

# Border Observatory 2019: Hope and Resistance at the Border



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Front Cover: Anapra Border Wall (Photo: Luis Hernandez)

Cover page: Bishop Mark J. Seitz and leaders from Faith in Public Life pray at the Anapra Border Wall (Photo: Luis Hernandez)

Back Cover: CBP agents stage paramilitary exercises on El Paso international bridge in advance of arrival of migrant caravan (Photo: Luis Hernandez)

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**THE HOPE BORDER INSTITUTE** (HOPE) is an independent grassroots community organization working in the El Paso-Ciudad Juárez-Las Cruces region, that seeks to bring the perspective of Catholic social teaching to bear on the social realities unique to our region. Through a robust program of research, reflection, leadership development, advocacy and action, HOPE develops and aligns the border's community leaders engaged in the work of justice from across the Mexico-US border to deepen solidarity across borders and transform our region.

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And in recognition of his unparalleled work to chronicle the whirlwind of 2018 in the borderlands, we thank journalist Robert Moore.



This report is dedicated to the memory of Jakelín and Felipe,  
and to all those who have died and suffered  
while crossing the US-Mexico border.

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<b>BIA</b>	Board of Immigration Appeals
<b>CBP</b>	US Customs and Border Protection
<b>CFI</b>	Credible fear interview
<b>DHS</b>	US Department of Homeland Security
<b>DOJ</b>	US Department of Justice
<b>EOIR</b>	Executive Office for Immigration Review
<b>EPPC</b>	El Paso Processing Center
<b>GAO</b>	US Government Accountability Office
<b>HHS</b>	US Department of Health and Human Services
<b>IACHR</b>	Inter-American Commission on Human Rights
<b>ICE</b>	US Immigration and Customs Enforcement
<b>INA</b>	Immigration and Nationality Act
<b>LOP</b>	Legal Orientation Program
<b>OIG</b>	Office of Inspector General
<b>ORR</b>	HHS Office of Refugee Resettlement
<b>TRO</b>	Temporary Restraining Order
<b>USCIS</b>	US Citizenship and Immigration Services

# ABBREVIATIONS



*Attorneys brief media at Annunciation House after the death of Jakelín Caal Maquin*

## INTRODUCTION

Late on December 23, 2018, my wife and I were wrapping Christmas gifts when I received a text message that ICE was dumping dozens of migrant families in downtown El Paso.

It couldn't be. It was too late at night, too cold and too close to the Christmas holiday.

The only other time ICE had done this was just before the November midterm elections, when Trump played the border politics card to turn out his base, whipping up fears about a caravan of migrants from Central America and sending troops to the border.

The news spread on social media and folks from across the city began showing up at the downtown bus station where ICE was releasing

people. Good Samaritans brought water, pizza and blankets. Police officers called their wives to rustle up donations. The ICE bus driver confessed that he had a heavy heart but, after all, he was just following orders.

I was dispatched to organize shelter for 60 migrants, all Central American parents with children. Soon after midnight they arrived with police escort, tired and thirsty. The children had glossy eyes, runny noses and sore feet. Just before going to sleep, some of the migrants asked to pray. Soon the room was enveloped in a cacophony of tears, gratitude and sheer release of emotion bottled up over a journey of 2,000 miles and several days crammed in overcrowded, freezing detention cells.



So began the three days when ICE would release around 600 migrants into downtown El Paso.

At times, it seemed the ICE buses would never stop arriving. Every bus brought new asylum seekers, dazed and confused, uncertain about where they were, not knowing if they were still in the hands of the government, unsure of their next steps.

We brought the migrants to a small park in El Paso's Duranguito neighborhood which was transformed into a sort of humanitarian hub where we triaged the sick, fed the hungry and organized transportation. In the thick of the chaos, the irony might have been lost on the casual observer. The historic neighborhood that had witnessed waves of migration was presently in the crosshairs of the city's ruling class, who were spending millions to raze and gentrify it. These were the same city leaders incapable of mustering a word against Trump's new border wall that ran like an embarrassing gash through downtown.

There was no plan of action. Some migrants needed medical attention. One woman had nothing but a bundle in her arms, a two-day-old infant. Paramedics offered first aid to a dehydrated 7-year-old boy with a high fever. Migrants appeared out of nowhere saying Border Patrol agents had simply waved them across the border and pointed them in the direction of this makeshift refugee camp.

In the confusion, the biblical story of the multiplication of the loaves and fishes was repeating itself. Volunteers brought food, water,

medecine and Christmas toys. Bystanders thrust money into my pockets. Mike Patino, the colorful owner of a local establishment, opened his doors and organized a makeshift buffet. Local reporters put in long hours to tell the story with compassion.

Miraculously, Ruben Garcia, the director of Annunciation House, found shelter for every soul. As each group departed Duranguito on city buses to one of Annunciation House's shelters, there were cheers and broad smiles of gratitude.

Then, after Christmas, the whirlwind stopped. No explanation was forthcoming from ICE because no sane explanation was possible.

The Christmas 2018 events demonstrated not just the depths of callousness to which the government could fall but also the administration's cruelty over the entire year. 2018 was the year of 'zero tolerance', family separation, turnbacks of asylum seekers, the Tornillo detention camp, the deployment of the military to the border and the beginning of the first government shutdown over border politics.

2018 also demonstrated the dangerous and deadly consequences of this vapid politics.

On December 7, Jakelín Caal Maquin, a 7-year-old indigenous girl from Guatemala, fell ill in the custody of Border Patrol and died at an El Paso hospital. On Christmas Eve, Felipe Gómez Alonso, an 8-year-old indigenous migrant from Guatemala, died of influenza en route to hospital from a Border Patrol station.

## TIMELINE

**April 11, 2017** Attorney General directs federal prosecutors along the southwest border to prioritize immigration-related offenses

**January 18, 2018** HOPE publishes *Sealing the Border*, one of the first reports to document family separation at the border

**January 31, 2018** In SOTU speech, Trump announces plans to reduce family-based immigration and characterizes unaccompanied minors as criminals

**February 12, 2018** Administration's 2019 budget proposal includes funding for border wall and increased immigration enforcement, detention and deportation



*Migrant families dropped off in downtown El Paso over Christmas*

This report relates the impact of the actions of the Trump administration in 2018 on the Paso del Norte border community, the binational community that straddles El Paso, Ciudad Juárez and southern New Mexico.

Like our previous reports, *Hope and Resistance at the Border* documents the government’s ongoing militarization of the region and the criminalization of migrants who live and pass through here. This report is based on HOPE’s observation of nearly 500 cases in El Paso’s immigration courts and federal criminal courts, site visits at Tornillo to interview children detained there, scores of interviews with legal advocates for asylum seekers, surveys of migrants in detention, data collected at the Diocese of Juárez’ migrant shelter, interviews with asylum seekers turned back by CBP officers and meetings with administration officials.

If 2018 was an inflection point in the long story of human rights violations at the border, it was also an inflection point of hope and resistance.

*Hope and Resistance at the Border* is the story of one border community’s resilience and creative organizing in the face of the dark actions taken by an administration that waves the flag of xenophobia and nativism. If in times of deceit, telling the truth is a revolutionary act, then this report is a chronicle of subversion, the effort of one border community to witness to the truth of human dignity and to expose lies and distortions at the core of the Trump administration’s attack on migrants and the border.

The policies and practices described in this report and their devastating consequences continue to challenge and engage our faith, commitment and imagination. Crucial aspects of the administration’s policies which it sought to implement during the past year are deeply unethical and unjust, and violate US law and internationally recognized human rights standards. All of the policies described here have faced legal challenges, and several have been stayed or reversed, pending further appeals. But the administration continues to press for measures along the same lines.

*Hope and Resistance at the Border* memorializes the hospitality of faith communities opening their doors to welcome to the stranger, and the story of generosity and compassion in Duranguito. It records the protest and determination that led to the closure of the tent city in Tornillo and the actions of activists who challenged power to protect the rights of asylum seekers. And it documents the perseverance of families who risked everything to leave country and kindred to find safety and refuge at our border.

**Dylan Corbett**  
Executive Director

**February 22, 2018**  
USCIS removes ‘Nation of Immigrants’ from mission statement

**February 27, 2018** In *Jennings v. Rodriguez*, Supreme Court authorizes indefinite detention of migrants

**March 8, 2018** NM CAFé leaders in Las Cruces, NM block access to federal courthouse to protest Operation Streamline

**March 9, 2018** ACLU files amended complaint in class-action suit regarding family separation



*Interfaith leaders at El Paso prayer vigil against family separation*

## ZERO TOLERANCE

With his Memorandum for Federal Prosecutions along the Southwest Border of April 6, 2018, Attorney General Jeff Sessions announced a policy of 'zero tolerance'. In it, he directs US attorneys along the border to prioritize the prosecution of immigration-related offenses, including improper entry.

Prosecutions for illegal entry and reentry in the borderlands soon skyrocketed. By summer, the federal courts saw a 200% increase in prosecution for illegal reentry alone. Local attorneys reported daily caseloads of 30 to 40, rising to upwards of 65. Zero tolerance effectively turned the federal court into a rocket docket.

Federal public defenders reported to HOPE that the majority of the federal courts' caseload in the borderlands consisted of illegal entry misdemeanors.

Zero tolerance was draining resources away from genuine national security crimes such as drug trafficking and human smuggling.

By ordering the criminal prosecution of border crossers, who included parents and caregivers, the attorney general's memo became the catalyst for family separation. Nevertheless, zero tolerance understood 100% prosecution was never implemented on the border; immigration officials still had to choose whom to refer for prosecution. In practice, more parents with children were ultimately referred for prosecution than adults with no children,<sup>1</sup> indicating a strategic targeting of parents through a broad process that implicated agency leadership and federal prosecutors as well as Border Patrol agents on the line.

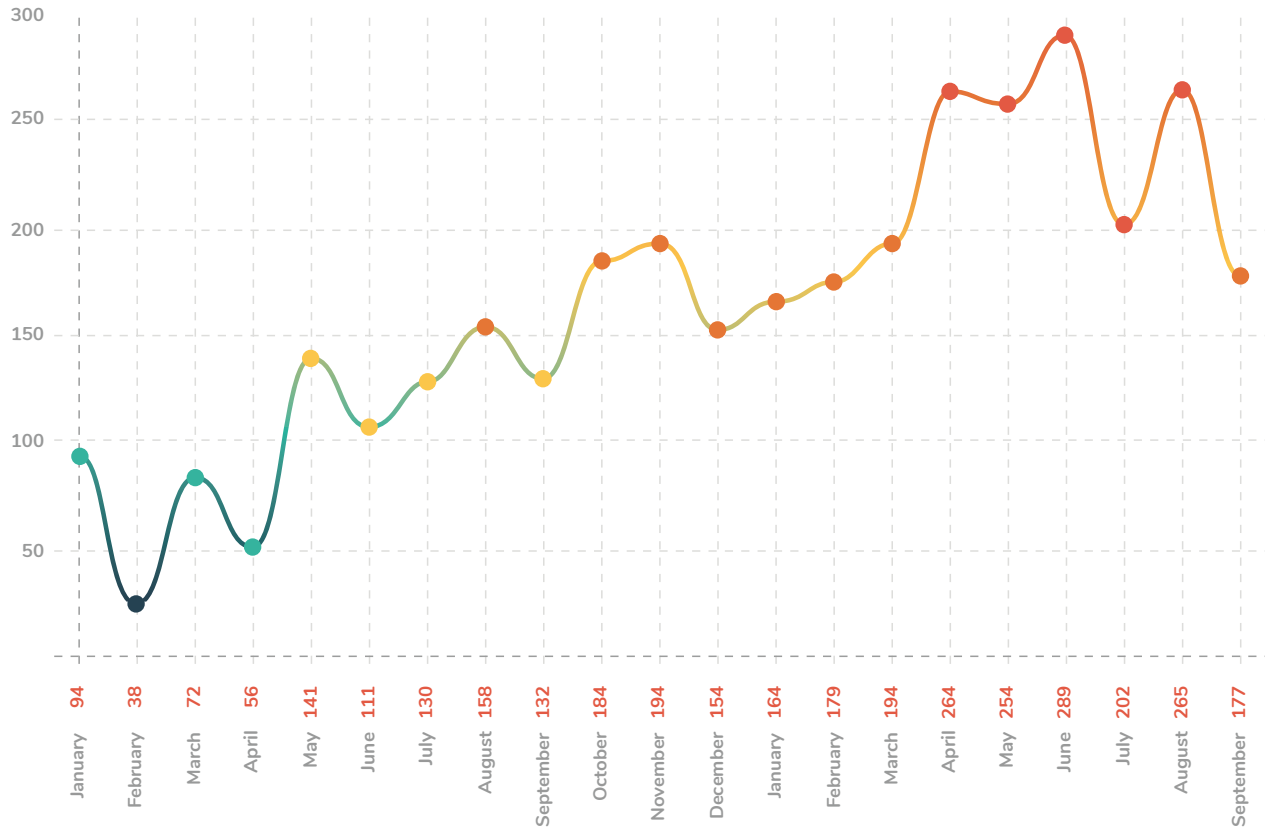
**March 15, 2018** *Damus v. Nielsen* challenges arbitrary detention of asylum seekers

**March 17, 2018** Attorney General takes action to add a possible 350,000 to immigration backlog which had been closed administratively by immigration judges

**March 26, 2018** USCIS releases documents detailing CBP intimidation, abuse and dissuasion of asylum seekers

**March 30, 2018** Internal documents reveal ICE has ended parole for pregnant women

## Illegal re-entry prosecutions from January 2017 through September 2018



Mandatory prosecution can have lasting ramifications for asylum seekers. Before zero tolerance, border crossers expressing fear of return to their home country would ordinarily be given access to the asylum seeking process. With zero tolerance, a criminal charge for crossing the border created additional barriers for migrants to make claims of fear of return to their home country, including the rush of prosecution and deportation.

