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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
EASTERN DIVISION**

IMMIGRANT DEFENDERS LAW CENTER,  
et al.,

*Plaintiffs,*

v.

CHAD WOLF, et al.,

*Defendants.*

Case No. 2:20-cv-09893-JGB-SHK

**DECLARATION OF ADAM ISACSON**

1 I, Adam Isacson, declare under penalty of perjury that the following is true and  
2 correct to the best of my knowledge and recollection:

3 1. I am the Director for Defense Oversight at the Washington Office on  
4 Latin America (“WOLA”), a nonprofit research and advocacy organization based in  
5 Washington, D.C., that is committed to advancing human rights in the Americas. Since  
6 2011, a significant part of my work has focused on border security in the United States.  
7 I have visited the U.S.-Mexico border nearly 30 times and the Mexico-Guatemala  
8 border 4 times. Together with the Border Security and Migration program at WOLA,  
9 I have published dozens of reports, memos, and multimedia projects about the security  
10 efforts of U.S. agencies at the border and the resulting human impact. I earned a B.A.  
11 in Social Science from Hampshire College and an M.A. in International Relations from  
12 Yale University.

13 **The harm migrants face in Tijuana and Mexicali**

14 2. Migrants subject to MPP are at serious risk of harm during their wait in  
15 Tijuana and Mexicali, among other border towns. They find themselves in unfamiliar  
16 cities without a family or other support network, without income, without medical  
17 attention, and without a place to live. In cities with some of the world’s highest crime  
18 rates, many suffer kidnapping, extortion, or even assault or rape. Local security forces  
19 offer little or no protection, and at times maintain corrupt ties with organized crime.

20 ***Violence***

21 3. The most comprehensive database of crimes reportedly committed  
22 against migrants in the MPP program has been maintained by the non-profit Human  
23 Rights First, although their capacity to keep this database updated has been severely  
24 reduced by the COVID-19 pandemic response. From February 2019 to May 2020,  
25 though, the organization had documented more than 39 publicly reported crimes  
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1 committed against MPP recipients in Tijuana and 12 in Mexicali.<sup>1</sup> Given that these  
2 were only publicly reported cases, and that the ability to report and monitor declined  
3 sharply after COVID-19 border measures went into effect, the actual numbers are  
4 likely far higher.

5 4. The danger, especially to families and children subject to MPP, was the  
6 subject of major 2020 research reports by Doctors Without Borders and by Human  
7 Rights Watch, Stanford University’s Human Rights in Trauma Mental Health  
8 Program, and Willamette University’s Child and Family Advocacy Clinic.<sup>2</sup>

9 5. In 2019, Tijuana suffered more homicides than any other city in Mexico,  
10 amid a sharp intensification of competition between organized crime groups for  
11 control over cross-border trafficking. The city’s homicide rate of 74.2 per 100,000 was  
12 the second-highest in the country and one of the worst in the world.<sup>3</sup>

13 6. During four WOLA fieldwork visits to Tijuana in 2019, a wide range of  
14 respondents—from shelter personnel to diplomats at the U.S. consulate—voiced alarm  
15 about rapidly increasing violent crime throughout the city and a deterioration of local  
16 policing capacity. “The municipal and state police are bought, and unable to provide  
17 protection,” said a Tijuana-based attorney with an organization that defends asylum  
18 seekers. A diplomat characterized a mid-2010s police reform effort as “stalled,” with  
19 corruption a persistent challenge. In addition, an expert at the Colegio de la Frontera  
20 Norte (COLEF), a Tijuana-based border and migration think-tank, noted that Tijuana  
21 is known for xenophobia and racism against migrants and against the shelters that  
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23 <sup>1</sup> <https://www.humanrightsfirst.org/sites/default/files/PubliclyReportedMPP>  
24 [Attacks5.13.2020.pdf](https://www.humanrightsfirst.org/sites/default/files/PubliclyReportedMPP).

