

DISMANTLING ASYLUM: A YEAR INTO THE MIGRANT PROTECTION PROTOCOLS



**American Friends
Service Committee**

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PHOTOGRAPHS

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ABOUT THE PROGRAM

The U.S.-Mexico Border Program advances human rights and self-determination of migrant communities through base-building, alliance-building, documentation and policy-impact. We support local community-based organizing campaigns, train and accompany community-based leadership to educate, advocate, mobilize, and organize constituents to secure just and humane immigration policies. Using a human rights framework and in collaboration with community partners, we advance policies affecting immigration and border issues and build alliances to protect migrant and non-migrant rights. Our goal is to engage community partners and leaders to monitor and document instances of civil and human rights abuses by law enforcement agencies. The objective of documenting law enforcement activity is to change policies and practices that violate human rights, and change the public discourse away from militarization of border communities, towards just and humane immigration policies that benefit workers and their families.

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JANUARY 2020

INTRODUCTION

With the increase of migrants arriving at the US-Mexico border, the current administration met migrants with excessive force and with policies that have placed those seeking refuge and protection in harm's way. The Trump Administration implemented the Migrant Protection Protocols (MPP), also known as Remain in Mexico, on January 24, 2019 as a deterrent to migration flows and as a form of systemic discrimination towards a specific group of migrants, those from Spanish-speaking countries. This policy violates the non-refoulement commitment as set forth by international laws¹ and hinders a migrants access to legal representation.

The following analysis looks at how the journey towards seeking asylum in the US has become more onerous due to policies the US government has orchestrated during the last year, specifically since the enactment of MPP. The migrant's experience is shared through observations of immigration court hearings in San Diego conducted by AFSC staff and volunteers. A total of 483 cases were observed from June 2019 to January 2020. In addition, partners in Mexico and court observers offer reflections to provide an additional perspective into the effects of an unjust and inhumane immigration system.



Figure 1: On November 25, 2018, migrants were met on the border in San Ysidro, CA by heavy militarization and force. (AFSC)

MIGRANT PROTECTION PROTOCOLS

On January 24, 2019, the US Department of Homeland Security implemented the Migrant Protection Protocols (MPP), also known as Remain in Mexico, as a pilot program at the San Ysidro Port of Entry in San Diego². The policy would allow border enforcement officers at the port of entry, specifically officers from Customs and Border Protection’s Office of Field Operations (OFO), to send asylum-seeking migrants back to Mexico to wait for the immigration court, the Executive Office of Immigration Review (EOIR), to make a decision on their asylum claim. MPP is currently enforced along the entire southern border by both OFO and the US Border Patrol.

Honduras	21,786	Hong Kong	3
Guatemala	15,009	Gabon	2
Cuba	7,709	Guinea	2
El Salvador	7,668	Namibia	2
Ecuador	3,114	Argentina	2
Venezuela	2,046	Haiti	2
Nicaragua	1,414	Oman	2
Peru	136	Malawi	1
Colombia	127	Cyprus	1
Mexico	72	Paraguay	1
Dominican Republic	43	San Marino	1
Guadeloupe	12	Croatia	1
Spain	11	Afghanistan	1
Belize	11	Vanuatu	1
Costa Rica	11	Democratic Republic of Congo	1
Holland	9	Sudan	1
Bolivia	9	St. Christopher-Nevis	1
Chile	8	Egypt	1
Brazil	6	Laos	1
Panama	6	Macedonia	1
Uruguay	5	Burundi	1
		ALL	59,241

Table 1: Total number of migrants by nationality returned to Mexico as of December 2019 released by TRAC. The information is based on data obtained from the Executive Office of Immigration Review (EOIR) which oversees Immigration Court operations.

The development and implementation of this policy was the government's response to the growing number of people arriving at the US-Mexico border fleeing persecution, economic uncertainty, and crime. It is important to note that these push factors are caused by the US government's role in destabilizing Central American countries throughout decades through its foreign policy, trade agreements, and its "war on drugs"³.

Under the guidelines for the MPP, migrants that are unaccompanied minors, pregnant women or those that have a severe medical condition are not to be returned to Mexico. The public information about the program does not include information on whether or not those with mental health conditions should be excluded from MPP. As of November 2019, there have been 56,004 migrants returned to Mexico, with many waiting in Mexican border towns to be able to present themselves to immigration officials (See table 1)⁴.

FLAWED IMPLEMENTATION

According to the then-Secretary of Homeland Security, Kirstjen Nielsen, the MPP was a humanitarian proposal that was developed with a "commonsense approach". In a stakeholder meeting with CBP at the San Ysidro Port of Entry attended by AFSC and other organizations the day prior to the implementation of MPP, it was obvious that important details were not well thought out and that the "pilot" would in fact achieve the opposite of protecting migrants. CBP leadership at the San Ysidro Port of Entry indicated that the MPP would, eventually, be expanded to include all asylum-seekers. During this meeting, organizations and attorneys raised the multitude of concerns including violations to the non-refoulement policy, access to legal counsel and the limited housing and social services available in Mexico. When questioned about the support and guidance migrants would receive in Mexico, CBP's implied that that portion of the implementation was the responsibility of the Mexican government, and that they could not tell the Mexican government what to do.

Initially the MPP was only applied to single adults from Central America, but was quickly expanded to also include families regardless of their basis for seeking protection. Later the program was expanded to include asylum-seeking migrants from any Spanish-speaking country. At first, the MPP was only applicable to those migrants arriving at ports of entry and processed by CBP's Office of Field Operations. However, it was soon expanded to grant the US Border Patrol authority to return migrants who were apprehended in between the ports of entry⁵.

"We have implemented an unprecedented action that will address the urgent humanitarian and security crisis at the Southern border. This humanitarian approach will help to end the exploitation of our generous immigration laws. The Migrant Protection Protocols represent a methodical commonsense approach, exercising long-standing statutory authority to help address the crisis at our Southern border."

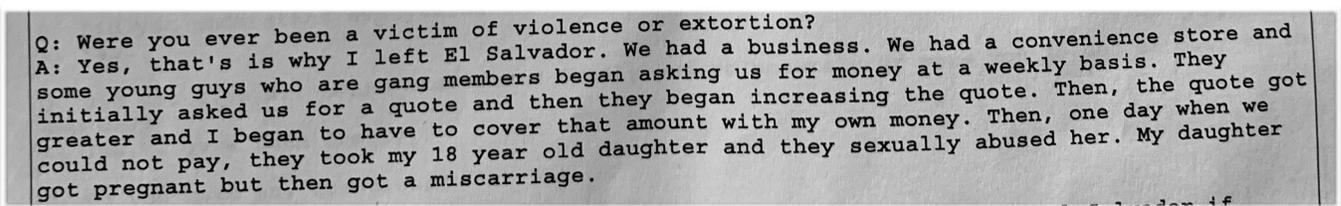
- Secretary of Homeland Security Kirstjen M. Nielsen

While the program was piloted in the San Diego Sector, it was ultimately implemented throughout the entire southern US-Mexico border. The

Nogales, Arizona port of entry became the seventh port of entry to process migrants under the MPP on January 2, 2020⁶.

