



**American Friends  
Service Committee**



**Borderless:** Binational dialogue on  
migration, detention and deportation  
in COVID-19 times





The Binational Dialogue convened by the U.S. Network on Migration and Human Mobility (HMM Network) and the American Friends Service Committee's Regional Program for Migration and Human Mobility of Latin America and the Caribbean aimed to promote the exchange of information between organizations and coalitions on the current context of immigration detention in the time of COVID-19. As well as, the articulation of advocacy strategies and methods of documentation that have been developed to achieve the release of detainees and improvements of detention conditions.

58 participants from organizations in the United States, Mexico, Guatemala and El Salvador, through plenary spaces and thematic groups shared their reflections and experiences on the current context of detention and deportation of migrants and applicants for international protection. We share the main findings and reflections of this space of dialogue and exchange which despite the realities of the territories and communities, crossed borders.

## **Resurgence of immigration detention conditions in times of pandemic**

Despite large differences in structures of detention systems in Mexico and the United States, the precarious and inhumane conditions in which migrants and applicants for international protection are deprived of their liberty are similar in many ways. In addition, there is consensus that the political response to COVID-19 in Mexico and the United States led to the worsening of conditions of accommodation, food, hygiene, medical care, access to information, legal assistance, violence and mistreatment inside detention centers.

For example, cases of detention centres where the desupply of basic hygiene products such as diapers and hygienic towels affecting women, children especially have been reported in both countries.<sup>1</sup> Equally, issues with food are recurring, in Mexico reports continue to highlight the lack of food, reduced portions and even decaying foods that have caused digestive diseases mainly in children.

As the pandemic progresses and health measures in Mexico and the United States become more flexible and non-existent, the worrying overcrowding figures in various centers have returned on account of the strengthening of immigration detention operations in recent months, restrictions or increased processing of the deportation of people who must remain detained indefinitely. Still, governments have refused to release detainees and have instead opted for deportations despite the risks that this entails. In Mexico, the National Institute of Migration (INM) itself has not fulfilled its own commitments to maintain low levels of occupation in detention centers and has disregarded several federal legal provisions ordering it to immediately release people at high risk for COVID19.

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<sup>1</sup> For more information on the situation in US detention centers regarding COVID-19 consult <https://www.freedomforimmigrants.org/map>

Health conditions in this context are of great concern following the absence of health protocols or their lack of implementation in detention centres. There are known cases both in the United States and Mexico of people being transferred between different centers without any biosecurity measures. Within detention spaces basic health measures such as the use of facemasks or physical distancing are not observed, instead detainees are the ones who must be responsible for disinfecting spaces with few cleaning supplies and in the United States the use of toxic disinfecting chemicals given to detainees as a retaliation in the face of protests and complaints were reported.<sup>2</sup>

In this context, the handling of official information on the behaviour of the virus in detention centres in the two countries is different. There is a lack of transparency, omissions and stigmatization are latent. On the one hand, Immigration and Customs Enforcement (ICE) reports the number of positive cases of COVID-19 between officials and detainees daily. Officially, on 5 November 2020, there were 7,071 positive cases in detention and 8 reported deaths since February.<sup>3</sup> Meanwhile in Mexico, the National Institute of Migration has repeatedly pointed out that since March there have been no reported new cases or deaths from COVID-19. However, in September, the death by COVID-19 of a detainee at the Detention Centre in Mexico City in April was made known by the National Human Rights Coalition (CNDH).

In both countries, both INM and ICE have denied access to information on living conditions and access to rights in detention centers, the only sources being legal advisers, family members or released individuals who have had contact with detained persons. This situation of isolation has encouraged corruption within detention centers in an effort to control access to basic goods and phone calls in cases where they are allowed – there are centers in the United States where the only form of communication is through letters. Similarly, in the absence of organizations and entities monitoring the human rights situation, the repression and violence of security forces against protests and hunger strikes has been increased. In Mexico between March and April there were more than four protests in detention centers that were suppressed by agents of the INM and the National Guard, in one of them a Guatemalan citizen died in a fire after the only emergency exit was blocked.<sup>4</sup>



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<sup>2</sup> <https://www.afsc.org/newsroom/immigrant-rights-organizations-directly-impacted-individuals-speak-use-toxic-chemical>

<sup>3</sup> <https://www.ice.gov/coronavirus#citations>

<sup>4</sup> <http://gtpm.mx/ante-los-riesgos-por-el-covid-19-exigimos-la-libertad-inmediata-de-todas-las-personas-migrantes-refugiadas-y-solicitantes-de-asilo-en-detencion-migratoria/>

## **Differentiated effects of immigration detention conditions**

The current context of worsening living conditions and human rights violations in detention intersects with multiple forms of violence and oppressions that migrants experience every day due to factors such as gender, age, ethnic identity, nationality, social class. In this regard, during the Regional Dialogue we shared information and reflections on the situation of women, girls, children and adolescents, asylum seekers, African decedents, the LGBTIQ+ community and those belonging to indigenous peoples.

Reflections showed worrying signs of the situations of accompanied and unaccompanied children and adolescents who remain in detention centers in Mexico, including in spaces shared with adults. It is hoped that this reality can soon be ended by new legal reforms prohibiting the detention of minors.<sup>5</sup> On the other hand, complaints about persecution and ongoing surveillance against Afro-descendant communities were shared in the United States; the participating organizations point to the increase in the detention of Afro-descendant migrants in the context of elections, including against people with existing asylum and appeal procedures before the courts. They also showed that detained Afro-descendants suffer greater violence, abuse, insults and are more likely to be put into isolation.

