

DECLARATION OF ADAM ISACSON

I, Adam Isacson, declare as follows:

1. I am over 18 and have personal knowledge of the facts described herein.
2. I am the Director for Defense Oversight at the Washington Office on Latin America (“WOLA”), a nonprofit research and advocacy organization based in Washington, D.C., that is committed to advancing human rights in the Americas. Since 2011, a significant part of my work has been focused on border security in the United States. I have visited the U.S.-Mexico border approximately 20 times. Together with the Border Security and Migration program at WOLA, I have published dozens of reports, memos, and multimedia projects about the security efforts of U.S. agencies at the border and the resulting human impact. I earned a B.A. in Social Science from Hampshire College and an M.A. in International Relations from Yale University.
3. The number of migrants coming to the U.S.-Mexico border is far lower today than in recent years. In almost every fiscal year between 1983 and 2006, the number of migrants apprehended by U.S. Border Patrol agents along the southern border exceeded one million.¹ Since fiscal year 2010, the number of apprehensions along the southern border each fiscal year has been less than 500,000.²
4. The number of migrants apprehended by U.S. Border Patrol officials at the U.S.-Mexico border in fiscal year 2017 is the lowest annual number since fiscal year 1972.³

¹ U.S. Border Patrol, Southwest Border Sectors, <https://www.cbp.gov/sites/default/files/assets/documents/2017-Dec/BP%20Southwest%20Border%20Sector%20Apps%20FY1960%20-%20FY2017.pdf> (last accessed Feb. 9, 2019).

² *Id.*

³ *Id.*

5. In fiscal year 2017, the average U.S. Border Patrol agent apprehended 18 migrants along the U.S.-Mexico border all year, or one migrant every 20 days.⁴

6. In fiscal year 2018, the number of apprehensions was lower than in fiscal years 2016, 2014, and 2013.⁵ It was the fifth-lowest total since 1973.

7. In fiscal year 2018, Border Patrol apprehended 1.25 million fewer people at the U.S.-Mexico border than it did in fiscal year 2000.⁶ Whereas federal agents apprehended between 71,000 and 220,000 migrants each month in fiscal year 2000, the figures are far lower, ranging from 25,500 to 41,500 people per month, in fiscal year 2018.⁷

8. According to CBP's own estimates, the number of migrants who evade apprehension at the U.S.-Mexico border has also been shrinking significantly, with the 2016 figure just one-sixth of the 2006 figure.⁸

9. Even though fewer people overall are arriving at the U.S.-Mexico border than in the past, CBP's budget is now twice what it was in 2000. Whereas the Border Patrol's budget in

⁴ U.S. Border Patrol, Southwest Border Sectors, *supra* note 1; U.S. Border Patrol, Border Patrol Agent Nationwide Staffing by Fiscal Year, <https://www.cbp.gov/sites/default/files/assets/documents/2017-Dec/BP%20Staffing%20FY1992-FY2017.pdf> (last accessed Nov. 8, 2018).

⁵ *Id.*; U.S. Customs and Border Protection, Southwest Border Migration FY2018, <https://www.cbp.gov/newsroom/stats/sw-border-migration/fy-2018> (last accessed Feb. 9, 2019) (396,579 apprehensions in FY 2018).

⁶ U.S. Border Patrol, Southwest Border Sectors, *supra* note 1; U.S. Customs and Border Protection, Southwest Border Migration FY2018, *supra* note 5.

⁷ U.S. Border Patrol Monthly Apprehensions (FY2000-FY2017), <https://www.cbp.gov/sites/default/files/assets/documents/2017-Dec/BP%20Total%20Monthly%20Apps%20by%20Sector%20and%20Area%2C%20FY2000-FY2017.pdf> (last accessed Feb. 9, 2019); U.S. Customs and Border Protection, Southwest Border Migration FY2018, *supra* note 5.

⁸ U.S. Department of Homeland Security, Office of Immigration Statistics, Efforts by DHS to Estimate Southwest Border Security between Ports of Entry 16 (Sept. 2017), https://www.dhs.gov/sites/default/files/publications/17_0914_estimates-of-border-security.pdf.

2000 was \$1.055 billion, its budget in 2016 was \$3.801 billion.⁹ Even adjusted for inflation, this 2016 budget is more than twice the 2000 budget.¹⁰

10. CBP's staffing has also increased. The number of Border Patrol agents at the U.S.-Mexico border is almost double the number in 2000.¹¹ There were 16,605 Border Patrol agents at the southwest border in fiscal year 2017, compared to 8,580 agents in fiscal year 2000, when the number of apprehensions was four times higher.¹² Nationwide, there were 19,437 Border Patrol agents in fiscal year 2017, compared with 9,212 in fiscal year 2000.¹³

11. The United States currently hosts the lowest number of undocumented immigrants since 2004, which is the result of a significant drop in the number of new undocumented immigrants.¹⁴

12. There is a rising backlog of individuals waiting to present themselves for asylum at ports of entry. In Tijuana, as of December 2018, 5,000 people were on a waiting list, and CBP was accepting 20 to 80 people per day for processing, yielding an estimated 12 week wait time.¹⁵ In Nogales, service providers told me in September 2018 that families are waiting 14 days for a chance to approach CBP. Hundreds of people have slept on the Paso del Norte bridge between Ciudad Juárez and El Paso, where there are far fewer shelters. Similar waits are the norm on the bridges connecting Reynosa and Hidalgo/McAllen, and Matamoros and Brownsville.