THE JOURNEY TO ASYLUM

A migrant's journey to the US border is arduous and lives are at risk when seeking of refuge and security. While crossing through southern Mexico has historically been a challenge, with stories of migrants being targeted by local police and organized crime, we recently have witnessed an increase in Mexican immigration officials, the National Guard, and federal police making all efforts to block migrants from entering Mexico through its southern border with Guatemala, and from entering the US in the northern border. In June 2019, the Mexican government agreed to increase its immigration enforcement and to increase the number of migrants accepted under MPP, after President Trump threatened to impose additional tariffs⁷. Mexican President Andres Manuel Lopez Obrador responded by deploying thousands of National Guard members to the southern and northern border, an increase in checkpoints, raids of the freight train, *La Bestia*, and most alarmingly, the targeting of migrant shelters by the National Guard.



Q: Were you ever been a victim of violence or extortion?
A: Yes, that's is why I left El Salvador. We had a business. We had a convenience store and some young guys who are gang members began asking us for money at a weekly basis. They initially asked us for a quote and then they began increasing the quote. Then, the quote got greater and I began to have to cover that amount with my own money. Then, one day when we could not pay, they took my 18 year old daughter and they sexually abused her. My daughter got pregnant but then got a miscarriage.

Figure 2: Part of a migrant's initial interview with immigration officers that was recorded in the Record of Sworn Statement

Once a migrant arrives at the US-Mexico border and makes the decision to seek entry at a port of entry, she is not allowed to simply approach a CBP officer and claim fear of being in her country of origin. Migrants are required to put their name on an informal list in a notebook that allows them to obtain a number that indicates when they can present themselves to CBP to begin their claim to asylum. This process is currently regulated in Tijuana by Grupo Beta, a group established by the Mexican government in 1990. While Grupo Beta was established to protect migrants heading to the US through Mexico, the group has been widely criticized for violating the rights of migrants. This process is known as "metering"; it began in 2016 when there was a surge of Haitian migrants at the border⁸. During this time, the US government, along with the Mexican government and Grupo Beta, created this metering system.

Advocacy groups expressed their concerns with this new process to CBP, and soon after, CBP claimed that it was not their doing, wiping their hands clean. They argued that they could not control what the Mexican government did on Mexican territory. The metering system has forced migrants to wait months, at times, to present themselves to CBP, subjecting them to precarious housing and violence in Mexican border towns. While unaccompanied minors and those with significant health conditions should be granted priority for processing, there have been numerous cases of CBP and contracted security officers turning migrants away from ports of entry until they "get in line". There have also

been cases of corruption in which migrants had to pay some amount in order to have their name added to the list, as well as cases of discrimination against black migrants⁹.

This metering process has pushed migrants to seek entry in between ports of entry, often times by jumping the border wall or by taking dangerous routes through the desert or across the Rio Grande, as occurs in the Texas border region. As a result, we have seen the increase in migrant deaths.

Once in immigration custody, the migrant will be interviewed and processed. Migrants are interviewed and asked about whether or not they are scared to return back to their country of origin. They are fingerprinted and briefly screened for communicable diseases. Credible fear interviews are conducted by asylum officers that are part of US Citizenship and Immigration Services (USCIS). These interviews are conducted in-person or over the phone depending on the availability of asylum officers. This single interview determines whether or not a migrant can move forward with seeking asylum or other immigration relief. While all migrants should be granted a credible fear interview, 12% of migrants interviewed for a study reported not receiving a credible fear interview. The study conducted by AFSC's Latin America and the Caribbean region, in collaboration with the *Coalición Pro Defensa del Migrante*, A.C., found that 80% of migrants interviewed were not afforded in-depth interviews by immigration officials during their initial processing; their "interview" primarily consisted of signing documents¹⁰.

Custody determinations, whether the migrant will be released into the US, placed in the MPP or transferred to an ICE detention center, are made within days or weeks. For those subject to the MPP, they are given additional documents and returned to Mexico where they are then processed by Mexican immigration officials. It is unclear to what extent CBP explains to migrants that they will be sent back to Mexico. Based on anecdotal information from migrants and organizations in Mexico, most

migrants are confused and are unsure as to why they are returned. AFSC was present in Tijuana, Mexico when the first adult, a Honduran migrant, was returned to Mexico. In an interview with Carlos Gomez Perfomo it was clear that he was confused and did not understand why he was being sent back to Mexico.

Migrants returned to Mexico are given paperwork specifically for MPP that explain the process, in addition to the common removal proceeding documents such as the Notice to Appear (NTA). One document instructs them to arrive at a specified port of entry four hours before their immigration hearing to be processed



and transported to immigration court.

For those initially processed at the California border they are required to present themselves at the San Ysidro-Tijuana port of entry and are scheduled for court in downtown San Diego. This is especially challenging for migrants residing outside of Tijuana. For example, migrants that are processed by immigration officials in the Calexico-Mexicali area, either by OFO or by the US Border Patrol, are scheduled for court in San Diego, either for a morning or afternoon hearing. If a migrant family staying in Mexicali, for example, is scheduled for court at 8 am in San Diego, they would have to be at the San Ysidro port of entry by 4 am. Mexicali is approximately 1.5 hours from Tijuana, therefore the majority of migrants travel to Tijuana from Mexicali a day prior to their hearing, adding an additional burden on migrants and on groups providing support. This can be extremely challenging for families with young children.

Today, I went down to the San Diego Immigration Court to observe some of the MPP proceedings. As I walked into the waiting area and through the metal detector, the officers greeted me and they were surprisingly nice. Dozens of people sat in the waiting area, waiting for their turn in immigration court. I saw about a dozen children in their parents' arms, waiting to see where they'll go next.

Heading into the courtroom, it was so much smaller than I had imagined. But the proceedings are just as intimidating, confusing, and frustrating as I thought it would be. Sitting in court and listening to all the questions from the judge to the respondents and then to the government lawyer, it was a challenge to keep up with the exchanges. I can't imagine being one of the respondents, not being familiar with the system, laws, or language, and having to navigate their cases without any representation. Many of the respondents simply couldn't find a lawyer that's willing to take their case while they're in Mexico.

