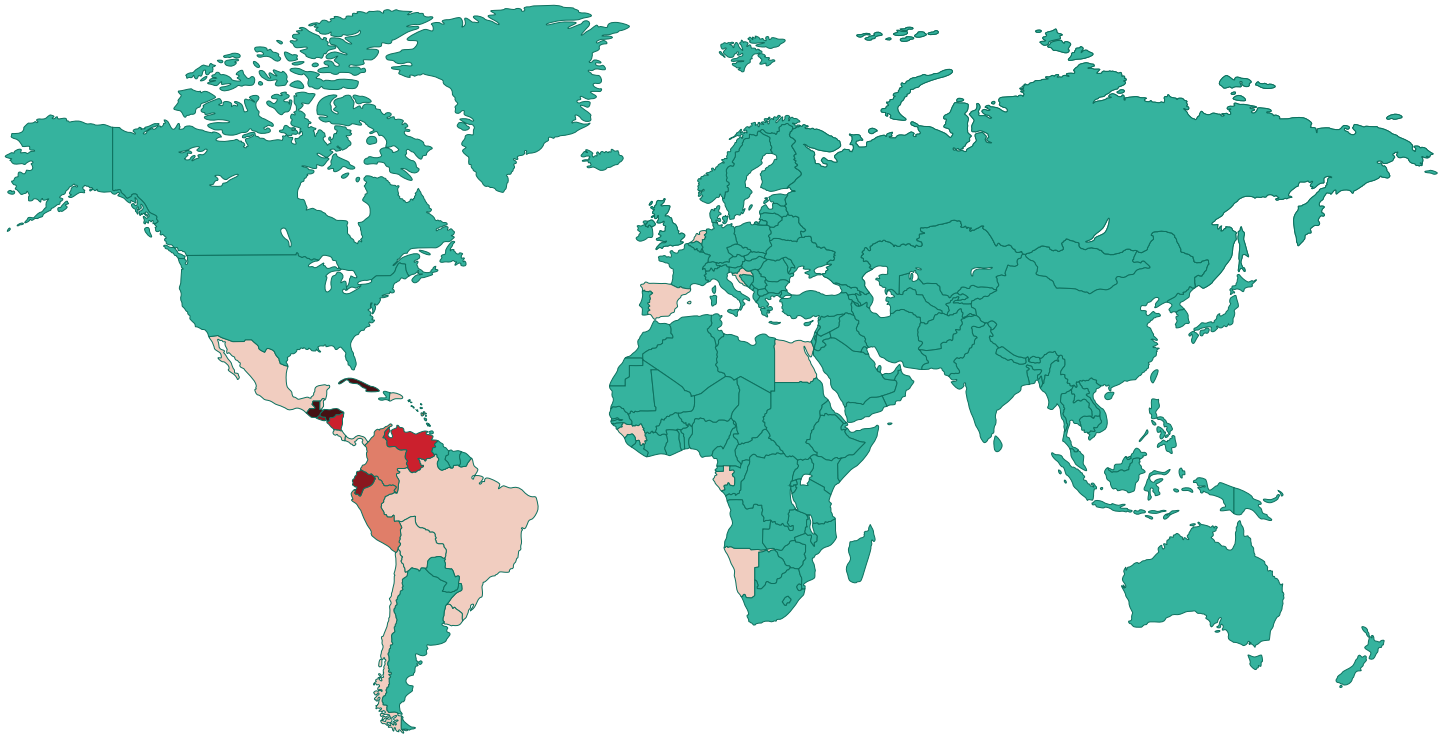
30 US Customs and Border Protection, *Discipline Analysis Report Fiscal Year 2018* (2019), 30, <https://www.documentcloud.org/documents/6510092-Cbp-Discipline-Analysis-Report-fy18-Compressed.html>.

31 ProPublica, *Inside the Secret Border Patrol Facebook Group Where Agents Joke About Migrant Deaths and Post Sexist Memes* (01 July 2019), <https://www.propublica.org/article/secret-border-patrol-facebook-group-agents-joke-about-migrant-deaths-post-sexist-memes>.

Members of the the team of the Hope Border Institute and Bishop Mark J. Seitz delivering aid to a shelter in Ciudad Juárez as part of the Diocese of El Paso's Border Refugee Assistance Fund.



Nationalities of Migrants Returned to Ciudad Juárez



Honduras (4,902)
Guatemala (4,825)
Cuba (3,426)

El Salvador (2,067)
Ecuador (1,557)

Venezuela (334)
Nicaragua (283)

Colombia (41)
Peru (37)

Less than 15
Mexico, Uruguay, Spain, Chile,
Costa Rica, Belize, Panama,
Bolivia, Guadeloupe, Gabon,
Namibia, Holland, Croatia,
St.Christopher-Nevis, Brazil,
Egypt, Guinea, Dominican,
Republic

The Human Toll

HOPE's Border Observatory research program, in partnership with a combination of law, graduate and undergraduate students and professors, interviewed migrants trapped in the limbo that is Remain in Mexico. These are some of their stories.