25 <sup>2</sup> [https://www.hrw.org/news/2020/02/12/us-remain-mexico-program-harming-](https://www.hrw.org/news/2020/02/12/us-remain-mexico-program-harming-children)  
26 [children](https://www.hrw.org/news/2020/02/12/us-remain-mexico-program-harming-children).

27 [https://www.doctorswithoutborders.org/what-we-do/news-stories/news/no-way-](https://www.doctorswithoutborders.org/what-we-do/news-stories/news/no-way-out-msf-report-shows-damaging-health-impacts-us-mexico)  
28 [out-msf-report-shows-damaging-health-impacts-us-mexico](https://www.doctorswithoutborders.org/what-we-do/news-stories/news/no-way-out-msf-report-shows-damaging-health-impacts-us-mexico).

<sup>3</sup> [https://www.elfinanciero.com.mx/nacional/tijuana-es-la-ciudad-con-mas-](https://www.elfinanciero.com.mx/nacional/tijuana-es-la-ciudad-con-mas-homicidios-dolosos-en-mexico-en-lo-que-va-de-2019)  
[homicidios-dolosos-en-mexico-en-lo-que-va-de-2019](https://www.elfinanciero.com.mx/nacional/tijuana-es-la-ciudad-con-mas-homicidios-dolosos-en-mexico-en-lo-que-va-de-2019).

1 harbor them. A professor who focuses on migration policy at the Autonomous  
2 University of Baja California (UABC) said that Tijuana’s police are deeply corrupt  
3 and abusive to migrants, stealing from them, assaulting them, or turning a blind eye  
4 when criminals prey on them. “You could even say that the police pose more of a  
5 threat to the migrants than the criminals,” this individual said.

6 7. “MPP is making people wait for much longer” in Tijuana, a director of  
7 the Espacio Migrante shelter told us in November 2019. “People are unprotected,  
8 without access to U.S. lawyers, and not getting psychological attention.” This  
9 individual noted that an increased presence of police and military forces has been  
10 intimidating to migrants, including those subject to MPP. “They are trying to  
11 intimidate us in the shelter,” this person said. “Black migrants are afraid to go outside  
12 because of profiling.”

13 8. In many cases, particularly ransom kidnappings, MPP subjects are  
14 specifically targeted. “Cubans are thought to have money,” a Cuban MPP subject in  
15 Tijuana told WOLA in late 2019, because the Cuban-American community is  
16 considered more established and middle class than Central Americans in the United  
17 States. Kidnappers contact those relatives in the United States and threaten harm to  
18 their captives unless the relatives wire funds for their release. This also happens to  
19 Central American migrants, who often stand out in Mexican border towns. “Most  
20 migrants don’t want to make complaints” to the security forces out of fear, said a  
21 director of Tijuana’s Espacio Migrante shelter.

22 9. Though WOLA has not performed recent fieldwork in Mexicali, we  
23 closely monitor the security situation there. For more than a decade, Mexicali has had  
24 a reputation for violent crime rates that, while higher than most U.S. cities, are lower  
25 than those of Tijuana, Ciudad Juárez, Nuevo Laredo, and some other border cities-but  
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1 this is not due to better government policies or protection from security forces.<sup>4</sup> The  
2 reason is the near-monopoly that one illegal group, the Sinaloa cartel, still maintains  
3 over organized crime activity in the city. The *Los Angeles Times* calls this “a cozy  
4 relationship between Mexican law enforcement and the country’s most powerful  
5 organized crime group, the Sinaloa drug cartel, which is believed to have shifted  
6 trafficking through the city to avoid gang battles in other border areas.”<sup>5</sup> Sinaloa’s  
7 domination of trafficking routes has been violently challenged in several border cities,  
8 including Tijuana, in recent years, and especially since the 2017 deportation of the  
9 cartel’s longtime leader, Joaquín Guzmán. Sinaloa’s dominion remains largely intact  
10 for now, however, in Mexicali. The smaller-but still very troubling-number of  
11 documented cases of abuse against migrants subject to MPP in Mexicali may owe  
12 largely to a “Pax Mafiosa” that, as it depends on the Sinaloa cartel’s dominion, is  
13 fragile and apparently beyond Mexican security forces’ ability to control it.