There were acts of resistance in the borderlands

to zero tolerance. Attorneys and retired judges offered pro bono counsel. Judges ensured that migrants prosecuted en masse were given an opportunity to speak and asked in open hearing if they had been separated from their children.

While federal prosecutors no longer implement zero tolerance in the borderlands, officers of the court report to HOPE that prosecutions for illegal entry and illegal re-entry remain at very high levels. The actions of the next attorney general in this regard will be decisive.

**March, April 2018**  
Media reports Central American migrant caravan heading towards border

**April 2, 2018** Justice Department announces quotas for immigration judges

**April 3, 2018** Trump announces deployment of National Guard to the border

**April 6, 2018** Attorney General announces 'zero tolerance' policy

# ASYLUM

THE TRUMP ADMINISTRATION TOOK SEVERAL ACTIONS IN 2018 TO LIMIT ACCESS TO ASYLUM. MANY OF THESE ACTIONS WERE REVERSED BY FEDERAL JUDGES.

## MATTER OF A-B-

Immigration courts are not independent, stand alone courts. Instead, they fall under the jurisdiction of the Justice Department, which makes the courts particularly vulnerable to politicization. Thus, on June 11, 2018, Attorney General Sessions was able to personally intervene in the immigration courts by issuing a devastating case decision in *Matter of A-B-*. Sessions' decision effectively rendered survivors of domestic and gang-related violence ineligible for asylum protections on that basis.

On December 19, 2018, a federal judge in Washington, DC struck down Sessions' decision. But for six months, there was damage that could not easily be undone. Shortly after Sessions' June intervention, HOPE observers in an El Paso immigration court witnessed Judge Stephen Ruhle immediately dismiss all gang and domestic violence cases during a master calendar hearing. He informed the courtroom full of detained asylum seekers not to bother submitting an application on those grounds.

## TEMPORARY SUSPENSION OF LEGAL ORIENTATION PROGRAM

The Legal Orientation Program (LOP) is a nationwide service that provides critical legal education and referrals for free and low-cost legal counsel to



*HOPE leaders at rally against family separation and detention*

detainees. The LOP is one of the few opportunities detainees have, including asylum seekers who represent themselves in court, to learn about the immigration court system. The Justice Department suspended the program for two weeks but reversed course after pressure from advocates and Congress.

## TRUMP'S RULES ON ASYLUM AND ASYLUM BAN

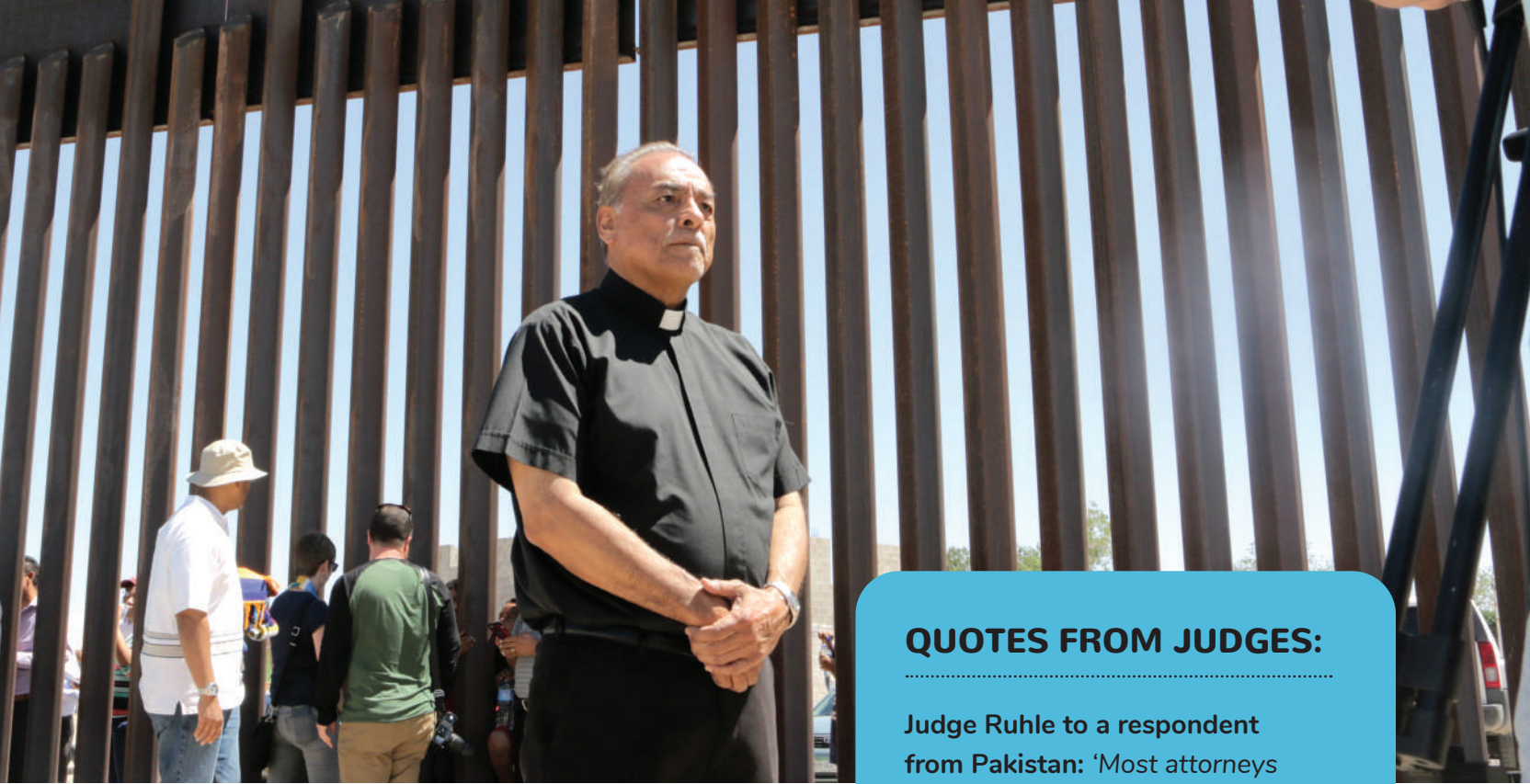
President Trump issued a Presidential Proclamation and Rule on Asylum on November 9, 2018. The

**April 9, 2018** Border Patrol begins construction of 20-mile border wall in Santa Teresa, NM

**April 10, 2018** Attorney General announces suspension of Legal Orientation Program

**April 14, 2018** El Paso community organizations hold *ICE on Trial*, a People's Tribunal focused on ICE abuse

**April 25, 2018** After public backlash, Legal Orientation Program and help desk services reinstated



*Rev. Msgr. Arturo Bañuelas at the Anapra border wall*

proclamation attempted to deny the right to apply for asylum to anyone crossing the US-Mexico border anywhere except through official ports of entry. These policies effectively constitute a new asylum ban, targeting Central Americans. A federal judge in the Northern District of California issued a Temporary Restraining Order (TRO) to prevent enforcement of the new policies. The Supreme Court declined to overturn the TRO while the government pursues its appeal.

### **IMMIGRATION JUDGES**

Immigration judges in El Paso are notorious for their high denial rate of asylum. With new case closing quotas for judges<sup>2</sup> and orders from Sessions to limit the number of continuances,<sup>3</sup> asylum cases in El Paso immigration courts are more commonly rushed and continuances limited, negatively affecting already challenging odds for asylum seekers.

### **QUOTES FROM JUDGES:**

**Judge Ruhle to a respondent from Pakistan:** 'Most attorneys charge a \$10,000 retaining fee. If it's a unique case-like a potential terrorist-you're looking at \$25,000.'

**Judge Abbott to respondent detained at West Texas Detention Facility and whose application is not ready on time because respondent was unable to translate application into English** - 'Do you know what Google is?' Then goes on to say 'I could considered your application abandoned.'

**Judge Abbott to asylum seeker:** 'It didn't help that you entered illegally. I was lucky enough to be born here. I have the duty to uphold the law.'

**April 26, 2018**  
Washington Post reports family separation piloted in El Paso

**May 4, 2018** DHS Secretary approves prosecution of all adults apprehended crossing border illegally, including parents

**March 5, 2018** HOPE, Las Americas and Bishop Seitz lobby federal lawmakers on the day protections for DREAMers were set to expire"

**May 7, 2018** Attorney General orders separation of children from parents and DHS adopts policy as a deterrent

# TURNBACKS

IN MAY 2018, CBP BEGAN STATIONING AGENTS IN THE MIDDLE OF EL PASO'S INTERNATIONAL BRIDGES, WHERE THEY IMPLEMENTED THE PRACTICE OF TURNING BACK ASYLUM SEEKERS. THIS ALSO BEGAN A PRACTICE KNOWN AS 'METERING', WHEREBY ACCESS TO ASYLUM IS EFFECTIVELY RATIONED.

Presenting oneself at a port of entry is an important legal way by which those with a fear of returning to their country can exercise their right to seek asylum.

Consistent with observations of those working in local migrant shelters, the DHS Inspector General found that the practice of turnbacks effectively channeled migrants into crossing in between ports of entry,<sup>4</sup> making them vulnerable both to criminal prosecution and the dangers of crossing in isolated areas.

In a June 26, 2018 meeting with advocates in El Paso, CBP Commissioner McAleenan justified the practice of turnbacks by claiming that CBP did not have the capacity to process 'every asylum seeker arriving to El Paso at the time of their arrival'.

At the height of public scrutiny over family separation during the summer, CBP reduced the practice of turnbacks in El Paso, stationing agents on the bridges at irregular times and intervals, making it more challenging to document. By September, after national media coverage lessened, turnbacks returned as a regular practice across the ports of entry in El Paso's urban core.

Together with the ACLU Border Rights Center, HOPE documented the practice of over 200 turnbacks during a three week period between October and November.



Annunciation House's Ruben Garcia, Msgr. Arturo Bañuelas and Rev. Robert Mosher escort asylum seekers across international bridge

## Paso del Norte Port Observation Oct. 19, 2018 - Nov. 12, 2018

-  Peak number of asylum seekers waiting at the Paso del Norte Bridge: **177**

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-  Countries of origin from people at ports of entry:
 

 Cuba	 Honduras
 Guatemala	 El Salvador
 Mexico	 Cameroon
 Venezuela	

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-  Average Number of CPB, Private Security Guards and other Officials Observed: **2.59 per day**

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-  Asylum seekers reported medical conditions, ranging from headache, stomachache, fever, and cold symptoms

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-  **One family** was robbed of all possessions by Mexican police officers

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-  **One man** was robbed of his money by Mexican military in Juarez

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-  **One family** was robbed of money in Mexico City

**May 8, 2018** Doña Ana County Commission votes to keep federal grant permitting local sheriff deputies to collaborate with Border Patrol

**May 10, 2018** 19-month-old Mariee Juárez dies of respiratory infection after release from South Texas Family Residential Center in Dilley, TX

**May 17 and 18, 2018** US and Mexican governments discuss recognition of Mexico as safe third country

**May 21, 2018** HOPE receives reports of turnbacks at local ports of entry

**‘DON’T TALK TO ME, AND DON’T ATTEMPT TO CROSS ANOTHER WAY BECAUSE IT’S A CRIME.’ — CBP OFFICER**

In the fall, asylum seekers began forming lines and camping out at local ports of entry so as not to lose their opportunity to present themselves for asylum. Volunteers brought food, jackets and blankets. When temperatures dropped below freezing at the end of October, the Red Cross set up a tent to provide medical assistance.