Dolores is a mother of two. She fled Honduras with her husband and children. Upon their arrival in Chiapas, the family was assaulted by members of a cartel who threatened to kill them. The family was forced to split up and Dolores and her daughter, Sara, made it to the border alone. They were kidnapped in Ciudad Juárez. Over five days, Dolores was raped multiple times in front of her daughter. They escaped from their captors and ran towards the border to seek protection.

Dolores recounted what had happened to her to a CBP officer. He told her that she should not be sent to Mexico. The following day, as Dolores was being coerced into signing documents she did not understand, she began vomiting and passed out. She was awoken the next day at 4am and sent back to Juárez with Sara.

One morning Dolores woke up in the shelter to find Sara in the bunk bed above her, naked and in shock from having been sexually assaulted.

Dolores and Sara now feel afraid of everything. Sara screams at night and has become withdrawn and never leaves her mother's side under any circumstance.

Yanet arrived in Ciudad Juárez from Cuba in June 2019 and added herself to the asylum wait list. Having travelled across ten countries and unable to wait months in Juárez, she crossed the Rio Grande to surrender to immigration officials. She was placed in detention for a week. There, she witnessed over 100 women and children sleeping on gravel. 'You were lucky if you got a blanket', she said.

Food came once a day in the form of noodles, animal crackers and juice. Toilets were filthy and there were no toothbrushes. The intense air conditioning made almost everyone sick.

Yanet was soon sent back to Juárez under Remain in Mexico. She was unable to find an attorney. While in Ciudad Juárez, two of her companions in the shelter died and she witnessed two murders on her way to an informal job. At the conclusion of her asylum hearing, Judge Sunita Mahtabfar denied her petition and told her, 'Fidel is dead'.

Fatima is a 19 year-old-woman fleeing Nicaragua who was separated from her daughter and her teenage brother upon arrival to the US-Mexico border. Fatima's documents from the hospital stating she was the birth mother were taken away from her.

Fatima spent nearly 50 days in detention before being sent to Ciudad Juárez under Remain in Mexico. Advocates for her daughter were unable to locate her for weeks, until HOPE staff found Fatima by chance during a shelter visit. Despite a request from ICE to perform a DNA test, after visits to the immigration court, the government kept sending her back to Juárez. It was months before she was paroled into the country to be reunited with her child and continue her asylum claim.

Samuel, a 28-year-old man from El Salvador, arrived in Ciudad Juárez after escaping kidnapping attempts on his journey through Mexico. He suffers from severe cognitive disabilities and cannot read or write. Despite his obvious condition, Samuel was separated from his caregiver family members at the border and placed in Remain in Mexico. Even though identified by the court during his first appearance as someone who should be removed from the program, Samuel was sent to Juárez again, only this time without the medical paperwork documenting his condition. Six weeks later, HOPE staff found Saul in a shelter.

Bishop Mark J. Seitz of the Diocese of El Paso accompanied Samuel to the international bridge and pleaded with CBP officers to unenroll from him from Remain in Mexico. After being detained for several days, Samuel was inexplicably returned to Mexico.

While in holding, Samuel recalls being harrassed and was threatened with being sent to an 'insane asylum'. Even though he cannot write, his paperwork was suspiciously signed. Immigration enforcement officials unethically

leaked Samuel's paperwork to the media and falsely claimed he was a minor, in a brazen attempt to tarnish the advocates supporting him.

Months later, the court found that Samuel should be removed from Remain in Mexico due to mental incompetency. Following the ruling, he was finally released to his family after spending another three weeks in detention.

Magaly, a 57-year-old Cuban woman, arrived in Ciudad Juárez in the summer of 2019 to seek political asylum in the United States and reunite with her son in Miami.

For over three months, Magaly stayed in a Juárez shelter, while on the asylum 'wait list'. Her health deteriorated. Magaly had hypertension and diabetes and soon developed recurring stress headaches and constant tremors. At times she lost her eyesight. Desperate, she went to the international bridge to plead with CBP officers for asylum. Rather than accepting her, she was placed in Remain in Mexico and returned to Ciudad Juárez with a February 12, 2020 court date.

Magaly died on December 6, 2020 from a stroke, having never seen her son again. Her body sits in a Juárez morgue, as Cuba refuses to repatriate the body of a 'deserter.'

Alejandrina is a Honduran woman in her 30s who left her country fleeing persecution on account of her sexual orientation. She spent her young life relocating across Honduras trying to escape rape, harassment and the abuse of her own family.