After observing for nearly three hours, I felt a bit overwhelmed. It's one thing to learn about the immigration court and MPP, but to see the people that this policy affects is devastating. It is especially hard to see families with young children trying to figure out whether or not they have to be in Mexico while waiting for their immigration case. To see them so worried over the uncertainty of their situation and their helplessness, it reminded me of my own parents who came to the U.S. as refugees from Vietnam.

I think we all need to remember the humanity behind this so called "immigration crisis." As I was leaving, I peeked into another courtroom and I saw an officer handing out candy to little kids awaiting their families' turn in court. It reminded me of the importance of seeing the human faces of the people that are stuck in our broken immigration system."

-Minh, AFSC Intern

Migrants under the MPP must undergo this process for every scheduled hearing until a final decision on their case is reached, which can take at least 6 months from the time of initial processing by immigration officers. Therefore, many migrants will wait in Mexican border towns for at least 8 months to a year waiting to see if they will be granted the protections that are afforded to them based on international laws.

Returning migrants back to Mexico is in a way sending them to be raped or murdered, as an Asylum Officer explained¹¹. Under the guidelines for the implementation of MPP, immigration officers are not required to ask migrants if they fear being returned to Mexico. However, if migrants express this fear,

they will be scheduled for a non-refoulement interview, in which an Asylum Officer makes a determination about the credibility of their fear.

NAVIGATING IMMIGRATION COURT

Removal proceedings, also known as deportation proceedings, are civil and not criminal proceedings. These are initiated when an immigration enforcement officer arrests an individual for being present in the US without status or for attempting to enter the US without the proper documentation and issues a Notice to Appear (NTA). The NTA provides information about when and where the person was apprehended, what the government is charging the person with, and the date and location of the person's initial immigration court hearing. Additional information listed on the NTA include the name and position of the processing officer and information on the interpreter used (when applicable).

Initial court hearings tend to be brief, and include an explanation of court procedures, a person's rights during proceedings and a brief explanation of why the person is in court. Some judges go into detail about the need to submit a change of address form, stressing that the court must have a valid mailing address at all times. The judge provides the EOIR pro bono or low-cost immigration services list and encourages the person to hire an attorney.

U.S. Department of Homeland Security

MPP
Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID : [REDACTED] FIN #: [REDACTED] File No: [REDACTED]
SIGMA Event: [REDACTED] DOB: [REDACTED] Event No: [REDACTED]

In the Matter of: [REDACTED]

Respondent: [REDACTED] currently residing at:
DOMICILIO CONOCIDO , TIJUANA BAJA CALIFORNIA [REDACTED]
(Number, street, city and ZIP code) (Area code and phone number)

1. You are an arriving alien.
 2. You are an alien present in the United States who has not been admitted or paroled.
 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States.
2. You are a native of El Salvador and a citizen of El Salvador.
3. On or about March 23, 2019, you applied for admission into the United States from Mexico at the San Ysidro Port of Entry.
4. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document as required by the Immigration and Nationality Act.

Figure 4: A portion of the first page of a Notice to Appear (NTA) given to a Salvadoran migrant at the San Ysidro

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to one of the offices listed in 8 CFR 241.16(a). Specific addresses on locations for surrender can be obtained from your local DHS office or over the internet at http://www.ice.gov/about/dro/contact.htm. You must surrender within 30 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Act.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to a 10-day period prior to appearing before an immigration judge.

Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on March 24, 2019, in the following manner and in compliance with section 239(a)(1)(F) of the Act.

- in person by certified mail, returned receipt requested by regular mail
Attached is a credible fear worksheet.
Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

JANETH ARGUELLES
CBPO

(Signature and Title of officer)

Figure 5: The second page of a Notice to Appear (NTA) given to a Salvadoran migrant at the San Ysidro Port of Entry

Migrant Protection Protocols

Initial Processing Information

- You have been identified for processing under the Migrant Protection Protocols and have been issued a Form I-862 Notice to Appear (NTA) for proceedings before an immigration court where you may apply for all forms of relief available under the Immigration and Nationality Act. Pursuant to U.S. law, including section 240 of the Immigration and Nationality Act and implementing regulations, an immigration judge will determine whether you are removable from the United States, and if you are, whether you are eligible for relief or protection from removal. While you will be able to pursue such relief or protection under the same terms and conditions as any alien in section 240 proceedings, pursuant to U.S. law, you will be returned to Mexico and may not attempt to enter the United States until you return to the appropriate port of entry on the date of your hearing before an immigration judge.
- The NTA provides the date and time of your first hearing before an immigration judge in the United States at the court identified on your NTA. On the date of your hearing, you must report to the SYS / Pedwest port of entry, located at Port of entry El Chaparral, at the date and time listed below. If your case cannot be completed in one hearing, the immigration court will provide you with a Notice of Hearing in Removal Proceedings, indicating the date and time for any subsequent hearings. ○ You may call the immigration court at 1-800-898-7180 to obtain case status information 24 hours a day, 7 days a week. If you are calling from outside of the United States, you should dial 001-880-898-7180.
 - You should arrive at the port of entry listed above at 0900 a.m./p.m. on 03/19/2019 to ensure that you have time to be processed, transported to your hearing and meet with attorney or accredited representative (if you arrange to be represented during your removal proceedings). The U.S. Government will provide transportation for you from the designated port of entry to the court on the day of your hearing. If you fail to arrive at the appropriate date and time, you may be ordered removed in absentia.
 - When you arrive at the designated port of entry for your hearing, you should bring your NTA or Notice of Hearing in Removal Proceedings and any available government-issued identification and/or travel documents.
 - When you arrive at the designated port of entry for your hearing, you should bring any minor children or other family members who arrived with you to the United States and received an NTA for the same date and time.
- You have the statutory privilege of being represented by an attorney or accredited representative of your choosing who is authorized to practice before the immigration courts of the United States, at no expense to the U.S. Government. ○ You have been provided with a List of Legal Service Providers, which has information on low cost or free legal service providers practicing near the immigration court where your hearing(s) will take place.
- ✦ A list of legal service providers is also available on the Executive Office for Immigration Review website at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>.
- If you choose to be represented, you may consult with counsel at no expense to the U.S. Government through any available mechanism, including the following, as applicable: ○ You may consult with your counsel by telephone, email, video conference, or any other remote communication method of your choosing.
- You may arrange to consult with your counsel in person at a location in Mexico of your choosing.
 - On 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.

Figure 6: Migrants that are returned to Mexico are given this document every time they are returned to Mexico. It lists information about when and where they need to present themselves on the day of their court hearing.

During Master Calendar hearings (MCH), pleadings are entered (response to the factual allegations listed on the NTA) and applications for relief are submitted. The number of MCHs depends on how many continuances are granted. Judges may grant continuances to give the person more time to retain an attorney. Individuals in proceedings may request to be returned back to their country of origin at any time if they choose.