On November 9, 2018, the mayor of Ciudad Juárez, Héctor Armando Cabada Alvidrez, took action to remove approximately 200 asylum seekers from a downtown international bridge and relocated them to Casa del Migrante, the local migrant shelter. A week later, asylum seekers were removed from a second bridge.

Many migrants who continued to arrive to Ciudad Juárez waited for an opportunity to be processed for asylum at Casa del Migrante, although others remained scattered throughout the city and its outskirts.

**MARTHA’S STORY**

Martha fled to the border from the Mexican state of Michoacán in September. She and her three daughters left everything behind in order to stay alive.

Martha’s husband’s family was decapitated by members of a local cartel. After relocating several times within Mexico, she was kidnapped. Unmasking the aggressor during attempted rape, Martha recognized him as someone involved with organized crime and corrupt elements of the police. When local police officers told her they could not protect her, she and her family fled to the United States.

Martha and her family presented themselves at an El Paso port of entry where they were turned back to the country they were fleeing by CBP officers stationed in the middle of the bridge. They attempted to cross again five more times before being processed. Once in CBP custody, Martha and members of her family were separated.

**■ Casa del Migrante Migrant Assistance January - November, 2018**

*"Founded in 1982, the Casa del Migrante migrant shelter in Ciudad Juarez is a shelter for men and women migrants who have left their communities and countries in search of a better life."*



Total Number of People Assisted  
**23,290**

**Number of Mexican Nationals Assisted: 13,860**



- Displaced People including: indigenous communities and seasonal farm workers (jornaleros)
- Internal Migration, from states including: Michoacán, Zacatecas, Colima, Chihuahua, Oaxaca and Puebla
- Repatriated Mexicans

**Number of Foreign Nationals Assisted: 9,430**



- Other Countries including: Cuba, Cameroon, Uzbekistan, Russia, Italy, Iraq and Ukraine
- Central and South America

**May 23, 2018** Death of Claudia Patricia Gómez González, unarmed 20-year-old Guatemalan indigenous migrant shot in head by Border Patrol in Rio Bravo, TX

**May 25, 2018** Death of Roxsana Hernandez Rodriguez, 33 year old Honduran transgender woman in ICE custody

**May 25, 2018** *Diario de Juárez* reports practice turnbacks at El Paso ports of entry

**June 2018** Annunciation House spearheads family separation rapid response legal team which identifies 700 cases of separation and reunites nearly 450 children





Borderland community march against family separation

# FAMILY SEPARATION

## FAMILY SEPARATION SHOULD BE UNDERSTOOD AS AN INSTANCE OF TORTURE AND FORCED DISAPPEARANCE

On April 11, 2017, Attorney General Sessions directed federal prosecutors along the southwest border to prioritize prosecutions of immigration-related offenses.

One year later, on April 6, 2018, Sessions instructed prosecutors on the border to adopt a 'zero tolerance' policy for immigration-related offenses. On the same day, President Trump issued a memorandum entitled *Ending 'Catch and Release' at the Border of the United States and Directing Other Enhancements to Immigration Enforcement*.

On May 4, 2018, DHS Secretary Nielsen approved the prosecution of all adults apprehended crossing

the border illegally, including parents. Taken together, these actions precipitated the Trump administration's border-wide practice of family separation, which will be rightly remembered as one of the darkest hours in the nation's history.

Family separation strikes at the heart of the defense of the integrity of families in Catholic social teaching and other faith-based perspectives. Family separation should be understood as an instance of torture and forced disappearance.<sup>5</sup> These are acts which constitute crimes against humanity within the framework of the Rome Statute of the International Criminal Court.

**June 2, 2018** Community protest against new border wall construction in Santa Teresa, NM

**June 11, 2018** Attorney General rolls back asylum protections for domestic violence and gang violence survivors by intervening in Matter of A-B-

**June 14, 2018** Child detention center opens in Tornillo, TX, 30 miles east of El Paso, with approximately 100 children

**June 15, 2018** Local humanitarian organizations and faith leaders accompany asylum seekers turned backed by CBP officials across international bridge



*El Paso Congressman Beto O'Rourke at Father's Day rally against family separation*

In 2016 and 2017, HOPE documented the practice of family separation as a deterrent to migration under both the Obama and Trump administrations in our reports, *Discretion to Deny* and *Sealing the Border*.<sup>6</sup> We asserted that El Paso was effectively a testing site for the practice of family separation before it became a border-wide practice.

The US Government Accountability Office validated our claims when they uncovered the existence of a 2017 pilot program in El Paso which processed 1,800 individuals in families, 281 of whom were separated.<sup>7</sup> The fate of those separated during the pilot phase is largely unknown since the government did not systematically collect information prior to the rollout of family separation as a border-wide policy.

A sharp increase in the number of separated families was an inevitable result of the increased

prosecution of border crossers mandated by zero tolerance. Yet family separation cannot simply be considered collateral damage of zero tolerance. On multiple occasions in 2018, administration officials, including White House Chief of Staff John Kelly and DHS Secretary Nielsen, identified family separation as a potential tactic for purposes of deterrence.

#### **HOW MANY FAMILIES WERE SEPARATED?**

Information divulged as a result of *Ms. L vs. ICE*, the class-action suit challenging the government's practice of family separation, identifies a minimum of 2,654 migrant children separated from parents, and at least 165 cases where the child's parents were outside of the US at the time of court proceedings (primarily because they were deported).<sup>8</sup> Human Rights Watch references at least 360 cases where parents were deported during this period.<sup>9</sup>

**June 17, 2018** Father's Day rally against family separation and child detention at Tornillo

**June 18, 2018** ProPublica releases audio of wailing children from inside a CBP detention facility

**June 20, 2018** Blanket policy of family separation ends after executive order on family separation and family detention

**June 26, 2018** In meeting with HOPE and advocates in El Paso, CBP Commissioner McAleenan justifies practice of turnbacks

In El Paso alone, at least 10% of the cases identified by a local rapid response legal team were not included in *Ms. L vs. ICE*.<sup>10</sup> The Office of the Inspector General of ORR asserts that 946 children were not included at the time *Ms. L v. ICE* was filed.<sup>11</sup> The OIG also found that ORR had been processing separated children since at least 2016 for a significant period of time during which separations, possibly thousands, were not tracked.<sup>12</sup>

Amnesty International refers to a total of about 8,000 ‘family units’ separated between 2016 and 2018, with at least 6,022 separated between April 19, 2018 and August 15, 2018.<sup>13</sup> The report notes CBP’s inconsistent use of the term ‘family units’, sometimes referring to entire families and other times to the number of individuals within families.<sup>14</sup>

In a June 26, 2018 meeting with HOPE and other El Paso advocates, CBP Commissioner McAleenan confirmed that for a period of time after the rollout of the family separation, CBP, Border Patrol and ORR had simply not collected and shared data essential to tracking separated families.

EIGHT MONTHS AFTER THE OSTENSIBLE  
END OF FAMILY SEPARATION, THERE IS  
STILL NO ACCURATE NUMBER OF HOW  
MANY FAMILIES WERE SEPARATED  
NOR ANY OVERALL SYSTEM TO ENSURE  
REPARATIONS FOR ALL OF THOSE  
AFFECTED.

### IS IT TRULY OVER?

The media largely covered the president’s executive order, *Affording Congress an Opportunity to Address Family Separation*, issued on June 20, 2018, as if it were the end of family separation. But

the order’s text only mentions family separation once: *It is unfortunate that Congress’s failure to act and court orders have put the Administration in the position of separating alien families to effectively enforce the law.*<sup>15</sup> No reference is made to ending family separation as such.

Despite national indignation over the government’s decision to forcibly separate parents from their children upon arrival to the border, the US government continues to separate families. Federal officers of the court have shared information with HOPE detailing cases of family separation taking place in November and December 2018.

### THE CRUELTY OF DETERRENCE

The perverse rhetoric of deterrence leached into abusive and punitive practices that ratcheted up as deadlines for family reunification loomed.

Before a federal court ordered the reunification of families on June 26, 2018, ICE had begun to release affected parents to Annunciation House in El Paso, eventually releasing a total of 366. Most parents did not know the location of their children and had not spoken to them in weeks, if at all. Parents were told that their children would be waiting for them at shelters, but that was not the case.

On one occasion, six mothers were taken to Annunciation House by Border Patrol. Agents mocked and harassed the mothers, calling them ‘filthy pigs’, telling them that they needed to comb their hair because they were going to see their children. The mothers were devastated when they arrived and their kids were not there.<sup>16</sup>

ICE officers were reported to flood common spaces and barracks in detention facilities as a pressure tactic to get parents to sign documents they often did not understand. Parents reported

**June 26, 2018** Supreme Court upholds Trump administration’s 2017 travel limits on several mostly Muslim countries

**June 26, 2018** Federal judge in San Diego prohibits government from separating families and orders reunification

**June 27, 2018** CBP issues guidance halting referral of family separation cases for criminal prosecution

**June 30, 2018** National mobilizations against family separation in El Paso and over 100 US communities

seeing ICE agents forcing people's hands to sign, while others were humiliated, coerced, told they were 'terrible parents' and threatened with isolation.<sup>17</sup>

Between July 23 and July 25, 2018, a large number of children held in shelters across the country were brought to the El Paso Processing Center for reunification. Parents and children were told they would be reunified, but reunifications did not occur.

In another instance, a group of about 35 parents was brought to El Paso from New Mexico's Otero Processing Center and the West Texas Detention Facility wearing civilian clothes and unshackled - a signal that they were to be released or reunified with their children. After waiting in holding cells for two to three days, they were forced to wear detention uniforms, shackled and returned to detention. No explanation was provided.<sup>18</sup>

### EL PASO RESPONSE

Between June and October 2018, Taylor Levy of Annunciation House, together with Diocesan Migrant & Refugee Services, Las Americas Immigrant Advocacy Center, the Santa Fe Dreamers Project, the American Immigration Council, Innovation Law Lab and over 100 visiting pro-bono attorneys, formed a rapid response legal team and identified over 700 family separation cases in El Paso. Cases were identified by monitoring zero tolerance prosecutions in the federal courts and through word of mouth inside ICE detention facilities. El Paso's rapid response legal team ultimately identified 700 cases of family separation and provided legal support for almost 500 families. Nearly 450 children were reunified with their parents and cases are still pending.<sup>19</sup>

### THE BUS PEOPLE<sup>20</sup>

One of the most troubling incidents related to family separation regards a group of parents and children who came to be known as the 'bus people'.<sup>21</sup>

On July 25, 2018, a group of about 25 parents was brought to an El Paso ICE facility parking lot where their children were waiting aboard a bus. After the parents boarded the buses, ICE agents took them off again and presented them with forms in English with three options: 1) be deported with your child; 2) be deported without your child; or 3) speak with a lawyer.

The first option, deportation with their children, was already marked in ink, and by signing the parents would have abandoned any asylum claims for themselves or their children. The parents who did sign reboarded the bus and were left crying with a sense of defeat. Parents who checked another box were given new forms with the first option checked again.

In an effort to coerce parents to sign, ICE agents yelled at them and told them they did not love their children. Seven parents refused to sign and were taken away without their children. One parent recalls his child trying to exit the bus to hug him but he was not permitted.

The children of the parents were transported away and it was over a week before El Paso's rapid response legal team was able to locate them. The children later indicated that they had been placed in tents in the desert in Tornillo.<sup>22</sup>

If not for the work of El Paso's rapid response legal team, the story of the bus people may never have come to light.