It is also relevant to share the situation of LGBTIQ+ and HIV+ detainees. In both countries these groups were deprived of privacy in spaces shared with men and women, without any protections, making them frequent victims of discrimination, sexual harassment, abuse, and physical violence. In fact, long-term isolation measures in the United States were reported to be experienced by trans women. In the current pandemic context, organizations accompanying HIV+ people in detention have received constant reports of their high risk to COVID-19 due to medical malpractice, restrictions on access to their antiretroviral treatments, and the impossibility of physical distancing within detention centers.

## **Deportations, transfers, and releases in times of COVID-19**

In both the United States and Mexico, as well as the countries of northern Central America, border closures and international flight restrictions did not cover deportations. Worse, there are no sanitary deportation protocols, resulting in multiple complaints of people who were deported by air and land carrying COVID-19 back with them from their time in the United States<sup>6</sup> and Mexico. Even in Mexico following the judicial measures that forced the INM to release persons detained at high risk by COVID-19, their response was to deport them or leave them in isolated places on the southern border to return on their own to their countries of origin.

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<sup>5</sup> <https://gtpm.mx/iniciativas/ninez-migrante-armonizacion-de-lm-con-lgdna/>

<sup>6</sup> <https://imm-print.com/update-ffis-covid-19-in-immigration-report/>

This situation has resulted in increased discrimination against deportees in their countries of origin. In Mexico, Guatemala and El Salvador, stigmatizing speeches from government sources and the media have created panic in returnee's communities that in some cases have responded with the blockade of the transit and entry of deported individuals. Although most communities have responded with solidarity by building their own health protocols to welcome returnees.

Added to this context is the worrying and arbitrary situation of thousands of people who are victims of the "Migrant Protection Protocols" or MPP who remain on Mexico's northern border pending the resolution of their asylum application, now in a prolonged wait due to the closure of borders and the suspension of asylum processes under the pretext of COVID-19. In addition, individuals deported through express means under title 42 of the Public Health Safety Act by ports bordering Mexico that has become synonymous with the total denial of the right to asylum in the United States.

On the other hand, there are allegations of interior transfers between detention centers. For example, in New Jersey, multiple transfers have been made between Essex County Jail to Bergen County Jail and people are then forced to remain in isolation with limited access to information, libraries, phone calls, etc. In Mexico, transfers to three "concentrated" detention centres for air or ground deportation for people from El Salvador, Honduras, Guatemala and Haiti have also been documented.

Regarding the release of detainees, success stories are shared in the two countries of people at high risk of health from pre-existing illnesses or because of their advanced age. In the United States, people who remained deprived of liberty due to legal reasons or through requests to the Supreme Court have also been released. In Mexico as previously discussed, although in late April there were court rulings ordering the release of children, adolescents and those over the age of 60 and with high-risk illnesses, the INM instead responded with the deportation of 97% of the 3,759 people arrested at the time.

## **Responses and actions of civil society to the context of detention and deportation**

Participating organizations shared the various actions they take daily to achieve the release of migrants, promote structural changes in migration policies, and combat discrimination and xenophobia. These are some of the main initiatives and responses that are rooted in collective work with migrants, not only as beneficiaries but as friends and colleagues. Many of these actions are shared throughout the region, so they can give us a guideline for building strategies and exchanges that cross borders

- Legal actions, litigation, and legislative advocacy actions to obtain the release of people and stop deportation at borders.



- Creation and publication of reports and bulletins about the situation of migrants, asylum, or shelter seekers in the time of COVID-19 to bring forth advocacy.<sup>7</sup>
- Comprehensive accompaniment to detainees and humanitarian care when they are released. In the United States, it includes taking legal responsibility to ensure that people remain in court proceedings.
- In the countries of origin and return, various campaigns have been disseminated to promote a discourse and atmosphere of welcome and solidarity towards deportees.
- Cooperation between organizations from different countries to support translation of materials into multiple languages and in this way overcome the barrier that has been used by migration institutions to deny rights to thousands of people who do not speak Spanish or English.
- African-descendant migrant rights organizations have been fighting for recognition of the situation of their companions within the migrant rights movement. In this way a call is made to understand the intersectionality between racial justice and migration -immigrant justice-
- Formation of national coalitions for the abolition de of immigration detention centers as they are environments of torture and spaces of human rights violations, this is why there are not enough reforms that can change the dehumanization and violence that people deprived of liberty live in.
- Advocacy and reporting actions for the release of children and adolescents and the total prohibition of their detention.<sup>8</sup>
- Building bridges and alliances with movements for the defence of the rights of migrants and applicants for international protection in other parts of the world -fostering an internationalist approach - especially in Africa and the Mediterranean because common struggles are shared and the need for support in the countries of origin of thousands of people displaced from Africa.
- Advocacy and reporting actions to guarantee the right to interpreters for detainees and asylum seekers or shelter seekers.



<sup>7</sup> Migration report and COVID-19 in Mexico:

<http://www.cmdpdh.org/publicaciones-pdf/cmdpdh-informe-migracion-y-covid-19.pdf>

<sup>8</sup> In addition to Mexico's recent legislative reform on detention of minors, success was shared in the United States the closure of the Detention Centre for minors Homestead: <https://migrantjustice.afsc.org/>