BETWEEN WALLS: ASYLUM APPLICANTS UNDER THE MIGRATION PROTECTION PROTOCOLS
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Tijuana, Baja California, October 2019
The displaced population who is applying for international protection from the United States and has entered Mexico is being forced to wait for its process in Mexican territory under the Migrant Protection Protocols (MPP).

The exact number of applicants returned to Mexico is not available due to the lack of transparency of the authorities. However, various sources point out that, from January 1, 2019 to January 21, 2020, 26,000 people have been returned by Baja California and more than 61,000 by the entire northern border of Mexico.

Returning asylum seekers under the MPP program poses a major challenge for civil society organizations on the U.S.-Mexico border, as well as for the authorities themselves, given the conditions under which some shelters and the withdrawal of the financial support that previous governments gave them through a migrant fund.

The returned applicant population under MPP is in a state of limbo with bewilderment, desperation, and uncertainty about what the future holds. In addition, they live in fear of what may happen to them in Mexico, as they have been victimized by both organized crime and the police authorities and criminals who have robbed, extorted, kidnapped, and sexually assaulted them during their transit or waiting period. Their fear is well-founded.

They are disconnected to safety nets, protection, or support. This is further complicated when coupled with the unfamiliarity to the cities where they are returned and without the guarantee of a job that allows them to meet their food and housing needs. They are unaware of what asylum means, and little or no legal advice that allows them to continue the process.

Therefore, the Coalición Pro Defensa del Migrante, with the support of the American Friends Service Committee’s Latin America and the Caribbean (ASFC LAC) regional office, in collaboration with the National Commission for Human Rights, were tasked with developing this study, documenting the phenomenon of the applicant population returned under the MPP program to Baja California by US authorities, characterizing their profiles, conditions, needs, and expectations. This report also seeks to propose options for care and protection for the population that has been forcibly returned to Mexico’s northern border states.

A survey was conducted on a sample of 360 applicants returned under the Migrant Protection Protocols (MPP) at 15 shelters in Tijuana and Mexicali, during the period from July to August 2019. This survey was reinforced with some semi-structured interviews with key informants.
The results show that the returned population is made up of a slight majority of women, but there are also families. Five out of ten people surveyed were between the ages of 19 and 35. Seven out of ten are at the most basic education levels (primary and secondary).

It is important to mention that seven out of ten did have some paid employment in their country of origin but fled because of insecurity and low wages. It should be noted that a significant number of people are from a rural community.

Half of the population left their country due to violence and the danger in which they found themselves, but there were also applicants who fled for political reasons and domestic violence. More than 90% had never applied for asylum in the United States and 80% are unaware of legal procedures and lack legal representation to prepare their cases. Most don’t plan on having legal advice either because they can’t afford it. Only a small percentage, 15%, are aware of the need for legal advice and plan to make use of their services.

It was found that there are no minimum conditions of respect for human dignity in detention centers in the United States. Among the characteristics that the applicant population highlighted, are that they are spaces with very cold temperatures and where people are exposed to light day and night, since at no time are lights turned off. Eight out of ten people experienced that situation. For 80% of returnees, food is insufficient and of poor quality, and seven out of ten consider that the spaces are always overpopulated.

Nine out of ten returnees did respond to a question about receiving a credible fear interview, but 12% stated they did not receive such an interview. The relationship with US agents was reduced to the signing of documents that are not usually in Spanish, so stated by more than 80% of the survey respondents.
Also, a significant percentage of the people surveyed consider that the Mexican population discriminates against them, so they are concerned about staying in places where they do not have contacts or social networks. About half will have to wait from one to three months while 40% will wait for three to six months. Returnees are in a situation of extreme vulnerability, they do not know anyone, they do not have personal humanitarian support contacts.

Many applicants returned under these protocols have withdrawn this process and decided to return to their countries of origin despite the risks this poses. But this was largely due to a lack of legal representation, uncertainty, and fear of having to stay in Mexico for an indefinite time.

In the return process, irregularities that violate due process are also committed. A third of the returnees who were in the detention centers were not notified that they would be returned to Mexican territory. Many applicants were not returned by the same city where the formalities began and a quarter suffered family separation, violating international treaties.

In the process of returning to Mexico, the monitoring of these people is irregular, and their safety is not guaranteed. Mexican authorities must respect and protect asylum seekers, as committed to the agreements with the United States, but the practices state otherwise. Two-thirds were not approached by the Mexican authorities to interview them. Half of the returned applicants had information on the existence of shelters in the cities where they were returned, but more than 90% had to go on their own because the authorities did not provide adequate support or guidance.

These people have uncertain expectations. 60% say they will wait as long as it takes to carry out their asylum process, while the remaining 40% only plan to wait a few months. In that interval, half have the expectation of working in Mexico, a third do not know what they are going to do, and a small percentage would return temporarily to their country.

As for what will happen if they fail to access asylum, half of those surveyed do not have an action plan, a third will seek refuge in Mexico and 20% will be required to return to their country.
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