



Between Walls:

Asylum Seekers Under the Migrant Protection Protocols

Full original report available in Spanish at afsc.org/saveasylum

Executive Summary

Migrants traveling through Mexico intending to seek asylum in the United States are being forced to wait out the duration of their asylum process in Mexico under the Migrant Protection Protocols (MPP) established by the United States government.

Because of a lack of transparency, the exact numbers of asylum petitioners returned to Mexico is unknown. Nevertheless, several sources have suggested that between January and August of 2019, the number of asylum seekers made to remain in Mexico ranged anywhere between 31,000 to 35,000. In the case of Baja California, it is estimated that up until October the number of petitioners who were returned reached 13,000.

Returning people who are requesting asylum under the MPP program to Mexico creates a tremendous challenge for civil organizations at the U.S.-Mexico border and government authorities. Poor shelter conditions and lack of economic support previously provided by past government through migrant funds are key causes of the challenges faced.

The returnee population under MPP finds themselves bewildered, desperate, and uncertain over what the future holds. Additionally, they live with fear of what could happen to them in Mexican territory because they have been victims of organized crimes and law enforcement. Some migrants have been robbed, extorted, kidnapped, and sexually assaulted during their journey and stay in Mexico. Their fear is justified.

Migrants have no safety net or support. Their lack of familiarity with the cities they are being returned to in Mexico and the inability to guarantee employment that will allow them to satisfy necessities like shelter and food leaves them incredibly vulnerable. They are also unaware of the asylum process and have access to little or no legal advice allowing them to continue the process.

As a result, the Coalition of Immigrant Defense, with the support of American Friends Service Committee, regional Latin America and Caribbean office (AFSC LAC) in collaboration with the National Commission of Human Rights, have taken initiative to develop a report that documents the experiences of the population returned under MPP from the U.S. through Baja California, characterized through profiles, conditions, necessities, and expectations. This report also seeks results in the proposal of care and protection options for the population that has migrated to the northern border states of Mexico.

A survey was applied to a sample of 360 applicants returned under the Migrant Protection Protocols (MPP) in 15 shelters in Tijuana and Mexicali, during the period from July to August 2019. This survey was supported with semi-structured interviews of key respondents.

The results show that the returnee population is made up of a slight majority of women, but there are also families. Five out of 10 people surveyed are between 19 and 35 years old. Seven out of 10 have completed only the most basic levels of study (primary and secondary). An important fact is that seven out of 10 did have some form of employment in their country, but they fled because of insecurity and low wages. It should be noted that a significant number of people come from rural areas. At least half left their country because of the violence and dangers they were facing, but there were also applicants who fled for political reasons and domestic violence.

More than 90% have never applied for asylum in the U.S. and 80% are unaware of the legal procedures and lack the legal representation that allows them to prepare their cases. The majority also do not consider seeking legal advice because they cannot afford it. Only 15% are aware of the need for legal advice and plan to use those services.

Eight out of 10 respondents who had been held in detention centers in the U.S. talked about the lack of respect for human dignity in these facilities. For 80% of returnees, the food was insufficient and of poor quality, and seven out of 10 cited overpopulation.

Nine out of 10 returnees were granted credible fear interviews by the U.S. government, but 12% of people surveyed were not interviewed. More than 80% of people surveyed stated that their only interaction with U.S. agents was signing documents, which were usually not in Spanish.

Returnees are in a situation of extreme vulnerability; they don't know anyone, nor do they have personal contacts that provide humanitarian support. A significant percentage of the people surveyed consider that the Mexican population discriminates against them, so they are worried about staying in places where they do not have personal contacts or social networks.

Many applicants returned under these protocols have given up on the process and decided to return to their countries of origin despite the risks this represents. But this was due in large part to the lack of legal representation, uncertainty, and fear of having to stay in Mexico for an undefined amount of time. Approximately half will have to wait for one to three months and 40%, will have to wait for three to six months.

Irregularities that violate due process are also committed in the return process. A third of the returnees who were in the detention centers were not notified that they would be returned to Mexican territory. Many applicants were not returned through the same city where the proceedings began and a quarter suffered family separation, violating international treaties.

In the process of returning to Mexico, the monitoring of returnees is irregular, and their personal security is not guaranteed. The Mexican authorities must respect and protect those who apply for asylum, as they committed to in agreements with the United States, but the practices show otherwise. Two-thirds of people surveyed were not approached by the Mexican authorities to interview them. Half of the returnee applicants had information about the existence of shelters in the cities where they were returned, but more than 90% had to go on their own because the authorities did not provide adequate support or guidance.

The expectations of these people are uncertain. 60% say they will wait as long as necessary to carry out their process, while the remaining 40% say they will only wait a few months.

As for what will happen if they fail to gain access to asylum, half of the people surveyed do not have an action plan, a third will ask for refuge in Mexico, and 20% will be obliged to return to their country of origin.