14 10. The “Pax Mafiosa” may be showing cracks as of late 2020. Baja  
15 California investigative journalists attest that the wing of the Sinaloa cartel that  
16 controls trafficking operations through Mexicali is that of Ismael “El Mayo” Zambada,  
17 a former top lieutenant to Joaquín Guzmán. Zambada is increasingly confronting a  
18 cartel faction headed by Guzmán’s sons to the south, in Sinaloa and in Sonora,  
19 immediately to the east of Mexicali.<sup>6</sup> Competition between these Sinaloa cartel  
20 factions has brought a mid-2020 rise in violence in San Luis Rio Colorado, the Sonora  
21 border town across from Yuma, Arizona, a short drive east from Mexicali. Analysts  
22 fear the violence may soon spread westward to Mexicali.<sup>7</sup>

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25 <sup>4</sup> [https://www.inegi.org.mx/contenidos/saladeprensa/boletines/2020/Censu/ensu2020\\_01.pdf](https://www.inegi.org.mx/contenidos/saladeprensa/boletines/2020/Censu/ensu2020_01.pdf).

26 <sup>5</sup> <https://www.latimes.com/la-fg-mexicali16-2009sep16-story.html>.

27 <sup>6</sup> <https://www.sinembargo.mx/14-07-2020/3823267>.

28 <sup>7</sup> <https://www.animalpolitico.com/2020/10/san-luis-rio-colorado-lucha-muerte-control-droga/>.

1 ***Lack of shelter***

2 11. Tijuana is the border city with by far the largest network of government  
3 or church-run migrant shelters. At its height in 2019, the city had 31 shelters with a  
4 combined capacity to house 5,100 people, according to a COLEF study.<sup>8</sup> That was a  
5 small fraction of the more than 20,000 migrants-some MPP subjects, some waiting  
6 their turn to be “metered” to present at a port of entry-who were waiting in Tijuana in  
7 2019 for a chance to seek asylum in the United States. These two populations, asylum  
8 seekers on “metering” waitlists and those subject to MPP, face quite similar  
9 conditions: several months (and now, with pandemic restrictions, an indefinite period)  
10 with uncertain access to food, shelter, and income, while at risk of kidnapping, assault,  
11 or more serious crime. Charity-run shelters normally include large numbers from both  
12 populations among their guests.

13 12. This shelter capacity was badly taxed by MPP in 2019, as homeless  
14 asylum-seeking migrants, including many families with children, suddenly needed to  
15 stay for many months instead of a few weeks. Most of these shelters were originally  
16 established to house Mexican migrants deported from the United States, the vast  
17 majority single men, for very brief stays. MPP has forced them to retool radically, with  
18 only modest budget increases. “It’s chaos,” the director of the Salvation Army shelter  
19 told us in late 2019, adding that “local government is no help. Our shelter is in a  
20 struggle to maintain itself financially.” In early 2019 the recently inaugurated  
21 government of President Andrés Manuel López Obrador actually cut federal funds for  
22 shelters as part of a deficit-reducing austerity measure. Some more recently opened  
23 Tijuana shelters, though well-intentioned, have come under criticism from more  
24 established shelters, and from U.S. diplomats in Tijuana, for lax security procedures,

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28 <sup>8</sup> <https://www.colef.mx/estudiosdeelcolef/migrantes-en-albergues-en-las-ciudades-fronterizas-del-norte-de-mexico/>.

1 including allegations of leaving children unsupervised overnight and failing to prevent  
2 infiltration by criminals who seek to extort migrants.

