

Asylum Seekers

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Blindfolded and gagged, with his hands tied behind his back, Jose grimaced as a bat struck him again. On his right, an ax moved forward and backwards slowly tracing his neck. “Tell the boy to shup up. Make him shut up,” one of the men yelled as he ripped the duct tape off of Jose’s lips. With tears of fear falling from his eyes, Jose’s three-year old son watched as his father was tortured by a cartel in Reynosa, Mexico. Earlier that day, Jose and his son had entered the United States to seek asylum, but under new policies enforced by the Trump administration, the two were sent back to Mexico. Jose was walking down the street hand in hand with his son, when a group of men thrust a hood over his head and forced them into a vehicle (Jordan, 2019).

On November 25, 2019 Jose, a 28-year-old Honduras migrant and his son were kidnapped. Hours of negotiation between Jose’s wife, Cindy, who was living in the United States and the cartel would occur that evening and for days to follow. She listened over the phone as her husband was tortured and her son wept and watched. *The New York Times* reviewed a chain of recorded phone calls and voicemails between Cindy and the cartel. It was clear in the recordings that Cindy was desperate to help her family but had little resources to do so. Working in a bakery barely paid the bills. With the help of extended family and friends, Cindy was able to pull together a ransom of \$3,000 (Jordan, 2019). Shortly after, her son and husband were released back into the streets of Reynosa, Mexico. Still waiting for the United States decision to grant them asylum.

In the past decade, the number of people fleeing violence and persecution in their native countries has grown drastically. These people are desperately seeking a safe place for themselves and their families due to race, membership in a particular social group, political affiliation, national origin, and/or religious beliefs. For many years, the United States saw the need to aid

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these individuals by allowing them to seek asylum and find safety within the United States. What a relief our great Nation was to those who were fleeing danger. These national values made the United States the global leader in aiding refugees with resettlement efforts. In fact, the United States used to offer safety to more refugees than every other nation combined. (“An Overview of”, 2020).

Sadly, that statistic has drastically changed. Under the Trump administration, the United States government has enacted new vetting procedures on refugees prior to their entrance into the country. These incredibly strict procedures have made seeking safety and shelter within our borders nearly impossible for migrants. Because of these changes, the wait time to enter the United States has dramatically increased and has left refugees in dire and dangerous living situations in the meantime (“An Overview of”, 2020). The United States, a country who was once a leader in ensuring safety for refugees, is now turning its back on those who are most in need.

In 2018, the number of asylum seekers the United States Customs and Border Protection processed at ports of entry at the U.S. – Mexico border decreased significantly. Instead of waiting in America with safe living conditions and access to necessities like clean running water and toilets, migrants are being forced to wait in Mexico for their asylum applications to be processed. With migrant shelters at full capacity, thousands of families are now living and sleeping on the streets. After the first eight months into this policy change, the number of names on the list of asylum seekers waiting to be processed was over 26,000. That number grows higher every single day (Narea, 2019).

The new policy, entitled the Migration Protection Protocols program (MPP) but more widely known to insiders as the “Remain in Mexico” program, leaves migrants anxiously waiting

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for their applications to be processed. Once applications are processed, migrants have to wait yet again to learn of the decision made regarding their asylum application. Over 56,000 migrants are awaiting the results of their asylum application in the streets of Mexico (Narea, 2019). An added hurdle, with thousands of migrants living on the streets, it can be nearly impossible for them to learn of the United States government's decision because they have no mailing address and little access to communication devices. The vast majority of these individuals are impoverished and have extremely limited resources.

Although the Remain in Mexico policy is relatively new, the consequences of turning back thousands of migrants to Mexico has already had significant aftereffects. Thousands of migrants have setup makeshift tent camps across the U.S. – Mexico border to provide some kind of shelter for themselves whilst they wait for processing. Tents are assembled with any available materials. These include a myriad of random items such as trash bags, articles of clothing, and pieces of plastic that are found on the streets. The camp in Matamoros, Mexico, sprang up in the summer of 2019 and has no prior history. These temporary, makeshift homes leave thousands of migrants stranded without basic necessities like running water for drinking and bathing, and public toilets (Narea, 2019).

One of the fathers in the camp told a reporter with *This American Life* that he takes his daughter into the forested hills when she needs to go to the bathroom so she can have some privacy. Afterwards they go down to the Rio Grande river to wash up. A volunteer nurse, Helen Perry, started a small relief group with a handful of other volunteers to help migrant families. She knows people go to the hills to find privacy whilst they go to the bathroom. But according to Perry, when it rains the rainwater washes the feces in the hills down into the camp, which then leads migrants to suffer from infectious diarrhea. She treats migrants for gastrointestinal

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infections every day, but these infections come back again and again due to poor living conditions (Glass, 2019).