Alejandrina arrived in Juárez on April 11, 2019 and crossed the border to seek asylum. After being detained for 9 days, she was sent back to Juárez under Remain in Mexico.

Alejandrina found shelter in a Catholic parish. The shelter soon began to receive threats after taking in a family who had escaped human trafficking. The migrants voiced their fears of returning to Juárez during their court appearances but the government did nothing.

Before the immigration judge, Alejandrina painfully detailed recollections and evidence of her life in Honduras. The judge denied her petition. Four months later, Alejandrina remains in detention waiting on appeal.

Recommendations

US Government

- End the Migrant Protection Protocols and practices which meter asylum at ports of entry
- End expedited asylum programs which curtail due process and access to counsel, like the Prompt Asylum Claim Review program (PACR) and the Humanitarian Asylum Review Process (HARP)
- Guarantee the right to asylum of all asylum seekers at the border, including rights to due process and access to counsel
- Invest in humane alternatives to detention

US Department of Justice

- End the practice of issuing deportations in absentia for those in Remain in Mexico
- Provide training to immigration judges on root causes driving immigration to the border
- Provide training to immigration judges on ethical and appropriate interaction with trauma survivors
- Reinststate the ability of immigration judges to close cases administratively
- Ensure adequate interpretation in immigration proceedings

Congress

- Defund the Migrant Protection Protocols
- End blank check increases to the budgets of immigration enforcement agencies and put in place effective controls to guarantee transparency and accountability
- Redirect resources to hiring additional immigration judges and asylum officers

Mexico

- End collaboration with the US Government in programs designed to curtail the right to asylum, like Remain in Mexico
- Increase funding for the Commission for Refugee Assistance (COMAR) in order to meet the heightened need for asylum processing
- Increase funding for the Unit for the Investigation of Crimes for Migrants (UIDPM), which investigates crimes committed against migrants

International Organization for Migration (IOM)

- End the repatriation of migrants who are not fully informed of the consequences of abandoning asylum claims and implement basic safeguards to protect the rights of asylum seekers and insure against refoulement

NGOs & Civil Society

- NGOs should work to increase binational collaboration and leverage efforts and funding opportunities
- Funders should support capacity-building and scaling opportunities for local organizations working to address immigrant justice issues like Remain in Mexico over short-term, isolated initiatives

Faith Communities

- Consistent with a broad spectrum of religious traditions, faith communities should demand that the US Government respect the right to asylum
- Take concrete steps to be in active solidarity with impacted communities and organizations on the front lines of the work for justice
- Welcome and support migrants in your community



Response of Hope Border Institute in 2019

1. Court Watch

The Hope Border Institute was the only NGO with a consistent presence monitoring the Remain in Mexico immigration courts in El Paso in 2019. Access to the immigration courts has now been restricted.

2. Documentation of Human Rights Abuses

The Hope Border Institute documented human rights abuses related to Remain in Mexico in the immigration courts as well as with migrants in Ciudad Juárez.

3. Convening

In February 2019, the Hope Border Institute convened international and regional faith-based agencies and organizers, including the Tex-Mex bishops, for an emergency strategy session prior to the rollout of Remain in Mexico.

4. Border Refugee Assistance Fund

With support from the Hope Border Institute, the Diocese of El Paso launched a fund to support the humanitarian needs of arrivals to the border. The fund has hired a coordinator and has made disbursements to a number of shelters in Ciudad Juárez. It has also supported a medical burse for emergency medical needs, the construction of beds and other initiatives, including food and clothing for Mexican asylum seekers living in makeshift encampments at the ports of entry.

5. Bridge accompaniments

Faith leaders engaged in a number of both high-profile and discreet accompaniments of asylum seekers at the ports of entry, to pressure the USG to honor asylum law. These included both those affected by Remain in Mexico and Mexican asylum seekers. Bishop Mark J. Seitz accompanied a family and an individual with mental disabilities who were ultimately released into the United States.



6. Root Causes Project

Together with Faith in Action and the Diocese of El Paso, the Hope Border Institute is leading an initiative to develop root causes legislative proposals in consultation with faith and grassroots communities at the border, in Mexico and in Central America.

7. Endorsed H.R. 2662, the Asylum Seeker Protection Act.

The bill, introduced by Congresswoman Veronica Escobar (TX-16) in May 2019, prohibits the use of funds to implement or enforce the Migrant Protection Protocols.

Take Action

Champion borderland communities and take action today:

- Support migrants' access to legal counsel through a donation or volunteer services to Estamos Unidos, an innovative program leveraging people power to provide legal assistance for migrants.
- Be part of the movement to defend human rights at the border by making a donation today to the Hope Border Institute.
- Contact congress right now and demand an end to Remain in Mexico and express your support of H.R. 2662 - Asylum Seeker Protection Act.

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