3 13. In addition to MPP subjects, shelters are also struggling to house those  
4 deported from the United States (120-180 people on a typical day in Tijuana alone,  
5 according to two shelter personnel interviewed); those on “metering” waitlists to seek  
6 protection at ports of entry (many of them Mexican citizens); and economic migrants  
7 seeking to enter the United States undetected. But even that shelter capacity has been  
8 decimated by the pandemic. As journalist Erin Siegal McIntyre noted in the *Huffington*  
9 *Post* in April 2020, the Espacio Migrante shelter reduced its capacity by 25 percent in  
10 response to social distancing dictates. Tijuana’s oldest shelter, the Casa de Migrante,  
11 was down to 50 people-the city’s declared maximum number that could be in one  
12 place-from its capacity of 160.<sup>9</sup> As of late May, reported the University of California  
13 at San Diego’s (UCSD) U.S.-Mexico Center and the University of Texas’s (UT)  
14 Strauss Center, “Only two of the city’s two dozen migrant shelters continue to accept  
15 new entrants, and it is on a case by case basis. Many asylum seekers on the [metering]  
16 list live in crowded apartments. Most of them have lost their jobs during the pandemic  
17 and have struggled to pay rent and buy food.”<sup>10</sup> As noted, the same dynamic applies  
18 to asylum seekers subject to MPP. In Mexicali, the same report noted, “the Hotel  
19 Migrante is the only shelter in the city that remains open to new entrants.” “The city’s  
20 shelters canceled plans to expand their capacity,” the UCSD-UT report declared in  
21 May.<sup>11</sup>

22 14. In Tijuana, anti-migrant attitudes and insecurity have forced some  
23 shelters to relocate to other neighborhoods. That happened to the Espacio Migrante  
24 Shelter and to Casa Arco Iris, a shelter for LGBT migrants, in 2019. Personnel at the  
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26 <sup>9</sup> [https://www.huffpost.com/entry/asylum-seekers-mexico-border-](https://www.huffpost.com/entry/asylum-seekers-mexico-border-coronavirus_n_5e86250fc5b63e06281abf22)  
27 [coronavirus\\_n\\_5e86250fc5b63e06281abf22](https://www.huffpost.com/entry/asylum-seekers-mexico-border-coronavirus_n_5e86250fc5b63e06281abf22).

28 <sup>10</sup> [https://usmex.ucsd.edu/\\_files/metering-update\\_may-2020.pdf](https://usmex.ucsd.edu/_files/metering-update_may-2020.pdf).

<sup>11</sup> [https://usmex.ucsd.edu/\\_files/metering-update\\_may-2020.pdf](https://usmex.ucsd.edu/_files/metering-update_may-2020.pdf).

1 other of the city’s two LGBT shelters, Jardín de las Mariposas, said that aggression  
2 against LGBT migrants is so severe that the shelters “are the only safe spaces” for  
3 them in the whole city.

4 15. In Mexicali, shelter infrastructure is far smaller, with only two currently  
5 accepting migrants, and both operating at about 30-40 percent capacity during the  
6 COVID pandemic.<sup>12</sup> The vast majority of migrants subject to MPP, the UABC  
7 professor said, have had to find rental housing, often in crowded and substandard  
8 conditions. Some, this individual added, are living on the street.

9 16. In both cities, even before the pandemic, most of those subject to MPP  
10 had to find housing outside of shelters due to lack of capacity. The majority find cheap  
11 rented spaces, often shared between a few families-a situation that makes social  
12 distancing impossible. Many are in marginal slums that are the most dangerous and  
13 crime-ridden sectors of high-risk cities. Some are homeless.

14 ***Economic hardship***

15 17. A very large portion, likely a strong majority, of MPP subjects are living  
16 below the poverty line while they await their hearing dates in Mexican border towns.  
17 Though these towns have some of Mexico’s lowest unemployment rates and MPP  
18 recipients (with numerous exceptions) have work permits, finding paying work was  
19 very difficult for MPP subjects even before COVID-19 caused the local labor market  
20 to collapse. Many firms were unwilling to hire people who would presumably be  
21 quitting by their hearing date. Parents were afraid to leave children alone in dangerous  
22 neighborhoods while they went to work. Many with whom WOLA spoke in Tijuana  
23 shelters were afraid even to send children to nearby schools for fear of kidnappers.