**July 1, 2018** Andrés Manuel López Obrador of the Morena Party elected president of Mexico

**July 2, 2018** Federal judge in Washington, DC orders DHS to end blanket detention of asylum seekers

**July 10, 2018** Trump administration misses first deadline to reunite children (4-years-old and under) with parents

**July 20, 2018** HOPE and Diocese of El Paso organize Weekend of Solidarity with Migrants, including demonstration against family separation

# TORNILLO

'My experience at Tornillo was not happy and it wasn't enjoyable. I was locked up there for about 2 months and 10 days. I suffered so much there. I suffered intensely. I suffered because of the cold but also emotionally because of my isolation there. No one knew where I was, I didn't hear anything from anybody. All I had were those two calls for a total of 10 minutes each week but that was never enough. Thank God I was freed from there and I am so happy that I've been reunited with my father and we are together again as my court case continues.

My blessings go to those who are still being held there, for all that they shared with me and taught me, with all of their humility, all of my friends there from El Salvador and Guatemala and Mexico, too; all of us together as brothers from Latin America, despite our differences. They shared the most beautiful part of their hearts with me. I will never forget them. My hope for them is that they continue to hold their heads high, knowing that even though we are migrants, we too are blessed, and my hope is that they too will be freed and reunited with their sponsors and that they won't have to spend Christmas there. God bless them all.'

— Mario, 17-year-old Honduran migrant boy released from Tornillo on October 12, 2018<sup>23</sup>



Community rally outside  
Tornillo child detention center

and detention, with participation of Rev. Robert Stark, Pope Francis' representative

**July 26, 2018** Trump administration misses second deadline to reunite children (ages 5-17) with parents

**August 20, 2018** Federal court in California allows *Al Otro Lado, Inc. v. Nielsen*, class-action suit challenging turnbacks to proceed

**September 4-9, 2018** Faith in Public Life brings nationwide group of priests to border and HOPE convenes *El Grito de la Frontera*: national interfaith gathering

Mario later described to HOPE how he continued to be afflicted months after his release by nightmares pervaded by sensations and images of imprisonment.

The Tornillo ‘tent city’ facility for the detention of thousands of unaccompanied migrant children held in a military style, isolated desert setting 40 miles east of El Paso, was in operation from June 2018 through January 2019. More than 6,000 children were held at Tornillo at some point during this period.<sup>24</sup>

HOPE’s observations within the Tornillo detention facility and our interviews of over two dozen children conducted at Tornillo over two days in November 2018 revealed evident vulnerabilities and anxieties related to the uncertain process of being placed with sponsors, combined with the lingering effects of their experiences in transit and in their home communities. Their sadness and bewilderment was aggravated by unexplained delays in their scheduling for release and by the prospect of

having to spend Christmas in a setting like Tornillo. Even if conditions had been ideal at Tornillo, the fact alone of being detained, perhaps indefinitely, in a militarized environment and separated from their families was abusive and constituted in effect a form of emotional and psychological torture.<sup>25</sup> The lived experience of detention was psychologically integrated as a form of punishment for having crossed the border without authorization.

Tornillo became emblematic of the most troubling aspects of the Trump administration’s approach

to immigration enforcement. El Paso veteran journalist Robert Moore has described Tornillo as the site of the largest mass incarceration in the US of children not charged with a crime since Japanese internment during the Second World War.<sup>26</sup>

The story of Tornillo reflects the overall ebb and flow of processes related to the imposition of regressive measures at the border throughout 2018. The site opened at the height of the national crisis unleashed by family separation. President Trump alluded to Tornillo as a possible model site

for the mass detention of families in his November speech announcing a proposed ban on Central American asylum seekers at the southern border. It was the object of sustained media attention and public criticism before finally being shut down.

Children held at Tornillo were effectively subject to indefinite detention. The administration claimed that the facility’s exceptional character exempted it

from the 20-day limit and other child detention standards set by the Flores settlement agreement.

The length of detention was significantly prolonged by the administration’s decision to extend fingerprinting and background checks to all members of a sponsor’s household, information which was shared with ICE. The children were essentially being used as bait to target undocumented individuals in the homes of sponsors.

**EVEN IF CONDITIONS HAD BEEN IDEAL AT TORNILLO, THE FACT ALONE OF BEING DETAINED, PERHAPS INDEFINITELY, IN A MILITARIZED ENVIRONMENT AND SEPARATED FROM THEIR FAMILIES WAS ABUSIVE AND CONSTITUTED IN EFFECT A FORM OF EMOTIONAL AND PSYCHOLOGICAL TORTURE**

**September 7, 2018**  
Leak of administration’s plan to circumvent Flores standards for child detention

**September 12, 2018**  
Record 13,300 migrant children reportedly in government custody

**September 21, 2018**  
Border Patrol announces construction of four-mile border wall in downtown El Paso

**September 24, 2018** El Paso County Commission passes resolution opposing construction of border wall



*Protestors outside the Tornillo child detention center*

Tornillo was a key part of a larger archipelago of child detention that came to include a record-setting number of as many as 15,000 detained migrant children by November 2018 in about 100 facilities of varying sizes and characteristics that were designated as shelters,<sup>27</sup> where unaccompanied minors were held for average periods ranging between 100 and 240 days.<sup>28</sup> Most sites were independently operated under the supervision of HHS and ORR. A handful of these—including Tornillo and similar facilities located in Brownsville, Texas and Homestead, Florida—with capacities for over 1,000 detainees concentrated over 5,000 children by November, with another 9,800 held at dozens of other sites scattered throughout the country housing approximately 100 children or less.<sup>29</sup>

The growing number of unaccompanied migrant children led HHS Secretary Alex Azar in September 2018 to authorize the transfer of \$266 million from programs such as Head Start and cancer research to fund the unappropriated costs of housing migrant children. HHS allocated \$367.9 million in the last quarter of 2018 to operate Tornillo.<sup>30</sup> This transfer of monies within the HHS budget was larger than the combined transfers, and twice the

amount of the largest previous similar transfer in 2017.<sup>31</sup> The Trump administration has meanwhile requested \$1.3 billion for the care of migrant children in FY 2019, plus a last minute requested supplement of another \$190 million.<sup>32</sup>

Children detained at Tornillo were denied adequate access to psycho-social assessment and support (with counselors provided initially only at a 100 to 1 ratio), and to a full range of educational services. Services were especially inadequate for the large number of children who spoke indigenous languages, and given the high levels of trauma that children experienced in their home countries and in transit through Mexico to the US. This trauma was further compounded by the militarized, prison-like conditions at Tornillo.

Except for a fistbump, staff were restricted from having physical contact with the children. Chaplains reported to HOPE that they were prohibited from having conversations with children about conditions in detention and that Catholic priests were not allowed to hear their confessions. The trauma experienced by the children was compounded by the militarized nature of their confinement. By December, staff

**October 1, 2018** Justice Department's immigration court quotas go into effect

**Mid-October, 2018** Joshua Rubin begins three-month vigil at gates of Tornillo child detention facility

**October 15, 2018** HOPE and ACLU Center for Border Rights begin bridge observations to monitor turnbacks

**October 16, 2018** El Paso City Council resolution opposing construction of local border wall voted down



*El Paso Congresswoman Veronica Escobar, Congressman Joaquin Castro and members of the Congressional Hispanic Caucus brief media on death of Jakelin Caal Maquin*

began to publicly report an accumulating number of cases of ‘psychological duress’ among the children detained at BCFS facilities such as Tornillo due to their prolonged confinement.<sup>33</sup>

By late November, the Office of the Inspector General of HHS issued a report documenting that staff at Tornillo had been exempted from the usual background checks required of staff at such facilities throughout the country, and that the provision of adequate psycho-social support for detainees through access to clinicians continued to be deficient.<sup>34</sup> These findings heightened pressure to close the facility by underlining both its arbitrary, exceptional character and its deep structural flaws.

Kevin Dinnin, president and CEO of BCFS, the nonprofit contracted to run the Tornillo facility, sent a letter to DHS on December 17, 2018 informing them that they would no longer accept

more children at the facility despite pressure from the administration.<sup>35</sup>

### COMMUNITY RESPONSE

Tornillo was suddenly a flashpoint for national attention during the family separation crisis. Beginning on Father’s Day 2018, Tornillo became the site of countless protests, vigils, political rallies and marches by the community in the borderlands and people from across the country.

While the Tornillo facility was initially closed to independent outside monitoring, growing public pressure led to visits by members of Congress and human rights organizations.

In early October, Joshua Rubin, a member of the Brooklyn, NY grassroots organization Don’t Separate Families, began a three-month vigil at Tornillo’s gates. Rubin’s vigil drew local and

**October 18, 2018** As migrant caravan makes its way through Mexico, Trump threatens to close southern border

**October 22, 2018** Trump threatens to cut aid to Central American countries in response to migrant caravan

**October 25, 2018** Trump threatens to restrict Central Americans’ access to asylum

**October 26, 2018** After nightfall, ICE releases dozens of migrants in the streets of downtown El Paso; Diocese of El



national support through social media which he used to disseminate daily updates on the arrival and departures of migrant youth.

Local initiatives organized by El Paso social worker Ashley Heidebrecht and former Texas judge Kathleen Olivares (in collaboration with the Migrant Families Relief Fund and other local advocates), with the participation of students from El Paso's Loretto Academy sparked the mobilization of dozens of faith leaders from across the country led by Jewish rabbis Josh Winston, Bruce Elder and Miriam Terlinchamp. The rabbis and other faith leaders rallied at Tornillo on November 15, 2018, laying the basis for the creation of a national Shut Down Tornillo Coalition. These initiatives were supported by Hope Border Institute together with many other local participants.

A series of demonstrations in December, including a *Christmas in Tornillo* rally and encampment were organized by both local and national activists, including Diana Martinez, Juan Ortiz and Elizabeth Vega.

After the media revealed that employees at Tornillo were improperly exempted from federal background checks, the combined pressures of constant protests, consistent negative PR for the shelter's operator and ongoing media attention ultimately paved the way for the administration's decision to rescind its policy requiring enhanced background checks for sponsors. It thus became possible to speed up the release of 2,500 of the detained children to sponsors and transfer 300 others to other facilities pending final placement, and thus to finally to close the site in January 2019. These arbitrary shifts highlighted the fact that

prolonged detention at Tornillo had always been at the discretion of the Trump administration.

From the beginning the administration had emphasized the site's temporary, exceptional character, along the same lines as the sites for family detention on military bases that were authorized--but which have not yet been activated--pursuant to the June 2018 Executive Order which ostensibly ended family separation. In this way, Tornillo exemplifies both the overall abuses inherent in the administration's approach to child



*National faith leaders and rabbis visit El Paso in opposition to Tornillo child detention facility*

detention within the context of immigration enforcement, and the relationship between issues of child detention, family separation and the treatment of Central American asylum seekers.

Regardless of its closing, each of the over 6,000 children detained at Tornillo must be assessed, treated and compensated as necessary to redress the potentially irreparable harms they suffered there.

Paso opens two migrant hospitality shelters to house migrants in partnership with Annunciation House

**October 29, 2018** Trump announces plan to send 5,200 active-duty military troops to the US-Mexico border

**November 1, 2018** Trump speech from Roosevelt Room on eve of national elections on restricting Central Americans' access to asylum; alludes to mass detention in tent cities

**November 3, 2018** El Paso Bishop Mark J. Seitz, Juárez Bishop Msgr. José Guadalupe Torres, and Las Cruces Bishop Emeritus Ricardo Ramirez celebrate binational border mass

# DETENTION

OVER THE LAST 30 YEARS, THE DETENTION OF MIGRANTS HAS INCREASED EXPONENTIALLY. DETAINED MIGRANTS ARE OFTEN SUBJECT TO HARSH CONDITIONS OF CONFINEMENT AND DENIED ACCESS TO ADEQUATE MEDICAL CARE, LEGAL COUNSEL AND FAMILY CONTACT.

Over the last 30 years, the detention of migrants has increased exponentially. Detained migrants are often subject to harsh conditions of confinement and denied access to adequate medical care, legal counsel and family contact.