The merits hearing or individual hearing is when the judge and the government attorney (also referred to as a trial attorney) cross examine the person seeking relief, questioning the information provided in the application for relief, which usually includes the person's declaration, country conditions and supporting documents that corroborate the claim for relief. During this hearing, the migrant is able to explain why they should be allowed to stay in the US. This is when the migrant states why they had to flee their country of origin and why they fear being sent back. These individual hearings last a few hours. At the end of the hearing, the judge may give an oral decision or may state that they will issue a decision by writing or schedule another hearing where the decision will be issued. Once a decision is given, the trial attorney and the migrant or their attorney can appeal the decision. If a person is granted the relief sought, then they are allowed to remain in the US and released from custody. If relief is denied, then the person will be deported to their country of origin unless they state that they will appeal the decision.

If a person decides to appeal the judge's initial ruling on the case, they would need to file an appeal to the Board of Immigration Appeals (BIA) within 30 days from the decision. When filing an appeal to the BIA, new information on the case or new arguments may not be submitted. One has to prove that they were eligible and should have been granted the relief sought and that the judge made an erroneous decision. It takes approximately 6 months to receive the decision from the BIA.

AFSC COURT OBSERVATIONS

AFSC's US-Mexico Border program began observing MPP court hearings in June 2019. Hearings in both the morning and afternoon dockets were observed by office staff and community volunteers in which they completed observation forms and documented their reflections. Whenever possible, in absentia hearings were also observed. From June 2019 to January 10, 2020, hearings for 483 asylum-seekers were observed. This includes single adult and family hearings for migrants from Honduras, El Salvador, Guatemala, Cuba, and Venezuela.

DUE PROCESS VIOLATIONS

Since the initiation of the controversial policy, advocates noticed procedural and administrative issues that could adversely affect a migrant's case. The most apparent was the erroneous address listed on the Notices to Appear given to migrants. Immigration officers wrote "*Domicilio Conocido*, Tijuana, Baja California", which translates to "Known Address, Tijuana, Baja California", on the formal government document. This incorrect address is the place of residence listed in the migrant's immigration file, and also the mailing address. Other variations of inaccurate addresses have also been used¹². Even though this issue has been raised by advocacy organizations and has received media attention, it is an ongoing

I will share a story of a teenager from Honduras who speaks English. He spoke for his family in court. They did not have a lawyer. He completed all the forms! He told the judge that when he and his family had arrived at the border on the day of their hearing to be transported to court, they were told they had the wrong day. He knew how to call the court hotline number. He had the correct number. He was able to confirm that he had the correct court date and advocated for himself and his family; he was able to make it to court. He told the judge what happened to them and the judge then excused all absentees fearing that many were being given misinformation at the port of entry. But, only one judge did this.

How many other migrants are being told that they have the wrong court date and are not able to check? This teenager had all of his forms in order. The judge was astounded and delighted. When I visited weeks later, he and his family appeared again and were one of very few who progressed in the system during my visits. This young man will “make it” wherever he goes. The judge actually demonstrated a commitment to providing asylum. This is a wonderful story, but seems all too rare. The majority of the migrants I observed do not speak English, can not read in English, do not have phones or access to making calls to the US. This teenager stands out for his effectiveness. Many others would be just as qualified for asylum, but few make it. Thousands are turned away

I am from a past generation who believed in this country. I am ashamed and bow my head.”

-Mary Jo, AFSC volunteer and a San Diego Friend

practice. Having an incorrect address on record for a person in removal proceedings (it is also problematic for anyone that has any open immigration case with DHS, including USCIS) can lead to a person not receiving notices from the court. Correspondence from immigration court can include notification of a change in hearing date or information about the decision on their case.

During court observations, AFSC’s court observers witnessed two judges question the trial attorney as to why Border Patrol agents were categorizing migrants that they apprehended as “Arriving Aliens”, a category that is usually reserved for people seeking entry at ports of entry, as defined by the Immigration Nationality Act (INA). One attorney representing an adult male argued that his client was not an “arriving alien” and should therefore be granted a bond hearing. This attorney also stated that he believed that Border Patrol was purposely categorizing migrants as such to ensure that they were not released from custody via a bond hearing. While migrants under MPP are not being held in a detention center, they are in DHS custody when they are brought into the US to attend their court hearing. The immigration judge presiding over this case, granted the migrant bond. It was clear that the judge did not agree with DHS’s actions and even went on to ask the trial attorney if he (the judge) could also do “whatever he wanted” like immigration officers. With a large percentage of migrants being initially processed by Border Patrol, and with only 4% being represented by an attorney, it is safe to say that many migrants could be potentially granted bond and released from custody (taken out of MPP) if they had an experienced immigration attorney advocating for them¹³.

Migrants returned to Mexico have also been issued NTAs that are incomplete. Most commonly the three boxes at the beginning of the NTA, which provides information on the proceedings and allegations of removability or inadmissibility, have been left blank. In addition, immigration officials have been found to write fictitious court dates on forms in order to return migrants to Mexico when

they should be allowed to remain in the US either by being released into the community or by being held in immigration custody¹⁴.

“The migrant asylum-seeking community that are in Mexico waiting to be processed are faced with different scenarios and civil organizations face challenges in providing care according to their needs. Among the main challenges are insecurity, physical danger, a lack of mental health care, bad practices (malas prácticas), and lack of housing.

Many times when leaving their appointments in the United States, asylum-seekers are returned to Tijuana at night, and they must look for shelter or return to the shelter where they are staying. Similarly, they are asked to appear at the port of entry very early, even at 4 am, to attend their court hearings. This causes them to be exposed to danger and insecurity. We had a case of a family that experienced an attempted kidnapping due to this situation.

Having to wait for months in Tijuana makes it easier for their perpetrators to find them. We have had people receiving threats from their countries of origin, indicating that their aggressor already knows their location in Tijuana. We have also heard of people who have come across their perpetrators in Tijuana and have suffered physical violence and threats. Still they must wait in Tijuana, while their lives are in danger.

The process of resilience of migrants, given the current context, requires psychological and sometimes psychiatric support to generate stability while waiting for their asylum cases to be processed, and in order to avoid events that may jeopardize their safety or life

Asylum-seekers are faced with constant raids from Mexican immigration agents (INM) and the National Guard, as well as arbitrary detentions by the Municipal Police. All of these interactions with law enforcement involve acts of extortion, destruction of documents, mistreatment.