24 18. Many MPP subjects in these cities have unmet medical needs. A local  
25 attorney in Tijuana cited “high risk pregnancies, respiratory infections worsened by  
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28 <sup>12</sup> [https://www.strausscenter.org/wp-content/uploads/MeteringUpdate\\_200820.pdf](https://www.strausscenter.org/wp-content/uploads/MeteringUpdate_200820.pdf), and interview with professor at UABC.



1 traveling, kidney stones, dental, you name it.” This conversation was in February  
2 2019, well before COVID-19 worsened the risk to an extent that we have been unable  
3 to document due to travel restrictions. As of October 2020, the UABC professor said,  
4 the public health system has largely collapsed for migrants; those with urgent needs,  
5 like pregnant women or people with broken bones, must seek help in an expensive  
6 private clinic. Those who have COVID symptoms, however, can access a short-term  
7 facility run in Tijuana by the International Organization for Migration. Once they  
8 recover, they must leave.

9 ***Difficulties relocating within Mexico***

10 19. While there are widespread reports of crimes against asylum seekers  
11 subject to MPP in Mexican border towns, asylum-seekers and other migrants are  
12 targeted for crime throughout Mexico. A report produced by WOLA together with  
13 various Mexican organizations and migrant shelters in 2017 documented abuses  
14 against migrants, including kidnapping, sexual abuse, robbery, and homicide, in  
15 southern states such as Tabasco and Oaxaca, as well as states bordering the United  
16 States, including Sonora and Coahuila.<sup>13</sup> These findings are consistent with other  
17 reports that have found a consistent pattern of crime against migrants in Mexico  
18 perpetrated by local gangs or organized criminal groups, often working in collusion  
19 with Mexican security forces or members of Mexico’s National Migration Institute  
20 (INM).<sup>14</sup>

21 20. A February 2020 report released by Doctors Without Borders, based on  
22 interviews with 480 migrants that they have assisted throughout the migrant route in  
23 Mexico, found that over 57 percent had been exposed to some sort of violence in the  
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26 <sup>13</sup> [https://www.wola.org/wp-content/uploads/2017/07/Access-to-Justice-for-Migrants\\_July-2017.pdf](https://www.wola.org/wp-content/uploads/2017/07/Access-to-Justice-for-Migrants_July-2017.pdf).

27 <sup>14</sup> See this report for additional references to the pattern of abuse against  
28 migrants in Mexico: <https://www.wola.org/wp-content/uploads/2015/11/Uncertain-Path.pdf>.

1 country.<sup>15</sup> Human Rights First (HRF) has reported multiple cases of asylum seekers  
2 subject to MPP who were victims of violence in different parts of the country,  
3 underscoring the risks faced by asylum seekers regardless of their location in Mexico.  
4 For example, HRF registered a case of a 4-year-old Honduran boy and his mother  
5 subject to MPP who were kidnapped in Monterrey, Nuevo Leon, after they were bused  
6 there from Nuevo Laredo. In another case, a Venezuelan asylum seeker subject to MPP  
7 escaped a kidnapping attempt when traveling in a taxi in Monterrey; on another  
8 occasion he was beaten by a group of men with sticks.<sup>16</sup>

9 21. Oftentimes asylum seekers subject to MPP who leave Mexican border  
10 towns to relocate farther south, or who are traveling back to the border for their  
11 immigration hearings, are victims of crimes.

