

Mexico City, November 15, 2019

Marcelo Ebrard Casaubon
Ministry of Foreign Relations

Olga Sánchez Cordero
Ministry of the Interior

Dear Minister Sánchez and Minister Ebrard,

We write to express our profound concern for the situation of asylum seekers returned to Mexico under the so-called “Migrant Protection Protocols” (from here on referred to as MPP), also known as the “Remain in Mexico” program. We also write to request information on the Mexican government’s efforts to ensure the safety and well-being of this population. Since December 2018, when the Mexican and U.S. governments announced they were discussing the implementation of this program, many of our organizations have expressed to both governments our concerns about this policy, as it violates both U.S. law and U.S. international obligations.

Since the start of MPP, the United States has returned more than 50,000 asylum seekers to Mexico to await the adjudication of their asylum proceedings. On September 10, 2019, Foreign Minister Marcelo Ebrard and U.S. Vice President Mike Pence agreed to expand the program. The irresponsible expansion of MPP has aggravated the situation in Mexican border towns and has put thousands of asylum seekers at risk, especially those who have been returned to border towns in the state of Tamaulipas.

A report by the organization Human Rights First found that between January (when MPP began to be implemented) and September 2019, more than 340 asylum seekers returned to Mexico under MPP were subjected to kidnapping, sexual abuse, extortion, torture, or other types of violence, including cases in which Mexican officials allegedly participated.¹ Researchers from the University of California San Diego interviewed 607 asylum seekers returned to the towns of Tijuana and Mexicali under MPP. The study found that nearly a fourth of the individuals interviewed had been threatened with violence, half of which had suffered physical violence.²

Some of our organizations have been in direct contact with victims who have been kidnapped in Mexican border towns. The sheer number of documented cases alone is alarming. But what is perhaps most alarming is that these hundreds of cases likely only represent a small fraction of the crimes suffered by asylum seekers returned to Mexico. Many migrants likely opt to not report

¹ <https://www.humanrightsfirst.org/sites/default/files/hrfordersfromabove.pdf>

² <https://usipc.ucsd.edu/publications/usipc-seeking-asylum-part-2-final.pdf>

crimes, either out of fear or because they lack access to journalists, academics, and human rights defenders.

We are particularly concerned about kidnappings that have occurred in Nuevo Laredo, Tamaulipas. It is worth noting that on August 3, 2019, Father Aaron Méndez, director of the migrant shelter “Casa del Migrante AMAR”, and his assistant, Alfredo Castillo, were disappeared in Nuevo Laredo. To date, Mexican authorities have yet to resolve this case. A little over a month later, on September 19, Father Ricardo Alcaraz, of the church “Iglesia Cristiana Perfecto Amor”, was kidnapped after refusing to turn migrants over to a criminal group.

As you know, on October 10, a group of around 250-300 asylum seekers returned to Mexico under MPP protested at the bridge between Brownsville, Texas and Matamoros, Tamaulipas against the poor conditions in Mexican border towns as well as the long periods they are being forced to wait for their appointments with U.S. officials and for their cases to be resolved. More than 1,000 asylum seekers are sleeping in the street or in tent camps in Matamoros, where they are exposed to inclement weather, illness from a lack of proper sanitary conditions, and persecution by criminal groups and, sometimes, Mexican authorities. It is estimated that 120 individuals a day are being returned to Matamoros under MPP. This situation of vulnerability—caused by a lack of shelter, basic services, and protections against violence—is common among all the Mexican border towns in which this program is being implemented.

We are profoundly concerned that the expansion of MPP has resulted in an increased number of particularly vulnerable asylum seekers being returned to Mexico, such as pregnant women, LGBTQ individuals, people with disabilities, and Mexicans seeking asylum in the United States. This, despite the fact that U.S. Customs and Border Protection (CBP)’s guiding principles specify that certain individuals should not be returned to Mexico. This includes Mexican citizens, individuals with special physical and/or psychological health concerns, or individuals who would likely suffer persecution or torture in Mexico.

When MPP was announced on December 21, 2018, the Mexican government authorized individuals seeking asylum in the United States temporary entry for “humanitarian reasons.” The Mexican government promised to provide equal treatment—without discrimination—to these migrants, and to respect their human rights.³ However, ten months later, it is clear that the government is far from adequately guaranteeing shelter and humanitarian protection for these individuals.

Due to the inhumane conditions endured by thousands of migrants returned to Mexican border towns as part of MPP, we respectfully request information about the following:

³ <https://www.gob.mx/sre/prensa/posicionamiento-de-mexico-ante-la-decision-delgobierno-de-eua-de-implementar-la-seccion-235-b-2-c-de-su-ley-de-inmigracion-y-nacionalidad?idiom=es>

1. What measures is the Mexican government taking to address the risks and lack of protection faced by migrants in vulnerable situations in northern border towns?

- a) It is our understanding that in previous years, due to a rise in kidnappings of Mexican migrants repatriated from the United States to cities such as Matamoros, the Mexican government deployed the Navy to safeguard bus stations in order to protect migrants. Will similar measures be taken to mitigate risks faced by migrants returned under MPP?