Asylum-seekers must wait in Tijuana, or in different border cities for months. The waiting time we have seen varies between 8 to 12 months. Most shelters have a time limit, varying between a couple of days, weeks or months, and sometimes there is no space at the shelters. Migrants often have to rent hotel rooms or apartments in unsafe places, and because they do not have a fixed income, it is difficult for them.”

- Espacio Migrant, Tijuana-based migrant shelter and community center

MIGRANTS INSINUATED OR EXPRESSED FEAR OF RETURN TO MEXICO

At several hearings, migrants expressed fear of returning to Mexico. Others insinuated it based on statements made to the judge. It is important to note that the MPP guidance does not require for judges or immigration officials to ask migrants whether they fear being returned to Mexico. Below are some of the observations highlighting this concern:

- A father described that at a shelter where he and his daughter were staying, a man attempted to rape his daughter while they were sleeping. The man had climbed into the area where they

were sleeping and told the father that he wanted to have intercourse with his minor daughter. The father was outraged and immediately notified the shelter manager.

- A family (two adults and three children) described being held at gunpoint in Tijuana while staying with a family friend. They were targeted for being Central American. The father explained to the judge that he did file a police report and took proof to the PedWest port of entry with the goal of demonstrating his fear of being in Mexico to US immigration officials, but he was turned away.
- Observers witnessed migrants express concerns about the violence in Mexico. One father shared with the judge that he knew someone that had been kidnapped, and he was now scared of leaving the shelter with his son. Another mother stated that there was a high level of violence in the area that they were living in.
- Migrants that express fear of being returned back to Mexico are supposed to be interviewed by an Asylum Officer, part of the US Citizenship and Immigration Services (USCIS). However, AFSC observed cases in which individuals attempted to share their fear with the judge, but their case was not flagged for an additional interview with an Asylum Officer.

MIGRANTS EXPRESSED CHALLENGES IN OBTAINING LEGAL REPRESENTATION

In most cases observed, migrants did not have legal representation. Judges continued many of the cases for a future date to allow migrants more time to obtain legal representation. Many migrants complained of not being able to afford an attorney, not being able to reach legal organizations listed on the EOIR pro bono list, as well as not having calls answered or returned. Some complained that organizations listed on the EOIR pro bono list could not help them because they are in Mexico, or that the waiting list is long. Some migrants stated not knowing how to make international calls.

- A single mother stated she had attempted to contact all the legal services provided on the EOIR form, without having success. She stated she had called multiple times and received no answers or numbers were busy. The judge made a comparison, as in other cases, that other Respondents have been successful in finding legal support, so she should expect to have the same success. When asked if she had a question, she asked, “*Yo que no tengo ayuda de nadie, yo no puedo pagar un abogado, ¿que debo hacer?*” She stated she migrated because she was fleeing not because she wanted to. The judge provided her with four sets of asylum applications. The mother was confused about when she needed to submit the applications. She initially thought she would have to fill them out that same day. The judge clarified and emphasized that it all had to be done in English.
- A father, accompanied by his son, explained to a judge that he made attempts to reach one of legal service providers on the EOIR list, but that they did not answer. The judge did not believe the man’s explanation because “they have full-time people”. He asked the man “Why

would I give you more time if you haven't done anything [to help yourself]?" The father continued by explaining that he could not dedicate all his time to finding an attorney because he had to work in order to provide for his family.

"In one case a man who was accompanied by his young son provided the Judge his package of completed paperwork. The Judge looked over the documents and advised the man he needed to complete one section. The man returned to the waiting area inside the courtroom. I heard whispering that he did not have a pen. I tapped the person in front of me to pass my pen down to the man. He completed the document and turned to return the pen. The Detention Officer standing in the back of the courtroom apparently observed this activity. I told the person who went to return the pen to me that the man could keep it. I looked toward the Detention Officer for her consent. She stated to me that they weren't allowed to have pens. No pens for taking notes in one of the most important court hearings of your life during which Judges give extensive information and when you have arrived at the border at 4:00 a.m. traveling usually with a child or two or three. Having practiced law for 30 years it is nearly incomprehensible to me that a person would be expected to attend such a court hearing without the ability to take notes. In addition, I have never heard any statistics about injuries caused by a pen.

So the Immigration Court Judges generally are dealing with immigrants who are not represented by an attorney, who are fatigued, who are living in difficult and sometimes dangerous circumstances in Mexico and who are appearing in a courtroom at hearings that are of the utmost significance to their future. Added to these challenges are what I have observed are apparent blatant and repeated failures of due process by border patrol agents.

In almost every court hearing I observed the Judges advised the attorney representing the Homeland Security that the paperwork presented in at least some of the cases was insufficient to show adequate notice had been given. The Judges typically give applicants for asylum additional time to see if they can find an attorney to represent them. In one courtroom, case after case involved the Judge telling the person appearing that the notice of the court hearing failed to identify how the person had come to the attention of the border agent. The form to identify this information is a check the correct box form. No box was checked. The Judge informed the attorney for Homeland Security and the applicant that the failure to complete the form properly meant the type of jurisdiction, and thus the law applicable to the particular hearing, could not be identified resulting in the possibility that the Judge had no jurisdiction at all in the case and the person might legitimately be entitled to be released in the United States. The response of the Homeland Security attorney to these obvious deficiencies was at best obfuscation.

Reflecting on all of my observations my fervent wish for our border community and our beloved country is that one of the generous, forward looking philanthropists in our border county will find a way to fund legal services through a responsible nonprofit entity to provide free legal counsel for immigrants seeking asylum. With effective legal counsel laws may be followed to move us toward humane action we can be proud of instead of actions we are shocked by."

- Ellen, AFSC volunteer, retired attorney, a San Diego Friend

MIGRANTS EXPERIENCED DISRESPECTFUL OR DENIGRATING TREATMENT AT THE HEARINGS

Migrants placed into the MPP process encounter various law enforcement authorities and legal personnel. This can be an intimidating experience. It was clear that many migrants were overwhelmed and didn't understand the court proceedings, and others believed the immigration judge was going to hear out their asylum claim at the initial hearings. In some cases, the judges expressed annoyance with the overwhelming court docket. Some Detention Officers also seemed overwhelmed at needing to keep track of the children with their parents or needing to keep the children quiet at the hearings. Clearly, those most impacted by everyone's frustration were the migrants themselves, who were at the highest state of vulnerability. Below are examples that migrants experienced disrespect or denigrating treatment at the hearings:

- A judge admonished a woman for over 10 minutes about her language of preference. At a previous hearing, she had indicated her language of preference to be Spanish, while at the hearing observed she indicated her language of preference was Kanjobal. She clearly did not speak Spanish well, and stated she was confused about the questions posed to her.

- A verbal exchange between a judge and a migrant:

IJ: "State your true name?"

IJ: "Why are you hesitating?"