The criminalization of migrants benefits the private prison industry. The two largest private prison companies, Core Civic and GEO, donated a combined \$500,000 to Trump’s inauguration fund. In 2017 alone, both companies collectively spent \$1.7 billion in lobbying, 70% over 2016. After Trump’s election, company stock prices rose 21% for GEO and 43% for Core Civic.<sup>36</sup>

## CONDITIONS IN DETENTION

Poor conditions and treatment remain endemic to immigrant detention. In 2018, multiple hunger strikes motivated by prolonged detention and abuse took place in the Otero County Processing Center. As we write this report, a group of 10 asylum seekers at the El Paso Processing Center, most of whom have been detained for over a year, are on day 18 of a hunger strike.

## DETENTION OF PREGNANT WOMEN

Our 2018 report, *Sealing the Border*, documented ICE’s practice of detaining pregnant women, in contravention of ICE’s own policies. In El Paso, these practices have led to miscarriages.<sup>37</sup> In early

2018, ICE released a previously undisclosed memo demonstrating the reversal of policy discouraging the detention of pregnant women.<sup>38</sup>

## JENNINGS V. RODRIGUEZ

The Supreme Court’s 5-3 decision on February 27, 2018 in *Jennings v. Rodriguez* opens the door to the indefinite detention of migrants. While the three dissenting justices (Breyer, Ginsburg and Sotomayor) insisted that the indefinite detention of migrants without periodic bail hearings was unconstitutional, the majority decision reversed the Ninth Circuit’s carefully reasoned 2015 decision that bond hearings normally be held at least every six months.

## DAMUS V. NIELSEN

Our 2018 report, *Sealing the Border*, documented the virtual non-existence of parole for asylum seekers in El Paso.<sup>39</sup> On July 2, 2018, in *Damus v. Nielsen*, a federal court in Washington, DC enjoined the practice of ICE in five field offices, including El Paso, of automatically denying parole to asylum seekers. Over 1,000 asylum seekers are estimated to have been denied parole just in these five ICE districts.<sup>40</sup>

In research for this report, HOPE found that on Friday, July 27, 2018, ICE informed detained asylum seekers at the El Paso Processing Center

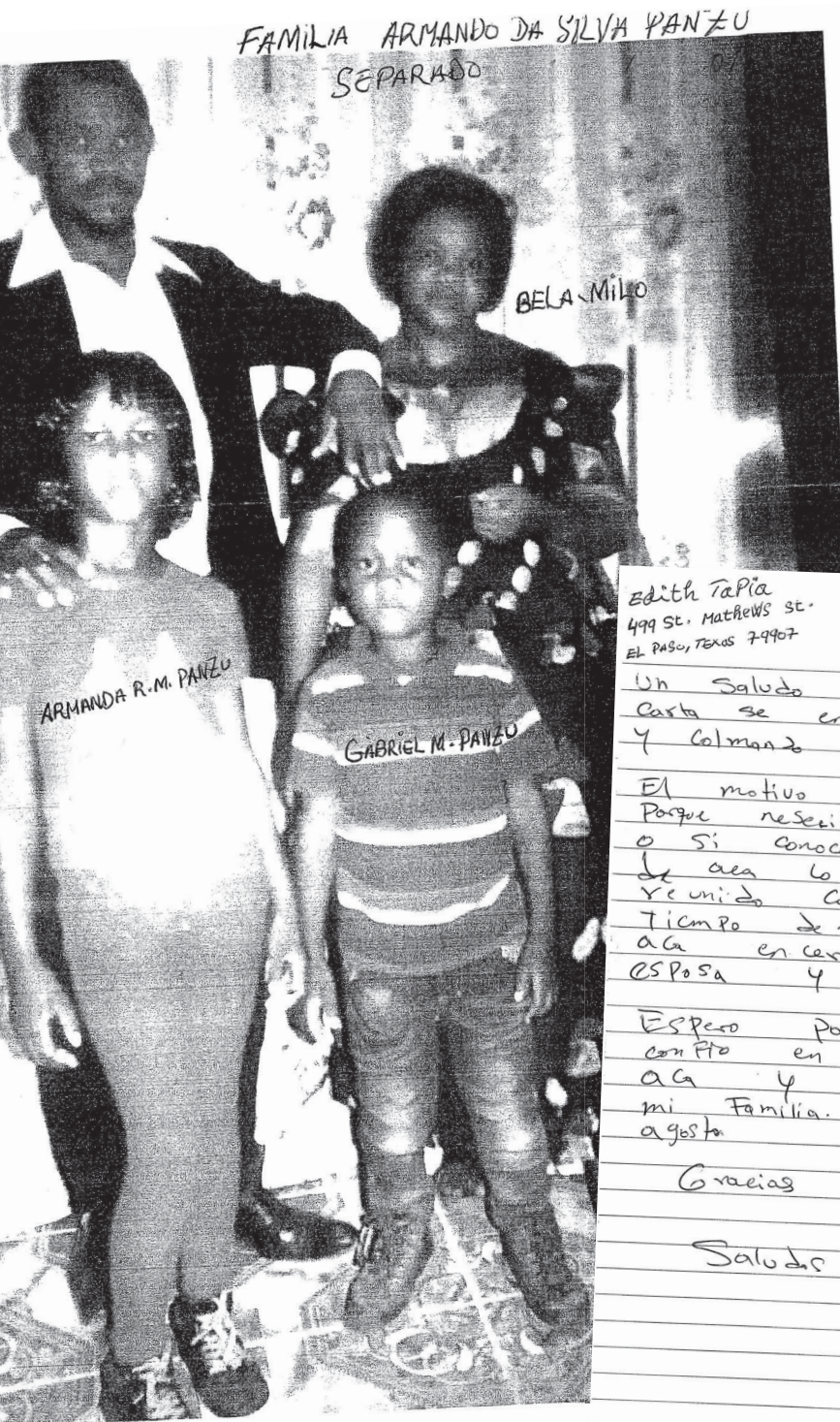


**November 6, 2018** CBP announces crowd control exercises in downtown El Paso’s historic Chihuahuita neighborhood on Election Day; cancelled after public backlash

**November 8 and 9, 2018** HOPE participates in Flores Agreement-related observations of Tornillo emergency shelter

**November 9, 2018** President Trump issues *Presidential Proclamation and Rule on Asylum* to restrict asylum to those who present at ports of entry

**November 9, 2018** Border Patrol conducts crowd control exercises near Paso Del Norte International Bridge, including armored vehicles and agents on horseback



FAMILIA ARMANDO DA SILVA PANZU  
SEPARADO

BELAMILO

ARMINDA R.M. PANZU

GABRIEL M. PANZU

Edith Tapia  
499 St. Mathews St.  
El Paso, Texas 79907

07/22/2018

Un Saludo cordial espero que al recibir esta carta se encuentre bien y Dios lo este bendiciendo y Colmando de exitos sus labores diarias.

El motivo por el cual yo le escribo es porque necesito saber si usted puede ayudarme de aca lo mas antes posible y poder ser reunido con mi familia, ya llevo mucho tiempo de tenido y pues es de ser por que estar aca en cerra de y no poder estar con mi esposa y mis hijos.

Espero poder contar con su ayuda y con fto en Dios que pueda yo salir de aca y reunirme lo mas pronto con mi familia. antes de mi corte que es el 15 de agosto

Gracias por recibir mi carta.

Saludos y Bendiciones

Att Panzu Armando da Silva

who fell under the *Damus v. Nielsen* class action suit that they were required to submit requests for parole, with supporting documentation, by Sunday, July 29. The court had given ICE until August 14 to process the requests. Many detainees, whose primary language is neither Spanish nor English, did not understand what was going on. For those who did make the deadline, most of the applications were denied.

Despite the court action, El Paso continues to be a virtual parole free zone for asylum seekers.

**November 13, 2018**

Over 100 asylum seekers removed from Paso Del Norte International Bridge by Mexican authorities

**November 13, 2018**

Migrant caravan begins to arrive at Tijuana border

**November 14-15, 2018**

HOPE hosts national caravan of rabbis and interfaith advocates against child detention at Tornillo, beginning national Shut Down Tornillo Coalition

**November 19, 2018**

USCIS announces it will begin deportation proceedings against survivors of crime, human trafficking and domestic violence whose petitions have been denied

Centro de detención el Paso Texas 08-31-2018.

Queridos hermanos de la Diócesis. del Paso. con todo respeto me permito saludarlos esperando que Dios nuestro Señor los llene de muchas bendiciones en sus actividades que actualmente realicen diariamente. al servicio de la palabra del Señor haci como la hospitalidad. que dan a las personas que asisten. despues de saludarlos me permito exponerles:

mi nombre. es Pascual Venancio López Velasquez.

Ciudadano de Guatemala. me encuentro detenido desde el 20 de Noviembre. del 2017 en este país de los Estados Unidos. por el motivo de que vine a pedir asilo político. por tener amenazas de muerte en mi país. por que yo encabezé un grupo de personas para el derrocamiento del presidente de Guatemala Otto Fernando Pérez Molina y su Gabinete de gobierno haci mismo por ser candidato a la alcaldía municipal de Chiantla Huehuetenango Guatemala. en las elecciones del 2015 fui parte de la oposición de los actos de corrupción de mi país. mi historia ha sido sufrida. pues el motivo de escribirles es para. pedirles de todo corazón. para que puedan orar por mí para que me concedan mi libertad. para que yo pueda estar por mi seguridad en este país. pues también me acompaña mi hijo menor y que desde esa fecha estoy separado de él. lamento mucho que esto me alla pasado pues mi intención es pedir la hospitalidad Humana pero en realidad no pense que me tubieran preso. Como que si fuera un delincuente. me han tratado muy mal. me han umillado. me han discriminado. pero no mas es pedirle la fuerza a Dios. les suplico hermanos. tomen en cuenta. mi suplica. de oración. no entiendo por que no me quieren dar mi libertad. ya boy a cumplir diez meses. enserado. angustiado, triste, desesperado y preocupado ya que me encuentro enfermo. soy diabetico y me dio una tiroides es mi preocupación. gracias hermanos. les agradezco. la atención a esta sencilla cartita. en nombre de Jesucristo nuestro Señor.

Atentamente.



Pascual Venancio López Velasquez.

**November 20, 2018** White House Chief of Staff John Kelly signs memo allowing troops deployed to the border to engage in law enforcement and use lethal force

**November 20, 2018** Federal judge in the Northern District of California blocks administration's efforts to restrict asylum to ports of entry

**November 25, 2018** In Tijuana, Border Patrol deploys tear gas on Mexican territory against migrant caravan

**November 26, 2018** Autopsy of Roxsana Hernández, transgender migrant detained at Cibola, NM, reveals beatings and other abuse

July 25<sup>th</sup>, 2018

Edith Tapia

Ma'am as we discussed the last time, I have been in detention since 2016. I deposited my Asylum application before the judge on the 7<sup>th</sup> of December 2017 but till date I haven't had my final hearing. I had a lawyer at the beginning when we agreed that I was going to pay him \$1800 and that I will pay \$800, then \$1000 when I am out working. unfortunately. after I paid the \$800 and we deposited the application, he has never answer my calls to come and meet me again. when I had a problem in the detention concerning my original documents and money which was taken by an officer in my absent and probably misplaced it, he did not come to assist me. my date was letter on change to July after it was schedule in March 2018. As of now it has beend changed again to August 29, 2018 and yet I have not heard from him. Now I don't really know what to do since the lawyer seen not to be interested in my case again and the dates are being changed from one date to another. I do not know if you can assiste me in any way because I am confused and do not know how to go about it.

Please if there is any way to assist me, please do it for me. Even the money I was using to contact my family was taken by the officer in my absence. Please I need your help.

With hope and anticipation, I remain.

Respectfully  
Bah Mamadou Aliou

**November 27, 2018** VICE reports waive of fingerprint checks for staff at Tornillo

**December 8, 2018** Death of Jakelín Ameí Rosmery Caal Maquin, 7-year-old Guatemalan Kekchí indigenous migrant girl in Border Patrol custody in El Paso hospital

**December 10, 2018** HOPE co-sponsors binational community forum on migration in Ciudad Juárez

**December 17, 2018** Congressional Hispanic Caucus visits Lordsburg, NM and calls for independent investigation into death of Jakelín Ameí Rosmery Caal Maquin

# MEXICO

THE VULNERABILITY OF MIGRANTS AND ASYLUM SEEKERS TO HUMAN RIGHTS VIOLATIONS IN THE US-MEXICO BORDER REGION IS EXACERBATED BY MEXICO'S VACILLATING ROLE ON MIGRATION POLICY. PRESIDENT ANDRÉS MANUEL LÓPEZ OBRADOR'S GOVERNMENT HAS NOURISHED LONGSTANDING UNCERTAINTIES AS TO THE EXTENT OF COLLABORATION BETWEEN THE US AND MEXICAN GOVERNMENTS.