Not only are these migrant's basic needs not being met, they are also at risk for extortion, kidnapping, and rape by cartel members. Perry also told Glass, "When I first showed up in the camp, a woman came up to me and asked me if we would be bringing in condoms, because when she got sexually assaulted again she wanted to be able to ask her attacker to wear a condom so she wouldn't get pregnant" (Glass, 2019). The current situation for stranded asylum seekers is incongruous and heartbreaking. The violence doesn't stop with just rape, according to a report conducted by Human Rights First. More than 600 asylum seekers have been the victim of violent crimes in these camps since the summer of 2019 (Aguilar, 2019).

Another story published by *This America Life* highlighted a father and his children who had been kidnapped by the Mexican cartel under the Remain in Mexico policy. The reporter, Emily Green, met the duo on a bridge in Nuevo Laredo, which connects Mexico to the United States. At that time, the United States was sending back migrants daily around 1:00 p.m. The migrants who were sent back to Mexico under MPP were easy to see, as they carried clear plastic bags with documentation inside. The father talked with Emily the reporter for a few minutes and told her he was not a criminal. In fact, he was a businessman who owned a small clothing store in Honduras. Gangs in Honduras demand money from businesses, this is called a war tax. This war tax kept increasing and increasing over time, and eventually the father could no longer pay it. One night, the cartel broke into the father's home and threatened to hurt the family and rape his daughter. (Glass, 2019). With little options, the father chose to flee Honduras and take his family to safety.

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The father continued to tell the reporter he didn't know where to go or what to do. The family had no money. The father had heard that many people are kidnapped at the camp they were currently staying at, and his fear was evident. Towards the end of their conversation, the reporter allowed the father to make a phone call using her cell phone. The father called his sister who lived in New Jersey to update her on their request to seek asylum in the United States. This father thanked the reporter, and they parted ways. That evening, the father's sister called the reporter in a panic. The family had been kidnapped and the cartel was demanding a ransom of \$18,000 which the sister could not manage (Glass, 2019). Events like this are all too common in tent camps that have popped up since the Remain in Mexico policy was put into place. Innocent people and their families are being kidnapped and held for ransom by dangerous cartel groups.

Many believe the United States is making it too easy for cartels to kidnap migrants. By sending migrants back to Mexico in large groups, they stand out to onlookers. Carrying their limited possessions in plastic bags also distinguishes them as migrants with no stable shelter. According to a publication from *This American Life*, the most dangerous time period for asylum seekers are the hours after they have returned to Mexico. Once migrants cross the bridge, they are transported to the Mexican Immigration Office via van. Outside of the office, cartel men monitor who is coming in and going out of the building (Glass, 2019). Many migrants are kidnapped once they leave the Mexican Immigration Office and are attempting to walk back to the camps or a shelter.

According to the U.S. State Department, many border communities are considered extremely dangerous. Matamoros, Mexico, is one of these cities. The government has proclaimed it a Level 4 "Do Not Travel" advisory because rates of violent crime, kidnapping, and robbery are so high (Narea, 2019). Shockingly, this is the same level of threat as Iraq and

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Syria. Yet, we have two major governments—the United States and Mexico—who leave incredibly vulnerable migrant families to become targets at the hands of the Mexican cartel. This is both sad and incredibly disappointing.

In a traditional United Nations (UN) refugee camp, the perimeter of the camp is fenced. This allows the UN to keep track of who comes in and who goes out. Additionally, refugees have access to medication, clean water, sanitation, and food. Certain refugee camps even provide counseling to individuals who have experienced trauma (“The Global Refugee”, 2019). The meager scenarios that face asylum seekers along the Mexican border are nothing like a traditional refugee camp. People are kidnapped daily, there is no documentation of who is in the camp or who has disappeared. Basic resources like food and drinking water are being provided by volunteer groups who have decided that something must be done to help.

It is not just refugee and volunteer groups that dislike and oppose the Trump Administration’s new “Remain in Mexico” policy. Federal asylum officers are also condemning the program. Asylum officers conduct migrant interviews and up until the new policy change was put into effect, were able to help refugees flee persecution. The labor union for federal asylum officers believes the “Remain in Mexico” policy is, “fundamentally contrary to the moral fabric of our Nation.” These officers stated their duty is “to protect vulnerable asylum seekers from persecution,” and do not feel this new policy is aligned with the values of our nation (Allyn, 2019). Rather, it creates a major divergence between the personal responsibility of asylum officers and the president’s commands. This clearly puts asylum officers in a lose-lose situation.

Moreover, the asylum workers’ union wrote to the 9th Circuit Court of Appeals, “[The Migrant Protection Protocols program] violates our Nation’s longstanding tradition and

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international treaty and domestic obligation not to return those fleeing persecution to a territory where they will be persecuted” (Allyn, 2019). It is typical for federal workers to obey the orders of the president of the United States however it is apparent asylum officers strongly oppose the Migrant Protection Protocols program and have thus sought help from the federal appeals court. A fundamental piece of the asylum officer’s job is to ensure migrants are safe and supported. This new policy does not support migrants.