⁹ American Immigration Council, *The Cost of Immigration Enforcement and Border Security*, https://www.americanimmigrationcouncil.org/sites/default/files/research/the_cost_of_immigration_enforcement_and_border_security.pdf (last accessed Feb. 9, 2018).

¹⁰ See CPI Inflation Calculator, <https://data.bls.gov/cgi-bin/cpicalc.pl?> (last accessed Feb. 9, 2018).

¹¹ U.S. Border Patrol, Border Patrol Agent Nationwide Staffing by Fiscal Year, *supra* note 4.

¹² *Id.*; see also U.S. Border Patrol, Southwest Border Sectors, *supra* note 1.

¹³ U.S. Border Patrol, Border Patrol Agent Nationwide Staffing by Fiscal Year, *supra* note 4.

¹⁴ Jeffrey S. Passel & D'Vera Cohn, *U.S. Unauthorized Immigrant Total Dips to Lowest Level in a Decade*, Pew Research Ctr. (Nov. 27, 2018), <http://www.pewhispanic.org/2018/11/27/u-s-unauthorized-immigrant-total-dips-to-lowest-level-in-a-decade>.

¹⁵ *Asylum Processing and Waitlists at the U.S.-Mexico Border* 5, 7, Robert Strauss Center et al. (Dec. 2018), https://www.strausscenter.org/images/MSI/AsylumReport_MSI.pdf.

13. This backlog creates dangerous conditions for asylum seekers, who are forced to wait days to weeks, often without adequate shelter, and sometimes in dangerous border towns where organized crime preys on vulnerable people, for a chance to seek protection in the United States.

14. The security conditions in many border towns are precarious. Asylum seekers who must wait in a backlogged line are vulnerable to kidnapping and other violence. Although shelters provide a place to sleep, they are increasingly unsafe, having been infiltrated by gangs and cartels. In some instances, shelters have been vandalized, and the residents have been kidnapped and extorted.

15. Tijuana broke its own record for homicides in 2018. Across the whole of Mexico, prosecutors opened nearly 29,000 murder cases in 2018, 15% more than the previous year. Tijuana was the Mexican city with the most killings: more than 2,500, or 126 per 100,000 inhabitants.¹⁶

16. The risk of harm is also extreme in the border towns across from south Texas, the area of heaviest flow of Central American child and family migrants. There—the border zone of the state of Tamaulipas, Mexico—factions of the Gulf and Zetas cartels are fighting each other on a constant basis. CBP and Border Patrol agents have told me of witnessing running gun battles from the U.S. side of the border. Migrants in that zone have told me that they risk murder if they attempt to cross the Rio Grande in this area without an approved smuggler. Kidnapping for ransom is also common: in 2010, in San Fernando, Tamaulipas, the Zetas massacred 72 mostly Central American migrants whom they had kidnapped.

¹⁶ Ed Vulliamy, *Migrants flee violence only to find more in Tijuana – Mexico’s murder capital*, The Guardian, Jan. 26, 2019, <https://www.theguardian.com/world/2019/jan/26/migrants-violence-tijuana-murder-capital>.

17. In my opinion, given the serious risk of harm, no migrant can be safely returned to Tamaulipas pursuant to the Migrant Protection Protocols.

18. Based on my research and experience, there are strong reasons why Mexico cannot be designated a “safe third country.” Migrants in transit through Mexico are frequently subject to crimes and abuse, including kidnapping, extortion, robbery, trafficking and sexual assault. These crimes almost never result in a conviction of the person responsible. Corruption in Mexico’s security and migration authorities makes the situation worse; only 1% of reported crimes against migrants result in a conviction of the responsible party.¹⁷ Additionally, one reason migrant smugglers thrive is the relationships they maintain with corrupt officials, including localities where organized crime has infiltrated government positions.

19. According to news reports citing the UN refugee agency, almost 4,000 migrants have died or gone missing while traveling from Central America through Mexico to the U.S.¹⁸

I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.



Adam Isacson
Executed this 10th day of February, 2019

¹⁷ See Ximena Suárez et al., Wash. Office on Latin Am., *Access to Justice for Migrants in Mexico: A Right That Exists Only on the Books*, 24-27, 30-31 (2017), https://www.wola.org/wp-content/uploads/2017/07/Access-to-Justice-for-Migrants_July-2017.pdf (documenting Mexican authorities’ unwillingness to investigate crimes against migrants); Adam Isacson, Maureen Meyer and Adeline Hite, *WOLA Report: Come Back Later: Challenges from Asylum Seekers Waiting At Ports of Entry*, 10 (2018), Washington Office on Latin America, https://www.wola.org/wp-content/uploads/2018/08/Ports-of-Entry-Report_PDFvers-3.pdf.

¹⁸ Associated Press, *At least 4,000 migrants on way to U.S. have died or gone missing in last four years*, Dec. 5, 2018, <https://www.nbcnews.com/news/latino/least-4-000-migrants-way-u-s-have-died-or-n944046>.