There is a generalized pattern of terror and persecution which has targeted Central American migrants in transit through Mexican territory, which includes several unpunished mass crimes against migrants, such as the San Fernando and Cadereyta massacres and the discovery of mass graves (in 2010, 2011 and 2012).<sup>41</sup> These cases exemplify the limits of Mexico's consolidation of a democratic framework of rule of law and illustrate the need for a participatory transitional justice process on both sides of the border.

The 2018 migrant caravans offer a case study of Mexico's ambivalent, still evolving role in regional migration policy, both as to the stance of Mexican society towards migration through its territory, and regarding Mexico's positioning on the containment of migrant flows from Central America.

A chief factor conditioning Mexico's approach to migration and the containment of migration flows from Central America has been US aid to Mexico for the so-called 'Southern Border Plan',<sup>42</sup> a part of the Mérida Initiative,<sup>43</sup> which is predicated on binational cooperation around the drug war. This plan in effect exports immigration control measures at the US-Mexico border to Mexican territory. It is instructive that more Central Americans have

been detained and deported by Mexico than the US since 2015.<sup>44</sup> It has also been more difficult for Central Americans to obtain refuge and asylum in Mexico than in the US.<sup>45</sup>

Tens of thousands of Mexicans have fled Mexico for the US<sup>46</sup> (including large numbers in our region) as the result of endemic poverty, discrimination and Mexico's war on drugs. Mexico is poorly positioned to provide effective protection to those fleeing persecution and violence in Central America. All of this is background to longstanding speculation regarding the administration's intention to negotiate a US-Mexican agreement designating Mexico as a 'safe third country' for purposes of asylum claims, which has been recently confirmed.<sup>47</sup>

Mexico's ambivalence as to these issues is evidenced by its approach to the 2018 migrant caravan. Mexico's response ranged from violent, indiscriminate repression at the Rio Suchiate between Tecun Uman, Guatemala and Ciudad Hidalgo in Mexico last October, to permitting the caravan to continue on to Mexico City and then to the San Diego-Tijuana border at the end of November. The latter came with limited humanitarian support amid intermittent instances of repression.

**December 18, 2018** UN General Assembly adopts Global Compacts on Migration and Refugees

**December 18, 2018** Trump administration rescinds policy requiring additional background checks for sponsors of unaccompanied children, paving way for closure of Tornillo

**December 19, 2018** Federal judge in Washington, DC reverses Justice Department policies restricting asylum for victims of domestic and gang violence

**December 20, 2018** US and Mexico announce plan for Central American asylum seekers to remain on Mexican territory



*Andrés Manuel López Obrador visits Ciudad Juárez during presidential campaign*

Participants in the caravan, which included hundreds of children and families, have been subject to deteriorating humanitarian conditions at several improvised encampments in Tijuana. They are vulnerable to violence and harassment in the absence of protection by Mexican officials.<sup>48</sup> There were several incidents of violence by US border agents directed against the caravan at the end of November and at the beginning of January,<sup>49</sup> as thousands of migrants encamped in Tijuana await the processing of their asylum applications by US authorities.

López Obrador has stated that Central American migrants in Mexico should be welcomed and offered temporary humanitarian visas and jobs, and that the solution to the root causes of their exodus

should include a new tripartite development pact between the US, Mexico and the countries of the Northern Triangle, within the framework of a new 'Remain in Mexico' policy.<sup>50</sup> This may also be the most functional solution from the standpoint of the Trump administration's interest in securing continued Mexican cooperation with the containment of migration flows.

The US and Mexico's convergent dilemmas regarding how to respond to the migrant caravan became a test case for their approaches to collaboration on migration policy under the new government. This was reflected in simultaneous, separate but apparently coordinated announcements issued by the Trump administration and by Mexico's Foreign

**December 22, 2018**

35-day partial shutdown of US government begins over border wall funding

**December 23-25, 2018**

ICE begins mass release of 600 migrants on streets of El Paso

**December 24, 2018**

Death of Felipe Gómez Alonso, 8-year-old Guatemalan Chu'j indigenous migrant boy in Border Patrol custody

**December 24, 2018-January 2, 2019**

Christmas in Tornillo mobilizations at tent city site

Ministry on December 20, 2018 regarding the processing of asylum claims, signalling at least tacit cooperation.<sup>51</sup>

This new framework provides for the return to Mexican territory of Central Americans who seek asylum in the US to await the resolution of their claims, pursuant to the 'Migration Protection Protocols' provisions of Section 235

This potential agreement reflects the 'Tijuana model' of US-Mexico cooperation implemented in response to the caravan. The US component of the plan has been challenged in federal courts and is under fire politically in Mexico but continues to be implemented within the context of the caravan in Tijuana. The objective is to contain Central American migration flows. This has also been reflected in cooperation between US and Mexican authorities on the issue of asylum turnaways and the 'metering' of asylum claims.

All of this has coincided with Mexico's leadership role in embracing the new Global Compact on Migration (GCM).<sup>53</sup> Mexico played a decisive role in coordinating the contentious drafting of the GCM, which culminated in its approval by 152 states at an inter-governmental conference on December 10, 2018 in Marrakesh, Morocco and then by the UN General Assembly on December 18, 2018.<sup>54</sup>

The Compact came to represent a high water mark in international recognition of

migrant rights at the same time as Mexico, one of its champions, interpreted it to justify its collusion with the denial of asylum rights in the name of cooperative measures of 'border management'. This is also ironic given that the US has rejected the Compact. Mexico will thus continue to be a case study of what the Global Compact actually means in practice as to the recognition of the basic human rights of migrants.



*Matachines processing during 2018 Border Mass*

(b)(2)(C) of the Immigration and Nationality Act. Mexico would authorize the temporary presence of asylum seekers on Mexican territory and provide humanitarian assistance during the processing of their claims. The migration division of Mexico's Interior Ministry has since questioned the viability of such an agreement for reasons of capacity.<sup>52</sup>

**January 1, 2019** In Tijuana, Border Patrol deploys tear gas in Mexico against migrant caravan a second time

**January 6, 2019** Joshua Rubin ends vigil at Tornillo following announcement of closure

**January 7, 2019** Congressional Hispanic Caucus visits Alamogordo, NM to investigate death of Felipe Gómez Alonso

**January 10, 2019** Trump visits McAllen, TX to push border wall



# ROOT CAUSES

## THE RIGHT TO A DIGNIFIED LIFE AND US RESPONSIBILITY

'In the presence of the phenomenon of interdependence and its constant expansion there persist in every part of the world stark inequalities between developed and developing countries stoked also by various forms of exploitation, oppression and corruption that have a negative influence on the internal and international life of many states. The acceleration of interdependence between persons and peoples needs to be accompanied by equally intense efforts on the ethical-social plane, in order to avoid the dangerous consequences of perpetrating injustice on a global scale.'

- The Principle of Solidarity<sup>55</sup>



Community march against family separation in El Paso

### January 11, 2019

Last child from Tornillo processed out of emergency shelter

### January 14, 2019

Pentagon announces that troops deployed to US-Mexico border will remain thru September

**February 9, 2019** House Majority Leader Steny Hoyer leads congressional delegation to El Paso and meets with advocates

from HOPE and the Borderland Immigration Council



*Posters presented during community protest against construction of Trump wall in Santa Fe, NM*

At the heart of the principle of solidarity in Catholic social teaching is the recognition of the right to a dignified life. This converges with the centrality of related rights that have been recognized by the Inter-American Court of Human Rights.<sup>56</sup>

The Court originally framed this approach within the context of a case involving the 1990 state-sanctioned abduction, torture and murder of five children living on the streets of Guatemala City during that country's bloody internal war:

*The right to life is a fundamental human right, and the exercise of this right is essential for the exercise of all other human rights. If it is not respected, all rights lack meaning. In essence, the fundamental right to life includes, not only the right of every human being not to be deprived of [their] life arbitrarily, but also the right that [they] will not be prevented from having access to the conditions*

*that guarantee a dignified existence. States have the obligation to guarantee the creation of the conditions required in order that violations of this basic right do not occur and, in particular, the duty to prevent its agents from violating it.*<sup>57</sup>

The migration flows from Central America throughout the last decade reflect the well documented relationship between economic inequities and increased migration. As Branko Milanovic has summarized it:

*The world where location has the most influence on one's lifetime income is still the world we live in. It is the world that gives rise to what we might call a 'citizenship premium' for those who are born in the right places (countries), and a 'citizenship penalty' for those who are born in the wrong places (countries). The very existence of a large citizenship premium indicates that there is currently no such*

thing as *global economic opportunity*: a lot of our income depends on the accident of birth. Should we strive to remedy this situation? Or should we concede that the quest for equality of opportunity ends at national borders?<sup>58</sup>

The inequality embedded in the global economy is especially stark between the US and the countries of Central America. Such patterns erode the bases of global solidarity.

Forced migration is the predictable result of these structural inequalities. In economic terms, such phenomena can be addressed by solutions that focus on the demand or supply sides of the equation, i.e.: reducing demand for migrants (cheap labor) in receiving states, or addressing inequalities in sending countries with improved economic opportunities. Repressive border control or internal enforcement measures fall on

the ‘demand side’ (pull factors) of the equation (by increasing the precariousness, and thus the exploitative character of migrant labor) and represent the type of policies implemented by the current administration. Attention to economic (and other) ‘root causes’ (push factors) of these migration flows has been marginalized from discussions of migration policy. This is both ethically and practically unsustainable.

The ethical and practical imperatives of addressing root causes is exacerbated by the extent to which US policies also promote inequities which drive mass migration. The single greatest push factor is record levels of drug consumption in the US. As with mass migration, the focus of US drug war policy, however, is on the ‘supply side’ (interdiction) rather than the ‘demand side’ of the equation (i.e.: prevention and treatment).<sup>59</sup>



Leaders from Faith in Texas in Dallas, TX join protest against Trump wall in El Paso

The US imposition of unequal trade pacts on the Mesoamerican region such as NAFTA and CAFTA<sup>60</sup> has also seriously eroded conditions necessary for a dignified life in Central America.<sup>61</sup> These drivers of migration have been intensified by the effects of the drug war,<sup>62</sup> mega-development projects, extractivism and climate change.<sup>63</sup> The migrant caravans from Central America and the broader mass influxes which they reflect, illustrate how processes of forced migration that are sometimes described in terms of 'mixed flows', transcend distinctions between 'voluntary' and 'involuntary', or 'economic' and other causes of migration.

Unsustainable conditions of life which prevail in Central America are also the legacy of US intervention in the region, in support of authoritarian regimes aligned with US interests during the Cold War in the 1970s and 1980s.<sup>64</sup> This includes support for dictatorial, genocidal governments in El Salvador, Guatemala and Honduras,<sup>65</sup> which generated the first waves of mass migration towards the US, giving rise to the sanctuary movement of the 1980s.<sup>66</sup> This pattern persists in the continuing role of the US in support of corrupt ruling elites that promoted the June 2009 military coup in Honduras.<sup>67</sup>

Many of the communities where current migration flows originate coincide with those most impacted by the regional conflicts and human rights abuses exacerbated by US intervention there.<sup>68</sup>

## GUATEMALA

The patterns that prevail as to structural causes of mass migration in Central America apply to Guatemala. But there has been a recent notable increase in the number of Guatemalans apprehended at the border. This increase has been especially notable among Guatemalans with origins in the country's poorest regions and in its poorest indigenous communities.

Persistent inequities (in income, access to land,

health, education, food security, housing, linguistic and cultural rights, freedom from discrimination, etc.) between Guatemala's indigenous and non-indigenous communities have long been documented by national and international researchers.<sup>69</sup> Almost half of Guatemala's population is Maya. Poverty among indigenous groups averages 79%, with 40% of the indigenous populations living in extreme poverty.<sup>70</sup>

83% of the more than 200,000 victims of Guatemala's genocidal war between 1962 and 1996 were of indigenous origin.<sup>71</sup> Violence was generalized against indigenous Guatemalans but was also concentrated against certain regions and groups, catalyzing mass internal displacement of indigenous Guatemalans from specific municipalities and regions, and in turn produced migration flows first towards Mexico and then to the US. These patterns of displacement and migration laid the groundwork for deeply rooted migration processes and routes which persist and have recently intensified.<sup>72</sup>

The increasing presence of Guatemalan indigenous migrants among recent influxes has been dramatized by the deaths of 7-year-old Jakelín Caal Maquin and 8-year-old Felipe Gómez Alonso in Border Patrol custody in December 2018 and by that of 20-year-old Claudia Patricia Gómez González at the hands of the Border Patrol in May 2018.