R: "I'm cold and nervous."

IJ: "People that are cold and nervous don't forget their name."

- A Detention Officer forcibly pulled the hoodie from a child's head in a room where 15 children and 12 adults were waiting to have their cases heard. The Detention Officer appeared to be acting out of frustration for not being able to keep the children quiet. Most minors present were under 10 years old and they were segregated from their parents in the courtroom.

IMMIGRATION JUDGES AND MIGRANTS DEMONSTRATED CONFUSION ABOUT MPP AND COURT PROCESSES

The American Civil Liberties Union, the Southern Poverty Law Center, and the Center for Gender & Refugee Studies have challenged the MPP program for violating United States immigration and administrative laws, as well as for the Administration's apparent intent to not meet its international obligations of safeguarding those seeking asylum in the United States. Consequently, how it has rolled out has caused confusion. At least two judges expressed frustration with how Border Patrol places migrants in the program even though the migrants turned themselves over to them in areas in between the ports of entry, and with the fact that they were categorized as "arriving aliens." Migrants

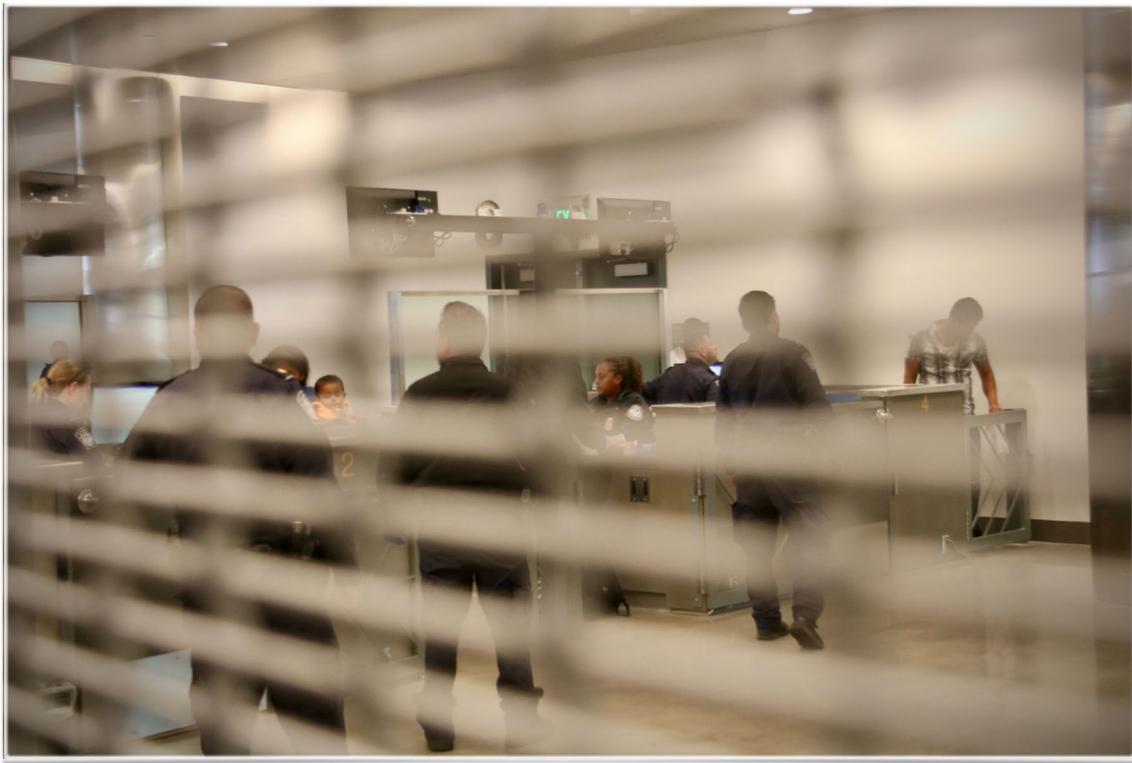


Figure 7: Migrants being initially processed by CBP's OFO at the San Ysidro Port of Entry (AFSC)

experience the greatest amount of confusion about how MPP is supposed to work. Below are some case highlights of that confusion:

- A single mother with two teenage children believed at the initial court hearing, that the judge would determine the asylum case for her and her children at that hearing. She was surprised and upset to learn that she would be returned to Tijuana. She expressed she and her daughters did not have a place to return to.
- During an initial hearing a father accompanied by his son thought that his case for asylum would be heard at a follow-up hearing. He asked the judge “If I win, will I stay in the US?”. The judge appeared to not understand the father’s question and asked the father, “What do you mean, if you ‘win’?”
- One single female asked the judge if she could remain in the US while fighting her case. In response the judge asked the government attorney if it was the government’s “intention” to return the woman to Mexico, to which the trial attorney responded that it was. The judge proceeded to tell the woman that he did not have the power to allow her to stay in the country. His advice to her was to find an attorney that could submit a parole request for her.
- Two adult siblings, a brother and sister, believed they could convince the judge that they should be permitted to stay in the US. They provided the judge with a letter written by their aunt and uncle, requesting that they be permitted to stay with them in the US. The judge replied by stating it wasn’t up to him, but rather, it was the government’s decision on whether

to allow them to stay in the US. The judge turned to the government's attorney and asked him about the process, and the government's attorney responded by stating the siblings would need to make their case at the port.

- A mother with two teenage daughters was confused about the MPP process. Upon learning that she would be returned to Tijuana, she was surprised and insisted she and her daughters could not return to Tijuana. She said this while becoming visibly emotional.

INCONSISTENCY BETWEEN IMMIGRATION JUDGES IN HOW THEY DETERMINE OUTCOMES AND CONDUCT COURT HEARINGS

Immigration judges have the responsibility of applying immigration laws as stated in the Immigration Nationality Act (INA) in an unbiased manner and one would imagine, uniformly. However, judges can issue rulings using their own discretion. Judges can also amend administrative court processes to their preference, as was frequently observed. The examples shared below are a few of the many differences observed amongst courtrooms:

- One judge decided to terminate cases instead of removing them in absentia when individuals did not appear in court stating that the government provided migrants with instructions on a non-official form. The judge argued that a Notice to Appear is the only formal document that can be given to migrants per regulations. Migrants placed in MPP are given a form that lists the time and date for them to arrive at a port of entry to be transported to court. Other judges ordered removals in absentia for those who did not appear in court.
- One judge conducted group hearings for all initial hearings on his docket while other judges held individual initial hearings. Another judge held a group hearing, but only because his previous cases took longer than expected and he was short on time.
- Three out of the five judges observed provided migrants with a blank I-589 application, the application used to seek asylum and/or withholding of removal, during initial hearings. The other two judges did not hand out blank applications in the hearings observed.
- One judge instructed migrants to have completed asylum application by the next hearing, if they did not, he warned, they would be deported. Judges can continue cases for a reasonable time, however there is no clear guidance on what constitutes "reasonable".