12 22. Central American asylum seekers subject to MPP may be at particularly  
13 high risk. According to the State Department's Mexico 2019 Human Rights Report,  
14 "Government and civil society sources reported Central American gang presence  
15 spread farther into the country and threatened migrants who had fled the same gangs  
16 in their home countries."<sup>17</sup>

17 ***Inadequate response from Mexican government***

18 23. The Mexican government has failed to provide asylum seekers subject to  
19 MPP with adequate housing, public services, and protection.<sup>18</sup> While the government  
20 committed to opening temporary shelters in six Mexican border towns (Tijuana,  
21 Mexicali, San Luis Rio Colorado, Ciudad Juárez, Nuevo Laredo and Matamoros), only  
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23 <sup>15</sup> <https://www.msf.es/sites/default/files/documents/informe-msf-mexico-sinsalida.pdf>.

24 <sup>16</sup> <https://www.humanrightsfirst.org/sites/default/files/HumanRightsFiascoDec19.pdf>.

25 <sup>17</sup> U.S. DEP'T OF STATE, *Mexico 2019 Human Rights Report* (2019),  
26 <https://www.state.gov/wp-content/uploads/2020/02/MEXICO-2019-HUMAN-RIGHTS-REPORT.pdf>.

27 <sup>18</sup> <https://www.wola.org/wp-content/uploads/2019/11/11.19.19-MPP-Letter-Spn-to-GOM.pdf>.

1 two shelters have been established (in Tijuana and Ciudad Juarez). These two shelters  
2 do not have the capacity to house the thousands of asylum seekers subject to MPP, nor  
3 are they meant to provide long-term housing, in spite of the fact that asylum seekers  
4 under MPP must wait months or longer for a resolution of their immigration hearings  
5 in the U.S. The majority of the asylum seekers subject to MPP must find shelter on  
6 their own, including in encampments with tents, or through the support of civil society  
7 organizations and churches.<sup>19</sup> The situation is even more precarious in the context of  
8 COVID as asylum seekers subject to MPP are living in crowded conditions and  
9 without adequate access to medical care.<sup>20</sup>

10 24. Most medical services provided to this population are from civil society  
11 organizations, not the Mexican government.<sup>21</sup> In Tijuana, volunteers, including  
12 doctors, provide their services in neighborhoods where asylum seekers are staying and  
13 through visits to shelters.<sup>22</sup> In October 2020, the director of the Scalabrini Catholic  
14 order shelter in Tijuana confirmed to WOLA that access to health services for migrants  
15 comes principally from civil society. The few hundred individuals in Tijuana's one  
16 government-run shelter, though, do receive government health services. The quality  
17 of those services, this individual said, is probably adequate, but impossible to evaluate  
18 as non-profit shelter personnel do not have access to the government-run facility.

19 25. Apart from failing to provide comprehensive assistance to asylum seekers  
20 subject to MPP, the Mexican government has also failed to protect them. As of April  
21 2020 over 1,000 cases of kidnappings, assaults, trafficking and other crimes against  
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25 <sup>19</sup> <https://www.theguardian.com/us-news/2020/mar/23/us-mexico-immigration-coronavirus-asylum>.

26 <sup>20</sup> <https://www.wola.org/2020/05/asylum-seekers-the-us-mexico-border-shut-down-covid-19/>.

27 <sup>21</sup> <https://time.com/5888791/covid-19-asylum-seekers-mexico/>.

28 <sup>22</sup> <https://apnews.com/article/daff64b1da0a462bbfb0a67eb6f5a59c>.