Claudia Patricia was from a Maya Mam indigenous community in the town of San Juan Ostuncalco, in Guatemala's Western highlands region of Quetzaltenango (or Xela), bordering Mexico. These communities have been described as among the poorest in Guatemala,<sup>73</sup> with a longstanding history of migration to the US.

Jakelín was born in the small Q'eqchí village of Raxruhá in the region of Alta Verapaz, located in the country's north region and bordering the rainforests of Petén. The region was first settled as a refuge for Guatemala's indigenous



peoples from Spanish colonialist violence by Fray Bartolomé de Las Casas in the 1500s. Greg Grandin and Elizabeth Oglesby have traced the history of dispossession of the Q'eqch'í from their traditional lands much further south to Alta Verapaz, first at the hands of coffee planters and other local elites a hundred years ago and then as the result of genocidal violence in the 1980s.<sup>74</sup> This violence has continued more recently as the region has become a stronghold of Mexico's Zetas cartel. It is also the site of mass plantations of African palm and sugarcane production, having resulted in the loss of land by an estimated 11% of local Q'eqch'í families and a surge in the murder of campesino activists.<sup>75</sup>

Felipe Gómez Alonso was originally from the Chuj village of Yalambojoch, in the Guatemalan region of Huehuetenango. Many of the Chuj inhabitants of this region were returned and resettled here following the peace accords after their forced displacement to Mexico during Guatemala's civil war.<sup>76</sup>

Guatemalans are the largest single group reflected among the increasing numbers of migrant family units and unaccompanied minors that have been apprehended during the last year at the US-Mexico border.<sup>77</sup> The majority (55.8%) of the families that were identified as separated in court proceedings related to the leading court challenge to family separation (*Ms. L vs. ICE*)



*'Today there is much talk about migrants and migration, at times only for the sake of stirring up primal fears. It must not be forgotten that migration has always existed. In the Judeo-Christian tradition, the history of salvation is essentially a history of migration. Nor should we forget that freedom of movement, for example, the ability to leave one's own country and to return there, is a fundamental human right. There is a need, then, to abandon the familiar rhetoric and start from the essential consideration that we are dealing, above all, with persons.'*

- Pope Francis, January 1, 2018

were from Guatemala. Guatemalans were the largest number of those who were detained at the Tornillo child detention facility.<sup>78</sup>

In FY 2018, Guatemalan family unit apprehensions dramatically increased to 50,401, almost twice as many as FY 2017, with unaccompanied children apprehensions increasing to 22,327.<sup>79</sup> As of this report's writing, Guatemala is leading family unit and unaccompanied children apprehensions in FY 2019.<sup>80</sup>

### **HORIZONS**

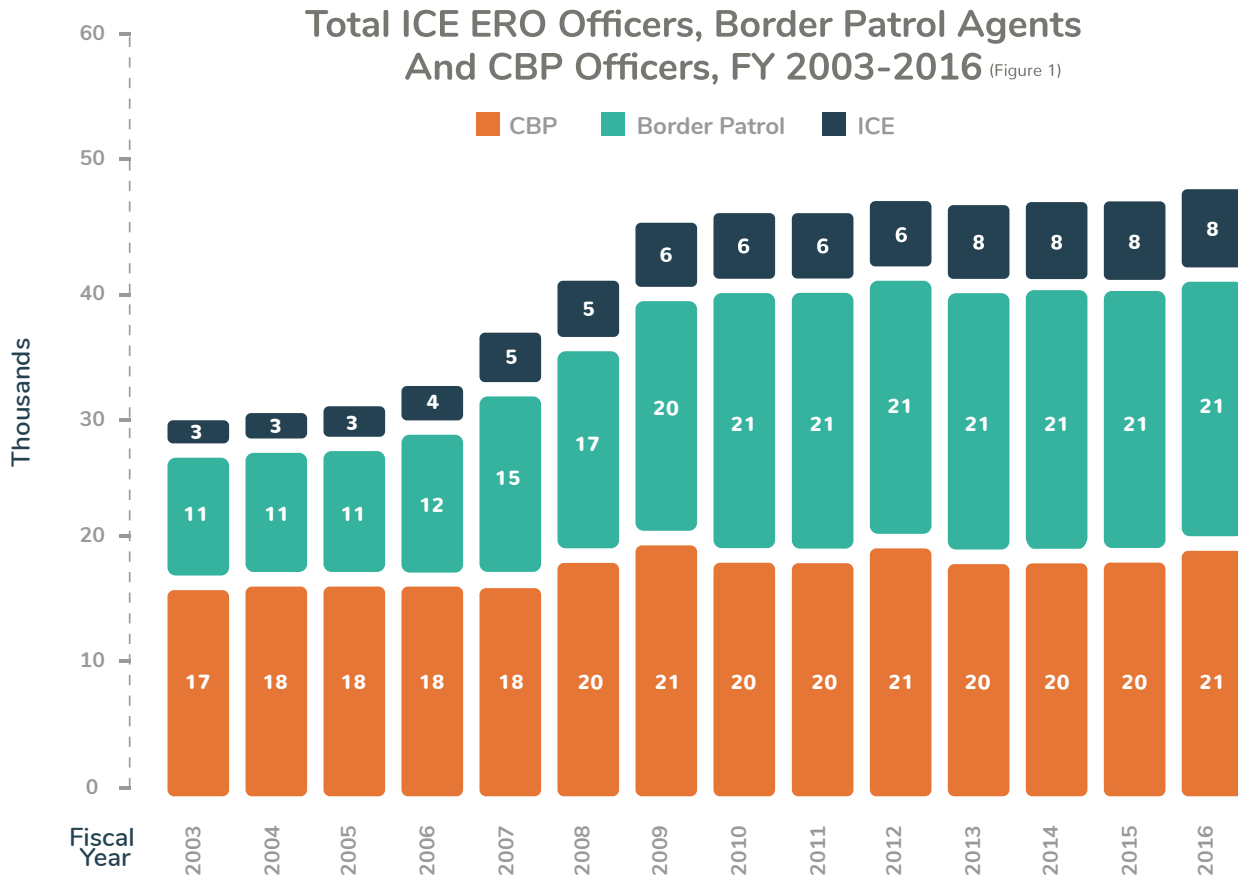
The ongoing migrant caravans from Central America pose a test of broad historical and ethical dimensions for human rights advocates engaged with migrant rights issues. The images of unarmed migrants--most of them women, youth and children, elderly people and the disabled--primarily from the region's poorest communities, being beaten and gassed by Mexican authorities at the Rodolfo Robles bridge, conjure deep resonances.

For many of us this represents a kind of 'Selma moment' that evokes one of the key turning points in the African-American civil rights movement. Years from now last October's confrontation at Mexico's southern border will be commemorated as the beginning of an equivalent kind of juncture, the emergence of a new transnational migrant rights movement.

The analogies between the US civil rights movement of the 1960's and current events go deeper. The marchers at Selma were impelled by the demand that equal voting rights be recognized for African-Americans in the South who were denied such rights by prevailing state laws and practices. Today the migrant caravans arise in defense of the recognition of rights to a dignified life and to freedom of movement which are generally negated or marginalized by the policies of countries such as the US and others within the Global North.

This is indeed a moment of Exodus.

# FUNDING MILITARIZATION



## EXPLODING RESOURCES

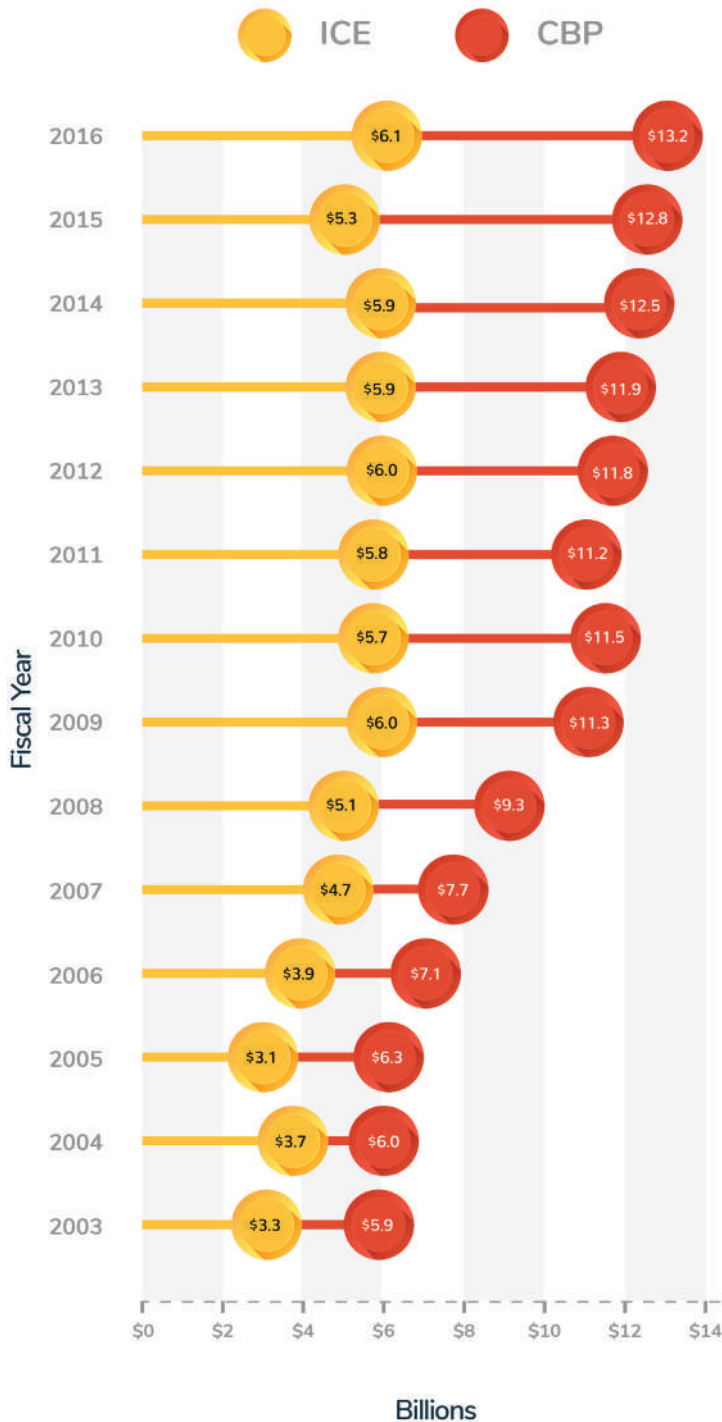
Immigration enforcement encompasses both border security and interior enforcement. Spending at the border largely includes resources and staffing for:

- US Customs and Border Protection (CBP), an agency of the Department of Homeland Security (DHS), which works at ports of entry (CBP officers) and between ports of entry (Border Patrol agents); and
- US Immigration and Customs Enforcement (ICE), a DHS agency primarily focused on immigration enforcement in the interior of the country, including the detention and deportation of those in removal proceedings.

Both agencies have a large footprint in the El Paso region. Since the creation of DHS in 2003, the number of Border Patrol agents and ICE officers (ERO) has nearly tripled (Figure 1).<sup>81</sup>

Similarly, the annual budgets for immigration enforcement agencies have ballooned. Since 2003, the annual budgets of CBP and ICE have more than doubled from \$5.9 billion and \$3.3 billion, respectively, to over \$13 billion and \$6 billion (Figure 2). The Trump administration's 2019 DHS budget request includes nearly \$17 billion for CBP and \$8.8 billion for ICE, including funding for 52,000 detention beds (2500 beds for families) at cost of \$2.8 billion dollars.<sup>82</sup>

### CBP & ICE Annual Budgets, FY 2003-2016<sup>83</sup>



Now at over \$20 billion, DHS burgeoning immigration enforcement apparatus constitutes the most costly law enforcement effort in the US.