"Border Kindness has provided comprehensive services to asylum-seekers "returned" to Mexico since the first day the Migrant Protection Protocols policy was instituted. We have provided asylum-seekers returned to Mexico with over 100,000 meals, clothing, medical care, legal and administrative services and transportation. We have also provided more than 1,000 asylum-seekers with transportation from Mexicali to the San Ysidro Point of Entry – for many of them we have provided transportation numerous times. Border Kindness has purchased bus tickets that exceed 300,000 miles.

[US immigration policies] are an administrative wall. It's a bureaucratic wall. It denies people the ability to legally seek asylum. When they do seek asylum, when they present themselves at a point of entry, they almost immediately or within days are sent back to Mexico to wait for hearings. And then this dance begins, this dance of hearings and court dates and such, in different locations far away, that basically allows the United States to out wait these people, to stall. From the moment they leave Central America, someone is trying to exploit them, for every one person trying to help them, there's 100 trying to exploit them."

-Kelly, Founder of Border Kindness

ARBITRARY PROTOCOLS APPEAR TO CREATE GREATER UNCERTAINTY FOR MIGRANTS

The MPP process presents serious missteps in ensuring migrants are afforded due process rights protections. Migrants must follow a cumbersome process to get to court, that includes being at the port of entry four hours before their scheduled hearing. They must interact with various security personnel that can have implications on whether they get to attend their court hearings. Equally troubling is the lack of clear guidelines for judges on how to adjudicate MPP cases. Judges have expressed frustration about the MPP process in general and about information Customs and Border Protection officers write on official government documents about migrants. They also have been annoyed at migrants who seem to not be informed about court proceedings.

- In at least one case, a Detention Officer told a migrant that her hearing date was incorrect and that she did not have to present herself to the hearing. She nearly missed her court appearance. When she disclosed this to the judge, the judge terminated the following 5 cases of migrants who did not appear in court out of abundance of caution, expressing that the Detention Officer might also have given them misinformation about their court dates. Meanwhile, the government attorney wanted to have them removed in absentia.
- In one case, a migrant stated he had missed his first court hearing because a CBP officer would not grant him entry to appear at his hearing.
- A pregnant minor was placed in MPP even though the policy guidance states that no minors traveling without a parent or legal guardian would be subject to MPP, or that pregnant women would be placed into the program. During her hearing, the TA attempted to justify why she was placed in MPP by arguing that immigration officials *assumed* she was married since she was traveling with her partner.
- During an initial hearing on August 19, 2019 a Honduran woman shared that she had a miscarriage on August 6, 2019 and was close to losing her life when she was hospitalized. It

can be assumed that the woman was pregnant at the time that she was processed for MPP, a clear violation of the program’s guidance. The woman was accompanied by her son, who she described as having mental health issues. The child was visibly upset during the hearing and the judge instructed him to not bite his mother and to not interfere. Individuals with significant health issues, including mental health issues, are presumably exempt from MPP.

ADDITIONAL CHALLENGES

In addition to challenges observed in court, migrants subject to MPP are faced with additional obstacles to obtaining protection. The majority of migrants apprehended at the border are from the Northern Triangle, with over 15,000 of them from Guatemala. It is estimated that approximately 40% of Guatemalans speak an indigenous language¹⁵. Therefore, it is safe to say that for many of those subject to the MPP, Spanish is not their primary language. It is most likely that indigenous migrants are not obtaining all of the information presented to them during their initial processing with in a language that they fully understand. Immigration documents are provided primarily in English and asylum applications, along with their supporting documents, must be submitted in English. With only approximately 4% of migrants obtaining legal representation, those that go unrepresented most likely experience difficulties in advocating for an interpreter when interacting with immigration officers or

**Migrant Protection Protocols (MPP)
Assessment Notice**

A-Number SYS 05/08/2019	Last Name 05/08/2019	First Name
Interview Location and Date	Determination Date	

You were interviewed by a DHS asylum officer to determine whether there is a clear probability that you would be persecuted on account of a protected ground or tortured in Mexico. The assessment made by the DHS asylum officer, indicated below, will be considered by DHS in determining whether you are amenable to Migrant Protection Protocols (MPP). DHS will provide you with additional information regarding how you will be processed.

- You established a clear probability of persecution on account of a protected ground in Mexico.
- You established a clear probability of torture in Mexico.
- You did not establish a clear probability of persecution or torture in Mexico.
- You established a clear probability of persecution in Mexico but are subject to a bar to withholding of removal and did not establish a clear probability of torture in Mexico.

Figure 8: The result of a migrant’s non-refoulement, or fear of returning to Mexico, interview.

judges¹⁶. It is also likely that they have a limited understanding of why they were not allowed into the US and returned to Mexico.

Access to attorney representation is one of the main concerns from the advocacy community. There is pending litigation challenging the policy due to the fact that it limits access to legal representation¹⁷. While there are immigration attorneys and nonprofit legal service providers wanting to provide representation to migrants returned to Mexico, needing to travel to another country to meet with migrants is a challenging especially for US nonprofit legal service providers. Advocates are also challenging the DHS practice of not allowing attorneys present during non-refoulement interviews, which has led to migrants being returned to Mexico regardless of the violence and threats they have received. Human Rights First has documented 816 cases as of January 21, 2020 in which migrants have experienced brutal attacks, which include kidnappings and extortions, while in Mexico¹⁸.



Figure 9: March and rally at the San Ysidro border on November 25, 2018 (AFSC)

CONCLUSION

MPP has achieved the goal of deterring migrants from entering the US and from exercising their right to seek international protection. While data shows that 89% of migrants allowed into the country show up to all of their court hearings, only 50% of migrants under MPP show up to their court hearings¹⁹. This low rate is not a reflection of the migrants themselves, but a clear indication that being forced to wait in Mexican border for months, or a year in some cases, without access to adequate social services is detrimental and dangerous. For those that do attend all of their court hearings and apply for immigration relief, the approval rate is 0.1% for migrants subject to MPP. This is compared to

a 20% approval rate for removal cases outside of MPP²⁰. The low approval rate is in part due to the changes in asylum policy and procedural errors committed by immigration officers.

Given the low rates of asylum approval and court attendance, the Administration continues to create policies to further hinder migrants from fleeing to the US. The Administration has proposed charging \$50 per asylum application and will begin conducting DNA testing for all migrants in detention. We have also seen the development of “safe third country” agreements with Guatemala, which makes the claim that migrants have the ability to safely apply for asylum and be granted the protection²¹. In November 2019, the US government began sending Honduran and Salvadoran migrants to Guatemala, explaining, in some cases, that their case was being transferred²².