1 these asylum seekers have been registered since the program began in January 2019.<sup>23</sup>  
2 During WOLA field research in 2015 and 2017, we witnessed the actions taken by the  
3 Mexican government to address widespread reports of kidnapping of deported  
4 Mexicans, such as deploying the marines to guard the bus station in Matamoros to  
5 protect migrants from being kidnapped. However, no similar action has been taken to  
6 protect asylum seekers in Mexican border towns since the MPP was enacted in January  
7 2019.<sup>24</sup>

8 26. Furthermore, asylum seekers and other migrants who are victims of  
9 crimes have difficulty obtaining justice in Mexico. In documentation WOLA carried  
10 out with migrant shelters and organizations that defend migrant rights in Mexico, we  
11 found that even with select states having special prosecutors' offices for crimes against  
12 migrants, and a special unit within the federal special prosecutor's office for human  
13 rights, approximately 99 percent of crimes against migrants remain unprosecuted.  
14 According to official figures we obtained for the 2014-2016 period, of 5,824 crimes  
15 against migrants reported in Chiapas, Oaxaca, Tabasco, Sonora, Coahuila, and at the  
16 federal level, there was evidence of only 49 sentences of those responsible.<sup>25</sup> At the  
17 federal government level, a February 2020 report from Mexico's attorney-general's  
18 office found that the agency had managed to bring to trial only 1 percent of cases of  
19 crimes against migrants (3 of 258 case files).<sup>26</sup> Perpetrators of such crimes have little  
20 to fear from the government.

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23 <sup>23</sup> [https://www.humanrightsfirst.org/resource/covid-19-and-remain-mexico-](https://www.humanrightsfirst.org/resource/covid-19-and-remain-mexico-migrant-protection-protocols-policy)  
24 [migrant-protection-protocols-policy](https://www.humanrightsfirst.org/resource/covid-19-and-remain-mexico-migrant-protection-protocols-policy).

25 <sup>24</sup> [https://www.wola.org/wp-content/uploads/2019/11/11.19.19-MPP-Spanish-](https://www.wola.org/wp-content/uploads/2019/11/11.19.19-MPP-Spanish-Letter-to-GOM.pdf)  
26 [Letter-to-GOM.pdf](https://www.wola.org/wp-content/uploads/2019/11/11.19.19-MPP-Spanish-Letter-to-GOM.pdf).

27 <sup>25</sup> [https://www.wola.org/wp-content/uploads/2017/07/Access-to-Justice-for-](https://www.wola.org/wp-content/uploads/2017/07/Access-to-Justice-for-Migrants_July-2017.pdf)  
28 [Migrants\\_July-2017.pdf](https://www.wola.org/wp-content/uploads/2017/07/Access-to-Justice-for-Migrants_July-2017.pdf).

<sup>26</sup> [https://politica.expansion.mx/mexico/2020/02/17/la-fgr-solo-ha-llevado-ante-](https://politica.expansion.mx/mexico/2020/02/17/la-fgr-solo-ha-llevado-ante-un-juez-el-1-de-los-delitos-contramigrantes)  
[un-juez-el-1-de-los-delitos-contramigrantes](https://politica.expansion.mx/mexico/2020/02/17/la-fgr-solo-ha-llevado-ante-un-juez-el-1-de-los-delitos-contramigrantes).

1           27. In 2019, in the southern state of Tabasco that is reputed to have one of  
2 the more developed prosecutorial offices for crimes against migrants, the migrant  
3 shelter in the southern border-zone town of Tenosique denounced the prosecutor in  
4 charge of that office for requesting bribes in order to open an investigation or move  
5 cases forward.<sup>27</sup> Even in emblematic cases of crimes and human rights violations  
6 against migrants in Mexico, such as the massacre of 72 migrants in San Fernando,  
7 Tamaulipas, on August 24, 2010, no one responsible for the crime has been  
8 convicted.<sup>28</sup> Mexican security forces have also been implicated in crimes against  
9 migrants and asylum seekers, as WOLA documented during 2019 field research trips  
10 to the border.<sup>29</sup> For example, a lawyer representing clients subject to MPP in Tijuana  
11 reported that there have been several instances of physical assault and abuse by  
12 Mexican police in Tijuana.<sup>30</sup>

13 ***Difficulties in accessing legal representation***

14           28. U.S.-based immigration attorneys find it very difficult to work with MPP  
15 subjects. Consulting with them requires crossing into Mexico and traveling to where  
16 their clients are sheltered, usually crime-ridden marginal neighborhoods where U.S.  
17 citizens are rarely seen. That involves substantial personal risks. After their  
18 consultations, they must go through long wait times at ports of entry to return to the  
19 United States. It can take all day just to speak to two or three clients. The COVID-19  
20 border closures have made the process even more difficult, and visits to migrant  
21 shelters or other meeting spaces entail serious health risks. The few brave pro bono  
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24 <sup>27</sup> <https://www.wola.org/analysis/mexico-southern-border-report/>.

