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Dangerous Territory

Mexico Still Not Safe for Refugees

July 2017

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Introduction

Earlier this year the Trump Administration and its Congressional allies advanced proposals to foist U.S. refugee protection obligations onto Mexico and to block from the United States non-Mexican refugees and asylum seekers who pass through Mexico. These moves would undermine U.S. global leadership and violate American legal commitments even if Mexico had a strong refugee protection system. They are all the more dangerous because Mexico doesn't. Amid mass displacement caused by rampant human rights abuses and violence in the Northern Triangle of Central America, these proposals would force thousands of refugees to return to or remain in a country deeply unsafe for them.

President Trump's January 25th Executive Order "Border Security and Immigration Enforcement Improvements" proposed to return some border arrivals to "contiguous territories," such as Mexico, while they await U.S. immigration court removal hearings. In the wake of this order and the President's other executive order relating to refugees, some U.S. agents on the southern border have told people seeking protection that the United States is no longer accepting asylum seekers and, as documented in a May 2017 Human Rights First report, illegally turned some away in violation of U.S. law and treaties.

In addition, legislative proposals would change U.S. law to require asylum denials to many refugees who travel through Mexico, even if they lack actual protection there, and allow the Secretary of Homeland Security to declare Mexico a "safe third country" to which the United States would return refugees, barring them from seeking protection through the U.S. asylum process.

In April 2017, Mexico's Foreign Minister Luis Videgaray announced that Mexico wouldn't accept non-Mexicans turned away or removed from the United States. Yet the United States continues to

press Mexico to "manage" the border without any public affirmation of the importance of international law and treaty commitments that prohibit the return of refugees to persecution. At the June 2017 "Conference on Prosperity and Security in Central America" in Miami, Mexican and U.S. authorities agreed to "explore enhancements to border security," again without mentioning refugee protection.¹

To assess the degree of refugee protection in Mexico and determine how to improve it regionally, Human Rights First researchers traveled to Mexico in June 2017. They interviewed human rights monitors, nonprofit lawyers, U.N. staff, other aid agency staff, the Mexican Commission for Refugee Assistance (COMAR), Mexico's asylum adjudication agency, and the National Commission of Human Rights (CNDH). (Their request to meet with the National Institute of Migration (INM), Mexico's immigration enforcement agency, went unanswered.) Human Rights First also gathered information from refugees, attorneys, and aid workers during visits to Mexico in March and May 2017, and from refugees who, after passing through Mexico, received assistance through Human Rights First's pro bono legal representation program.

Human Rights First has concluded that Mexico is far from a "safe third country" for refugees. Key findings:

- **Migrants and refugees face acute risks of kidnapping, disappearance, sexual assault, trafficking, and other grave harms in Mexico.** Asylum seekers and migrants are targeted for kidnapping and killing in Mexico. Some have been trafficked into forced labor. They are targeted not only due to their inherent vulnerabilities as refugees and migrants, but also due to their nationality, race, gender, sexual orientation, and gender identity. Refugee and migrant women and girls have been trafficked to Mexico's

southern border, where they are exploited in the bars and nightclubs that cater to the many police, military, and other security forces in the area. Even asylum seekers and refugees granted protection in Mexico remain at risk from persecutors with transnational reach.

- **Mexican migration officers deport Central Americans who have expressed fear of return despite the country's *nonrefoulement* and human rights obligations.** Refugees who fear persecution are often deported back to danger. In some cases, people in need of protection are not even aware that they can apply for asylum in Mexico. When asylum seekers express a fear of return, INM agents often do not take the steps necessary to allow them to apply for asylum. In many cases, officers actively discourage or pressure Central Americans held in migration detention from applying for asylum regardless of their expressed fears of return. In January through October 2016, only five percent of the 130,000 Central Americans apprehended in Mexico applied for asylum.² Only 138 of the 35,000 minors from the Northern Triangle detained in the first four months of 2016 sought asylum, and only 77, or 0.2 percent, received protection.
- **As the number of asylum claims filed in Mexico rises sharply, the Mexican asylum system lacks effective national reach.** From 2013 through 2016, the number of asylum claims filed in Mexico rose 678 percent.³ In 2016, 8,788 people applied for asylum. In the first six months of 2017, 6,835 applied,⁴ representing a 100 percent increase over the same period in 2016. This rate of increase leads COMAR to expect more than 22,500 asylum applications in 2017.⁵ Yet COMAR has offices in only two locations in addition to its Mexico City office. The agency has no offices in northern states, where many

refugees reside. COMAR is massively under-resourced and lacks the staffing levels necessary to adjudicate these protection requests in a timely manner, forcing many applicants to wait long periods.