According to asylum officers, “The Migrant Protection Protocols program, contrary to the Administration’s claim, does nothing to streamline the process, but instead increases the burdens on our immigration courts and makes the system more inefficient” (Allyn, 2019). In short, the Migrant Protection Protocols program could and likely will place the lives of migrants who are hoping to win asylum in danger. Officers state, this is “something that they did not sign up to do when they decided to become asylum and refugee officers for the United States government.” (Allyn, 2019).

In a separate brief filed with the 9th Court of Appeals in the same lawsuit, Janet Napolitano, former secretary of Homeland Security, and James Clapper who served as director of national intelligence write, “Violating this obligation does more than place these particular migrants in harm’s way – it threatens the foundation of the international refugee system, which depends on cooperation between countries that cannot be sustained in the face of flagrant violations under the Migrant Protection Protocols” (Allyn, 2019). Additionally, these former United States officials do not believe there is evidence or reason to believe asylum seekers are a security risk to United States citizens. Therefore, there is no reason they should not be permitted to seek safety and shelter in the United States.

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Initially the Migrant Protection Protocol program was blocked by a federal judge, but since May the 9th Circuit Court of Appeals overruled and has since allowed the program to continue. Fortunately, additional unions, including the American Civil Liberties Union (ACLU), are continuing to press forward and challenge the program (Allyn, 2019). It is alarming that the officers who work with asylum seekers on a daily basis show greater concern for migrants than the United States government and the government of Mexico.

It is clear there is a lack of human rights for the migrants who await asylum. Human rights are exactly as they sound, they are rights that belong to all people as a benefit of being a human being. In 1948, the Universal Declaration of Human Rights was decreed by the United Nations and created by a group of delegates from diverse cultural backgrounds from all regions of the world. This document was a collection of fundamental human rights that all people were meant to be protected by. Article 14 of the Universal Declaration of Human Rights states, “Everyone has the right to seek and to enjoy in other countries asylum from persecution. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations” (“Universal Declaration,” n.d.). The United States of America is a permanent member of the United Nations. It seems hypocritical and incredibly disappointing that our government has created policies that increase suffering for migrants who are clearly in danger.

Not only are the migrants at the United States – Mexico border unable to seek asylum within the United States, they are also deficient of other essential human rights. In Article 25 of the Universal Declaration of Human Rights, a standard of living is clearly described. The article explicitly states, “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and

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necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control” (“Universal Declaration,” n.d.). The migrants fleeing their home countries due to fear of persecution is certainly beyond their control. The complete absence of food, clothing, housing, and medical care in these makeshift tent camps is astonishing. Men, women, and children are surviving day by day with the very little they have in the hopes of a brighter and safer future in America. Not only are these families currently suffering, they will feel the mental effects of this traumatic time period in their lives for decades to come. Sadly, they will likely not have the resources to help them heal both physically and mentally.

The final article in the Universal Declaration of Human Rights that is worth noting is Article 26 which states, “Everyone has the right to education” (“Universal Declaration,” n.d.). As an educator, it breaks my heart to see and read about children who are lacking basic needs such as food, shelter, and clean water. An added sting is knowing these migrant children, who may spend months waiting in tent camps with their families, have no access to formal education while they seek asylum. Additionally, children with special needs are receiving no special supports. Migrant children with limited access to education are at an extreme disadvantage to other children throughout the world. The stages of development a child naturally progresses through with access to education and a healthy living situation will likely be delayed for migrant children who are experiencing poverty and extreme trauma at the border.

Although the overall picture seems uninviting, it is refreshing and incredibly compassionate to see volunteers step up to the plate to help migrants in need. These volunteers come from all backgrounds; medical, education, religious, and mental health fields. The volunteers who have decided to lend a hand have chosen to act now, rather than waiting on

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government policies to change. America citizens are taking the initiative to ensure migrants have a shoulder to lean on.

The future of migrant families seeking asylum in America is unknown. At first glance, the policy changes for migrants seem unfathomable and hopeless. Families are living in the streets of Mexico with little food, no running water, little access to legal resources, and living in constant danger. Two large governments, the United States of America and Mexico, seem to do little to ease the hardship. Instead, they are sitting back and watching as innocent people continue to suffer. This situation that thousands of migrants are facing is inherently inhumane. In my opinion, the United States government should immediately stop sending asylum seekers back to Mexico, and instead allow them to access safe, legal and social support while their asylum claims are pending. There are no winners with the current program, and those who are most vulnerable will continue to suffer until new policy changes are put in place.

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