25 <sup>28</sup> <https://www.wola.org/2020/08/justice-massacre-san-fernando-mexico-migrants/>.

26 <sup>29</sup> <https://www.wola.org/analysis/i-cant-believe-whats-happening-what-were-becoming-a-memo-from-el-paso-and-ciudad-juarez/#conditionsduring>.

27 <sup>30</sup> <https://www.humanrightsfirst.org/sites/default/files/HumanRightsFiascoDec19.pdf>.

1 attorneys willing to take such risks have to do “triage,” attending only to the most  
2 urgent asylum cases and leaving most other deserving applicants unrepresented.

3 29. This difficulty was the subject of a May 2020 WOLA podcast interview  
4 with an El Paso-based pro bono asylum attorney. Though Taylor Levy describes  
5 “insane” conditions working in Ciudad Juárez, the same dynamic is at play in Tijuana  
6 and Mexicali, especially since the COVID-19 border measures went into effect.

7 ***Why the CDC order is unnecessary and/or discriminates against asylum seekers***

8 30. On March 20, 2020, when the Trump administration closed the U.S.-  
9 Mexico border to “non-essential” travel, it effectively suspended the legal right to seek  
10 asylum. Since then, Border Patrol and CBP’s Office of Field Operations have expelled  
11 more than 200,000 people back to their countries in as little as 90 minutes each,  
12 without a chance to seek protection in the United States.<sup>31</sup> As of August 8, 2020, 800  
13 of those expelled were unaccompanied children.<sup>32</sup>

14 31. The expulsions are a response to a Centers for Disease Control and  
15 Prevention (CDC) order, triggering a 1944 quarantine law that the Trump  
16 administration interpreted as suspending the right to asylum. However, in early  
17 October 2020, the Associated Press and *Wall Street Journal* both reported that, in  
18 internal deliberations, the CDC had opposed this measure as unnecessary and “an  
19 inappropriate use of their authority to accomplish a goal they didn’t see as primarily  
20 motivated by public-health concerns.”

21 32. The expulsions have not meant the end of MPP, which is still being  
22 applied to migrants, particularly Cubans and Brazilians, who cannot easily be expelled  
23 back to their distant home countries. 1,766 asylum seekers were returned to Mexico  
24 under MPP between April and August 2020, according to Syracuse University’s  
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26 <sup>31</sup> [https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-](https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics)  
27 [title-42-statistics.](https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics)

28 <sup>32</sup> [https://www.cbsnews.com/news/8800-migrant-children-have-been-expelled-](https://www.cbsnews.com/news/8800-migrant-children-have-been-expelled-under-pandemic-border-policy-per-court-documents/)  
[under-pandemic-border-policy-per-court-documents/.](https://www.cbsnews.com/news/8800-migrant-children-have-been-expelled-under-pandemic-border-policy-per-court-documents/)

1 TRAC database of immigration records. Of those, 26 were returned to Tijuana and 123  
2 to Mexicali. The pandemic has made it impossible to generate an estimate of how  
3 many asylum seekers subject to MPP remain, as of late 2020, in Tijuana and Mexicali.  
4 Due to the threats they face in their home countries, though, many have nowhere else  
5 to go, and their number is, without a doubt, well into the thousands.

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I declare under penalty of perjury under the laws of the United States of America  
that the preceding declaration is true and correct.

Executed on this 9th day of November 2020 in Washington, DC.



Adam Isacson