2) What steps has the Mexican government taken to reduce the barriers to employment and shelter that MPP returnees are facing? What steps have been taken to guarantee access to proper sanitary conditions?

3. How many reports of crimes and human rights violations has the Mexican government received from individuals returned to Mexico under MPP?

- a) What measures has the Mexican government taken to investigate these crimes? We note with concern that previous studies by human rights organizations and migrant shelters have found a 99 percent impunity rate for crimes against migrants reported to Mexican authorities.⁴
- b) How many criminal investigations and complaints before human rights bodies are open as a result of these reports of crimes and human rights violations against migrants returned under MPP?

4) What processes are in place regarding the reception of individuals under MPP? In particular:

- a) What guidelines or reception criteria are National Migration Institute (*Instituto Nacional de Migración*, INM) agents supposed to follow when receiving an asylum seeker returned by U.S. authorities?
- b) What criteria does the Mexican government follow, on a case-by-case basis, in deciding whether to accept or reject the reception of a migrant returned to Mexico under MPP?
- c) What procedures does the Mexican government follow in terms of notifying U.S. authorities about whether it has accepted or rejected the reception of a migrant returned to Mexico under MPP?
- d) What measures are in place to ensure that National Migration Institute agents fully comply with reception criteria?

5) When does the federal government plan to complete the installation of its six migrant shelters in Tijuana, Mexicali, Ciudad Juárez, San Luis Río Colorado, Nuevo Laredo, and Matamoros? We understand that the shelter in Ciudad Juárez is already built, but when will the construction of the other five be completed, and when will they all be opened to the migrant population? Keeping in

⁴ <https://www.wola.org/es/analisis/informe-de-wola-el-aceso-la-justicia-para-personas-migrantes-en-mexico/>

mind that these shelters are supposed to be short-term accommodations, we request information on the following:

- a) What options will be offered to individuals facing wait times of various months for their next hearing before U.S. authorities?
 - b) We understand that many employers are only hiring migrants who have a work visa, and are not hiring individuals who only have a Multiple Migration Form (*Forma Migratoria Múltiple*) or CURP document, the only documents that most migrants under MPP have access to. What measures are being taken to reduce these barriers for individuals under MPP who are seeking employment?
 - c) What is the status of the Job Board program, which is supposed to provide direct employment for some 20,000 people under MPP as well as employment training for thousands more?
 - d) We are aware of multiple cases of children being denied access to public education due to their immigration status. We are also aware of cases in which schools have imposed requirements that make it impossible for migrant children to enroll in school. What measures are being taken to reduce these barriers to education for children under MPP?
 - e) What kinds of security services can the federal government offer for the thousands of individuals waiting in Mexico with their children whose asylum application processes are still ongoing? According to journalistic reports, since the start of MPP in January, U.S. authorities have returned 16,000 children, including some 500 infants, with their families to Mexico to await their hearings.⁵
6. Do migrants returned under MPP have access to proper health care services?
- a) Through what channels must migrants access these services?
 - b) Does a registry of the medical care provided exist?
 - c) What measures are in place to screen individuals for disabilities and chronic illnesses and to ensure they are receiving adequate services?
7. Are individuals returned under MPP receiving legal assistance on their asylum applications in the United States?
- a) How is the Mexican government working to guarantee due process for asylum seekers returned to Mexico under MPP by ensuring they have access to legal assistance while they wait in Mexico?
 - b) In terms of the individuals the Mexican government has transported to different parts of Mexico, including Tapachula and Ciudad Hidalgo, Chiapas, how is the government working to ensure that these individuals can travel to the northern border to attend their hearings?

⁵ <https://www.reuters.com/article/us-usa-immigration-babies-exclusive-idUSKBN1WQ1H1>

As human rights, migrant rights, and legal services organizations, we reiterate our rejection of the Remain in Mexico program as well as other executive orders that President Trump has implemented to try to limit access to asylum in the United States.

Because the Mexican government agreed to implement this program, it must accept the responsibility of treating returned migrants with dignity and respecting their rights. This includes, but is not limited to, providing these asylum seekers with adequate shelter and basic services. The Mexican government must also fully comply with existing criteria regarding which asylum seekers are or are not eligible to be returned to Mexico under MPP. The situation in Mexican border cities demonstrates the Mexican government's lack of compliance with these obligations.

Sincerely,

Mexican Organizations:

Americas Program

Asylum Access México (AAMX) A.C.

Casa Monarca. Humanitarian Aid for Migrants

Casa Monarca. Ayuda Humanitaria al migrante en Monterrey

Centro de Investigación y Estudios Superiores en Antropología Social (CIESAS)

Colectivo Contra la Tortura y la Impunidad

Gustavo Lopez, Observatorio Regional de las Migraciones

Instituto de Estudios y Divulgación sobre Migración A.C.