The US government has failed to protect migrants seeking protections afforded to them based on US and international laws. There needs to be a shift towards creating just laws and towards defunding the immigration enforcement components of the US Department of Homeland Security²³.

¹ United Nations High Commissioner for Refugees, “Advisory opinion on the extraterritorial application of *non-refoulement* obligations under the 1951 Convention relating to the status of refugees and its 1967 protocol”, available at <https://www.unhcr.org/4d9486929.pdf>

² US Department of Homeland Security, “Migrant Protection Protocols Announcement”, January 24, 2019, available at <https://www.dhs.gov/news/2019/01/24/migrant-protection-protocols>

³ Kathryn Johnson, “Why the US should welcome all migrants with compassion and humanity”, American Friends Service Committee, February 28, 2018, available at <https://refresh19-afsc-1917.pantheonsite.io/blogs/news-and-commentary/why-us-should-welcome-all-migrants-compassion-and-humanity#>

⁴ TRAC Immigration, Details on MPP (Remain in Mexico) Deportation Proceedings, Syracuse University, available at <https://trac.syr.edu/phptools/immigration/mpp/>

⁵ Jonathan Blitzer, “How the US Asylum System is Keeping Migrants at Risk in Mexico”, *The New Yorker*, October 1, 2019, available at <https://www.newyorker.com/news/dispatch/how-the-us-asylum-system-is-keeping-migrants-at-risk-in-mexico>

⁶ US Department of Homeland Security, “DHS begins MPP returns at Nogales for of entry in Arizona”, January 2, 2020, available at <https://www.dhs.gov/news/2020/01/02/dhs-begins-mpp-returns-nogales-port-entry-arizona>

⁷ James Fredrick, “How Mexico beefs up immigration enforcement to meet Trump’s terms”, *NPR*, July 13, 2019, available at <https://www.npr.org/2019/07/13/740009105/how-mexico-beefs-up-immigration-enforcement-to-meet-trumps-terms>

⁸ Stephanie Leutert, Ellie Ezzell, Savitri Arvey, Gabriella Sanchez, Caitlin Yates, and Paul Kuhne, “Asylum Processing and Waitlists at the US-Mexico Border”, Mexico Security Initiative, the Center for US-Mexican Studies, and the Migration Policy Centre, December 2018, available at https://www.strausscenter.org/images/MSI/AsylumReport_MSI.pdf

⁹ *Ibid*

¹⁰ Rosa María Avendaño Millán, “Entre Muros: Solicitantes de Asilo bajo los Protocolos de Protección a Migrantes”, American Friends Service Committee, América Latina y el Caribe, Coalición Pro Defensa del Migrante, October 2019, available at <https://www.afsc.org/document/entre-muros-solicitantes-de-asilo-bajo-los-protocolos-de-protecci%C3%B3n-migrantes>. An executive summary of the report is also available in English at <https://www.afsc.org/document/between-walls-asylum-seekers-under-migrant-protection-protocols>

¹¹ Molly O’Toole, “Asylum officers rebel against Trump policies they say are immoral and illegal”, *Los Angeles Times*, November 25, 2019, available at <https://www.latimes.com/politics/story/2019-11-15/asylum-officers-revolt-against-trump-policies-they-say-are-immoral-illegal>

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- ¹² Krista Kshatriya, JD, S. Deborah Kang, PhD, “Walls to Protection: The Grim Reality of Trump’s “Remain in Mexico” Policy”, UCSD’s US Immigration and Policy Center, October 29, 2019, available at <http://usipc.ucsd.edu/publications/usipc-walls-to-protection-final.pdf>
- ¹³ TRAC Immigration, “Contrasting Experiences: MPP vs. Non-MPP Immigration court cases”, Syracuse University, December 19, 2019, available at <https://trac.syr.edu/immigration/reports/587/>
- ¹⁴ Gustavo Solis, “CBP’s explanation for writing fake court dates on migrant’s paperwork doesn’t make sense, lawyers say”, *The San Diego Union-Tribune*, November 13, 2019, available at <https://www.sandiegouniontribune.com/news/immigration/story/2019-11-13/cbps-explanation-for-writing-fake-court-dates-on-migrants-paperwork-doesnt-make-sense-lawyers-say>
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- ¹⁶ TRAC Immigration, “Contrasting Experiences: MPP vs. Non-MPP Immigration court cases”, Syracuse University, December 19, 2019, available at <https://trac.syr.edu/immigration/reports/587/>
- ¹⁷ Wendy Fry, “ACLU sues over detained immigrants’ access to attorneys”, *The San Diego Union-Tribune*, November 5, 2019, available at <https://www.sandiegouniontribune.com/news/border-baja-california/story/2019-11-05/aclu-sues-over-detained-immigrants-access-to-attorneys>
- ¹⁸ Human Rights First has created a database that is regularly updated with reported cases of attacks on migrants in Mexico. It can be accessed at <https://www.humanrightsfirst.org/sites/default/files/PubliclyReportedMPPAttacks-21Jan2020.pdf>
- ¹⁹ TRAC Immigration, “Contrasting Experiences: MPP vs. Non-MPP Immigration court cases”, Syracuse University, December 19, 2019, available at <https://trac.syr.edu/immigration/reports/587/>
- ²⁰ Gustavo Solis, “Remain in Mexico has a 0.1 percent asylum grant rate”, *The San Diego Union-Tribune*, December 15, 2019, available at <https://www.sandiegouniontribune.com/news/border-baja-california/story/2019-12-15/remain-in-mexico-has-a-0-01-percent-asylum-grant-rate>
- ²¹ Susan Fratzke, “International experience suggests safe third-country agreement would not solve the US-Mexico border crisis”, Migration Policy Institute, June 2019, available at <https://www.migrationpolicy.org/news/safe-third-country-agreement-would-not-solve-us-mexico-border-crisis>
- ²² Kevin Sieff, “The US is putting asylum seekers on planes to Guatemala — often without telling them where they’re going”, *The Washington Post*, January 13, 2020, available at https://www.washingtonpost.com/world/the_americas/the-us-is-putting-asylum-seekers-on-planes-to-guatemala--often-without-telling-them-where-theyre-going/2020/01/13/0f89a93a-3576-11ea-a1ff-c48c1d59a4a1_story.html
- ²³ AFSC, along with other organizations, created the Defund Hate Campaign that calls on legislators to eliminate federal funding that supports immigration enforcement and detention. Information the Defund Hate campaign is available at <https://www.afsc.org/defund-hate>



**American Friends
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