

President Andrés Manuel López Obrador
Residencia Oficial de Los Pinos, Molino del Rey s/n
Col. San Miguel Chapultepec, Distrito Federal. C.P. 11850

Secretary of the Interior Olga Sanchez Cordero
Abraham González 48
Col. Juárez, Ciudad de México. C.P. 06600

Secretary of Foreign Affairs Marcelo Ebrard Causabon
Plaza Juárez 20
Col. Centro, Ciudad de México. C.P. 06010

December 21, 2018

Dear President López Obrador, Secretary Sanchez, and Secretary Ebrard:

Our organizations – some of which wrote to you earlier this month – are writing now to express concern over yesterday’s announcements regarding the United States’ immediate application of section 235(b)(2)(C) of the Immigration and Nationality Act (INA) and Mexico’s cooperation with that plan, as outlined in the Secretariat of Foreign Affairs’ press release. We ask Mexico to end its temporary cooperation with the United States, reaffirm its commitment to the protection of asylum seekers who wish to present claims in Mexico or the United States, and assert its authority to determine who may enter Mexico from the United States.

Mexico has historically held itself out as a country that promotes and respects the rights of migrants; however, by accepting the return or transfer of individuals seeking asylum in the United States to Mexico, Mexico is complicit in U.S. policies that violate the rights of migrants and asylum seekers. The United States’ plan to return asylum seekers to Mexico to remain there during the pendency of their immigration proceedings is a clear violation of U.S. and international law and will be litigated in U.S. courts. Top U.S. officials yesterday described the plan as a way to deter migration and to keep migrants in their countries of origin. However, forcing asylum seekers to remain in Mexico will not deter people fleeing gang, cartel, domestic, and other violence and threats to their lives. Instead, it will make it more arduous for those with legitimate claims to succeed by erecting insurmountable barriers to due process, counsel, and the ability to present meaningful defenses to removal before U.S. courts. It will also disrupt the right to family unity for those with loved ones already residing in the United States.

We recommend that Mexico immediately end its temporary cooperation and withdraw from any understanding that it will facilitate the United States’ implementation of section 235(b)(2)(C) in light of the potential that it will violate the due process and human rights of migrants.

Specifically, we encourage your government to clarify that Mexico will not accept the involuntary return or transfer of individuals seeking asylum before the U.S. Department of Homeland Security or immigration courts back to Mexican soil. As a sovereign nation, Mexico has the right – and the responsibility – to denounce this unilateral action of the United States that represents a clear effort to externalize the U.S. border into Mexican territory. If such withdrawal is not immediately taken, before logistics and procedures are developed between Mexico and the United States, we are gravely concerned that this temporary arrangement will develop into a permanent situation: asylum seekers will continue to arrive to the border and, absent a significant investment in the U.S. immigration court system, the existing backlog of cases will continue to grow, and therefore the wait times will also increase.

Finally, we encourage you to continue the efforts Mexico has taken to offer protection to migrants and asylum seekers in Mexico through the vehicles of asylum, complementary protection, humanitarian visas, or otherwise and to ensure individuals' rights to family unity and to *non-refoulement*. As stated earlier this month, we also encourage bilateral discussions and cooperation with the United States to instead focus on strengthening both Mexican asylum processing and U.S. asylum processing at ports of entry, increasing asylum options, and ending policies that impede access to asylum in the United States. We enclose our previous letter with additional observations on actions that Mexico should consider taking.

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We are grateful for your time and consideration and would welcome the opportunity to meet in person.

Sincerely,

Asylum Access Mexico (AAMX)
Human Rights First (HRF)
Institute for Women in Migration (IMUMI)
Kids in Need of Defense (KIND)
Latin America Working Group (LAWG)
Sin Fronteras IAP
Washington Office on Latin America (WOLA)
Women's Refugee Commission (WRC)

Cc: Alejandro Encinas, Undersecretary on Human Rights, Migration, and Population,
Secretariat of the Interior

Cc: Tonatiah Guillen, Commissioner, National Institute of Migration

Cc: Andrés Ramirez Silva, Director of the Mexican Commission for Refugee Assistance
Cc: Martha Bárcena, Ambassador to the United States