In Texas, there are added costs of almost \$2.5 billion in state funding over the last decade for enhanced border security pursuant to the Texas 'Border Surge'<sup>84</sup>, which more than doubled from just over \$200 million in the 2012-13 biennium to more than \$500 million in 2014-15, and over \$800 million in 2016-17.

Policies that promote the militarization of the border, the criminalization of migrants and the racial/ethnic profiling of border communities represent genuine obstacles to an environment that respects the equal dignity and humanity of migrants and border communities.

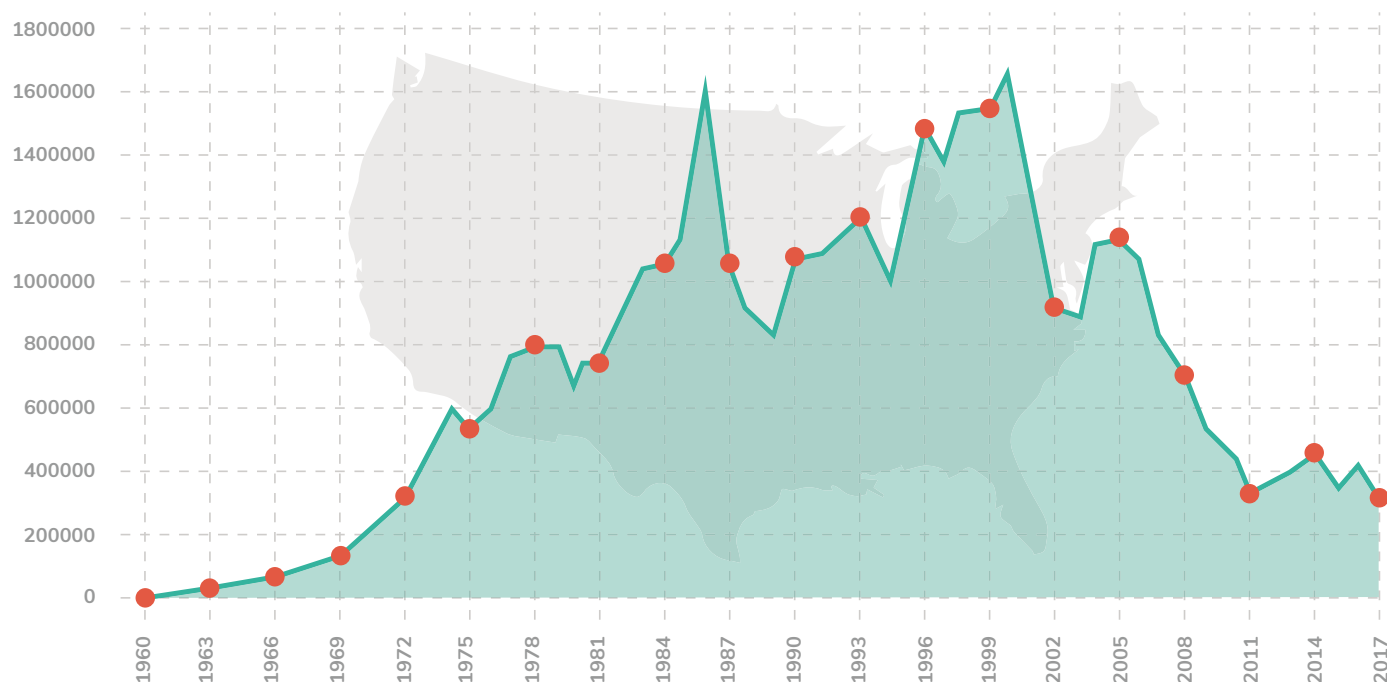
These policies tend to be framed in terms of their supposed contributions to the defense of 'national security', but in practice actually undermine the 'human security' of the communities where they are imposed. The concept of 'human security' was first developed by the United Nations Development Program (UNDP) in the 1994 Human Development Report, and was defined by the UN General Assembly in 2012 as 'the right to live in freedom and dignity, free from poverty and despair...with an equal opportunity to enjoy all their rights and fully develop their human potential'.<sup>85</sup> From this perspective, it is in fact the Trump administration's current immigration enforcement policies that undermine fundamental aspects of the conditions necessary for the well-being of border communities and of migrant families.

#### DECLINING APPREHENSIONS

At the same time as DHS budgets have grown exponentially, apprehensions by Border Patrol



Southwest Border Apprehensions 1960-2017 (Figure 3)



at the border have seen are marked decline. While somewhat of an exaggeration, CBP claimed that it 'recorded the lowest level of illegal cross-border migration on record'<sup>86</sup> in 2017 with 303,916 apprehensions.

In 2018 there was a somewhat higher number of apprehensions at 396,579.<sup>87</sup> Nevertheless, even with this slight increase there has been a definite continuing downward trend at the border since 2005 and total apprehensions at the southwest border are at their lowest point in near 50 years (Figure 3).<sup>88</sup>

### WHO IS COMING?

Even as migration across the border has plummeted, a record 40% of migrants apprehended at the border in 2018 were children and family members.<sup>89</sup> Most of these

family units are turning themselves in at the border to make legal asylum claims.

The gross and myopic emphasis on militarization at the border—enforcement, detention and removal—has also led to a mismatch between the burgeoning federal apparatus at the border and the humanitarian reality on the ground. This militarized approach has also led to a situation in which there are currently billions of dollars in unmet infrastructure needs at the border.<sup>90</sup>

Migrants have been a casualty of this mismatch in resources directed to the southwest border, where there is about one migrant death per day.<sup>91</sup> The deaths of Jakelín Caal Maquin and Felipe Gómez Alonso in December 2018 brought public attention to the inhumane conditions in holding cells at the border where

families and children are held. Migrants have told HOPE that they are held in overcrowded, cold cells, with scarce medical attention, insufficient food and where they must ration sleep for lack of space.

In December 2018 testimony before the Senate Committee on the Judiciary, CBP Commissioner McAleenan noted that current 'infrastructure is incompatible with this reality. Our Border Patrol stations and ports of entry were built to handle mostly male single adults in custody, not families or children.'<sup>92</sup>

### TRUMP'S 2018 BORDER WALL IN THE PASO DEL NORTE REGION

On April 9, 2018, CBP announced the construction of a 20-mile section of bollard style wall, 18 to 30 feet high, to replace existing vehicle barrier in an area just west of Santa Teresa, NM.<sup>93</sup> The contract for an estimated \$73.3 million was awarded to Barnard Construction of Bozeman, Montana.<sup>94</sup>



Protester in front of downtown El Paso port of entry during rally against family separation



Members of the Borderland Immigration Council, including HOPE executive director Dylan Corbett, brief House Majority Leader Steny Hoyer on border militarization.

On September 21, 2018, CBP announced the construction of a 4-mile steel bollard wall, 18 feet high, to replace pedestrian fencing in downtown El Paso, with an estimated cost of \$22 million.<sup>95</sup> The contract was awarded to West Point Contractors of Tucson, Arizona.

Funding for both of these projects came from congressional appropriations made in 2017.<sup>96</sup>

**'THE BORDER WALL IS TREATING A SYMPTOM AND NOT A CAUSE. IT IS A SYMBOL OF A FAILURE ON THE PART OF OUR COUNTRY TO RESOLVE THE ISSUES THAT COULD BE DEALT WITH BY A COMPREHENSIVE IMMIGRATION REFORM. IT IS A RESPONSE TO OUR AFFLUENT NATION'S UNWILLINGNESS TO LOVE OUR NEIGHBOR—NEIGHBOR COUNTRIES AND OUR NEIGHBOR, THE IMMIGRANT AND ASYLUM SEEKER.**

**IT IS A SIGN OF OUR BROKEN RELATIONSHIP WITH GOD. THIS REINFORCED WALL WILL HEAL NO WOUNDS; SOLVE NO PROBLEMS, BUT STAND AS A FURTHER SCAR ON OUR LAND DIVIDING OUR FAMILIES, OUR CITIES AND OUR NATIONS.'**

**- BISHOP MARK SEITZ,  
DIOCESE OF EL PASO - SEPTEMBER 21, 2018**

HOPE, Bishop Seitz and young migrant leaders in Washington, DC on the day Trump ends protections for Dreamers




THEY TRIED TO  
BURY US BUT  
THEY DIDN'T KNOW  
WE WERE  
SEEDS

# LESSONS LEARNED

## WHAT ARE SOME LESSONS LEARNED FROM THE EXPERIENCE OF PASO DEL NORTE COMMUNITIES IN 2018?

- 1. Advocate.** Local communities should press their federal elected officials to pass comprehensive immigration reform, demilitarize the border, end immigrant detention (for adults, families and children), stop the separation of families at the border and through deportation, ensure human rights and address the root causes of migration. But just as border communities have done, this same work needs to happen locally in town councils, city halls and state legislatures through local resolutions, creative legislative proposals and ending local law enforcement cooperation with immigration enforcement. By building resonance through local action, we can pave the way for national reform and increased accountability and transparency at the border.
- 2. Organize.** Local communities need to find creative ways to build solidarity across sectors--the interfaith community, the business community, activists, legal advocates, community organizations, low-income communities and across borders--to identify and address the impacts of a broken immigration system and hold elected officials and immigration agencies accountable.
- 3. Support Migrants' Access to Counsel.** Migrants facing deportation and asylum seekers generally do not have the right to a government-provided attorney. The overwhelming majority of asylum seekers in our border community represent themselves. Yet statistics show that migrants with counsel fare far better in asylum cases and deportation proceedings.<sup>97</sup> Local communities can come together to find innovative ways to support migrants' access to legal representation, including legal defense funds.
- 4. Support Migrants in Detention.** Migrant detention doesn't just happen at the border. The burgeoning migrant detention network across the United States means more migrants are detained than ever. Local communities can support migrants in detention with visits, accompaniment to hearings and support for local bond funds. Communities can advocate for increased access to mental health services for migrants in detention, and ultimately, an end to immigrant detention.
- 5. Love, Self-Care and Community-Care.** A long-term commitment to justice cannot be sustained by rage or the desire for power, but only by love. We must love ourselves as we work through the traumas caused by societal injustice, we must love those we journey with on the road to justice by saying no to cynicism and hatred and we must love those who do not look like us and may not agree with us by empowering them to tend their own wounds. Our border community has begun putting into place practices of self-care and community care, like vicarious trauma training. Communities across the country can take these positive steps, too.



*Our broken immigration system is a wound on our country and a scandal at the border. Our border community bears disproportionately the burdens of a broken system. No one can deny the terrible human impacts of a system that forces over 11 million persons without documents to live in the shadows, divides families, permits some to detain human beings for profit, and compromises our nation's historic commitment to the refugee and asylum seeker.*

## **RESOURCE: PRINCIPLES FOR COMPREHENSIVE IMMIGRATION REFORM**

### **COMPREHENSIVE IMMIGRATION REFORM SHOULD INCLUDE THE FOLLOWING:**

1. As a country, we are involved in the drivers of migration, through things like unfair trade policies, our addiction to drugs and even climate change. Lawmakers should address the root causes of migration and promote sustainable economic development abroad, which will allow our brothers and sisters to remain in their home countries and support themselves and their families in safety.
2. Enforcement-first and blockade strategies which militarize border communities should be ended. The massive growth in immigration enforcement agencies must be matched by a corresponding commitment to accountability, transparency and human rights. Comprehensive immigration reform should provide security while still allowing for the orderly entry of people into our country, especially those fleeing for their lives. Immigration enforcement measures must be targeted, proportional and humane. The detention of migrants (adults, families and children) who pose no threat to the community should be ended.
3. Nations that enjoy the peace, prosperity and security that we do must ensure that there are sufficient legal avenues for migrants workers and their families, who fill important roles in our economy, to migrate in a safe and orderly way. Asylum seekers fleeing violence, persecution and extreme poverty deserve special protections. The 11 million undocumented persons in our country should be provided with a just path towards legalization and eventual citizenship.
4. A reformed system should be flexible in order to respond to future migration flows, including the need for foreign-born workers, and should ensure workplace protections, living wage levels, safeguards against the displacement of US workers and the priority of family unity.
5. Reforming our immigration system means putting families first. We should end deportation and enforcement practices that separate families and adopt a system that prioritizes family unity. It can currently take decades for families to be reunited through today's burdensome and expensive system.



Community rally against family detention in El Paso

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*Parishioner from St. Mark Church  
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