Kino Border Initiative

May-ek Querales Mendoza, UAEM - Cuautla

Otros Dreams en Acción (ODA)

Oxfam Mexico

Save the Children México

Sin Fronteras IAP

Coalición Indígena de Migrantes de Chiapas (CIMICH)

Bloque Latinoamericano sobre Migración de sociedad civil (Bloque LAC)

Red Mesoamericana Mujer Salud y migración

Comisión De Acción Social Menonita (CASM)

Instituto para las Mujeres en la Migración (IMUMI)

Alfredo Limas. Universidad Autónoma de Ciudad Juárez (UACJ)

Iniciativa Ciudadana para la Promoción de la Cultura del Diálogo

Estancia del Migrante González y Martínez

Red Jesuita con Migrantes de Latinoamérica y el Caribe (RJM-LAC)

Comité de Familiares de Migrantes Desaparecidos del Centro de Honduras (Cofamicenh)

Unión Nacional de Organizaciones Regionales Campesinas Autónomas UNORCA A.C.

Organismo Cristiano de Desarrollo Integral de Honduras (OCDIH)

U.S. Organizations:

2020 Women's March/Marcha de las Mujeres
Access Living
Alianza Americas
Amnesty International
Amnesty International USA group 361
Angry Tias and Abuelas of the RGV
Bay Area Sex Worker Advocacy Network (BAYSWAN)
Center for Gender & Refugee Studies
Center for Victims of Torture
Central American Resource Center-DC
Centro por la Justicia y el Derecho Internacional (CEJIL)
Club San Juanico
Club Taji Ciudad Hidalgo
Coalición de Derechos Humanos
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
Durango Unido en Chicago
El Vínculo Hispano/The Hispanic Liaison
Florence Immigrant and Refugee Rights Project
FMG/Hitec Aztec Communications
Franciscan Action Network
Global Ministries of the Christian Church (Disciples of Christ) and the United Church of Christ
Greater New York Labor Religion Coalition
Harvard Immigration and Refugee Clinical Program (HIRC)
HIAS
Hope Border Institute
Human Rights Coalition
Human Rights First
Human Rights Initiative of North Texas
Immigration Resource Center of San Gabriel Valley
Indivisible Sacramento
Jesuit Conference Office of Justice and Ecology
Kids in Need of Defense
La Union del Pueblo Entero (LUPE)
Lake County Immigrant Advocacy
Latin America Working Group (LAWG)
Latino Commission on AIDS

Maryknoll Office for Global Concerns
Nancy Farrell, Jewish Voice for Peace
National Advocacy Center of the Sisters of the Good Shepherd
National Immigrant Justice Center
National Immigration Project of the National Lawyers Guild
National Network for Immigrant and Refugee Rights
Oxfam America
Physicians for Human Rights
Quixote Center
RAICES (Refugee and Immigrant Center for Education and Legal Services)
Red Mexicana de Lideres y Organizaciones Migrantes (RedMX)
Rio Grande Valley Equal Voice Network
Sacred Heart Parish
San Juanico
Save the Children USA
Seguimos Adelante
SER El Cambio
Southern Poverty Law Center
The Green Valley/Sahuarita Samaritans
The United Methodist Church - General Board of Church and Society
Washington Office on Latin America (WOLA)
Wind of the Spirit
Women's Refugee Commission (WRC)
Action Secours Ambulance
SSIIM Unesco Chair, University Iuav of Venice

Individuals:

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Jocelin Mariscal Agreda
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Leticia Gutiérrez
Dr. Patricia Zamudio, CIESAS
Marcela Arteaga Esquerra
Brenda Valdez
Leticia Calderón Chelius

Collectives:

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Grupo de Trabajo Sobre Política Migratoria: Aldeas Infantiles SOS México, I.A.P.; Asylum Access México, (AAMX) A.C.; Casa del Migrante Saltillo (Frontera con Justicia A.C.); Centro de Derechos Humanos Fray Matías de Córdova, A.C.; Coalición Pro Defensa del Migrante de Baja California; Fundación Appleseed México, A.C.; DHIA. Derechos Humanos Integrales en Acción, A.C.; FUNDAR Centro de Análisis e Investigación, A.C.; IMUMI Instituto para las Mujeres en la Migración; Iniciativa Ciudadana para la Promoción de la Cultura del Diálogo, A.C.; INSYDE Instituto para la Seguridad y la Democracia; M3 Movimiento Migrante Mesoamericano; REDIM Red por los Derechos de la Infancia en México; Save The Children México, Sin Fronteras, IAP; Servicio Jesuita a Migrantes México; SMR Scalabrinianas: Misión para Migrantes y Refugiados; Leticia Calderón, Analista en temas migratorios; Brenda Valdés; Elba Coria; Manuel Ángel Castillo, Investigador; IDC International Detention Coalition (Observadoras). Melissa Vértiz Hernández, Claudia Martínez Medrano y Jocelin Mariscal Agreda. Secretaría Técnica.

CC:

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Andrés Ramírez, Coordinador General de la Comisión Mexicana de Ayuda a Refugiados;

Luis Mariano Cortés Salazar, Presidente, Instituto de Administración y Avalúos de Bienes Nacionales;

Francisco Garduño, Comisionado, Instituto Nacional de Migración;

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Dra. Nadine Flora Gasman, Presidenta, Instituto Nacional de las Mujeres;

María del Rocío García Pérez, Titular, Sistema Nacional para el Desarrollo Integral de la Familia.