- **Deficiencies, barriers, and flaws in the Mexican asylum system leave many refugees unprotected.** There has been progress in the Mexican asylum system since its launch in 2011, including a recent alternatives-to-detention initiative and increased recognition rates. However, substantial deficiencies, barriers, and flaws persist. Refugees are blocked from protection under an untenable 30-day filing deadline, denied protection by COMAR officers who claim that refugees targeted by groups with national reach can safely relocate within their countries, and discouraged from pursuing their claims by INM agents at detention facilities and at the border. The system also suffers from a lack of sufficient nonprofit legal counsel and exceedingly onerous registration requirements that often prevent lawyers from meeting with or assisting asylum seekers held in detention facilities.
- **Detention is used to punish people who request asylum and as a threat to pressure people who express fear of return from applying for asylum.** INM officers invoke the threat of months of detention to try to dissuade refugees from pursuing asylum claims. Those who pursue asylum claims while in custody are held for months or longer.
- **Children, families, and other asylum seekers are detained in violation of Mexico's human rights and refugee protection commitments.** Mexican law and human rights treaties prohibit the detention of children, and detention of asylum seekers violates human rights and refugee protection treaties in most cases, particularly when that

detention exceeds a few days. The conditions in Mexican facilities have been criticized by Mexican and global human rights authorities. Immigration authorities have successfully tested community-based alternatives to detention programs in Mexico and in other countries.

As the recommendations at the end of this report make clear, there is much the Mexican government, the U.N. Refugee Agency (UNHCR), and donor states should do to improve refugee protection in Mexico and support the development of a fair and effective asylum system. The United States and other countries should robustly support UNHCR's efforts to enhance the capacity of the asylum system in Mexico and others in the region.

The United States should take additional steps to improve access to asylum in Mexico and throughout the region. Most critically, U.S. government agencies—which provide significant funding to Mexico for migration enforcement—must press Mexican authorities to identify and refer asylum seekers for protection processing, rather than deport them and dissuade them from seeking asylum. The United States should also encourage the use of alternatives-to-detention for asylum seekers.

By supporting refugee protection in the region, the United States would enable some refugees—particularly those who do not have family or other strong U.S. ties—to choose to seek protection in Mexico. But whatever progress Mexico makes on refugee protection, it cannot justify U.S. abdication of its own responsibilities. Efforts to return refugees to—or force them to remain in—Mexico subvert international law, set a poor example for other nations, and ultimately undermine the rule of law. They also clash profoundly with the ideals of a nation that has often led globally on refugee protection, a nation that President Reagan aptly described as a “beacon” to people searching for freedom.

Kidnappings, Disappearance, Trafficking, and Sexual Assault

Migrants and refugees face acute risks of kidnapping, disappearance, sexual assault, trafficking, and other harms in Mexico. In 2017, Mexico's National Commission on Human Rights issued a report on mass graves in Mexico, which documented 312 registered deaths and disappearances of migrants.⁶ Between 2009 and 2014 another study found 390 mass graves with over 7,000 remains, including bodies of suspected migrants.⁷

In 2010, kidnappers massacred 72 migrants in Tamaulipas after family members failed to pay ransoms and the migrants refused to serve as drug mules.⁸ In 2011, 193 migrants were killed in San Fernando, Tamaulipas, and police officers were reportedly involved.⁹ In 2012, 49 migrant bodies were discovered in Nuevo Laredo.¹⁰

Human rights monitors report an increase in kidnappings, disappearances, and executions of migrants and refugees in recent years.¹¹ In some cases, organized criminal groups kidnap large groups of migrants, in collaboration with smugglers, and in some cases in collusion with Mexican police or immigration officers.¹² Between 2011 and October 2016, the National Registry of Missing or Disappeared Persons (RNPED) documented 29,903 disappeared persons.¹³

In 2016 the International Organization for Migration (IOM) received reports of more than 700 migrant deaths in Mexico and said that countless more likely go unreported.¹⁴ Also in 2016, the *La 72* shelter in southern Mexico reported eight mass kidnappings of migrants and alleged that Mexican Federal Police officers participated in the events.¹⁵ Some migrants and refugees are trafficked into forced labor and some are reportedly enslaved and forced to work helping to grow and produce drugs.¹⁶ Kidnappers threaten migrants and

refugees, telling them that they will be killed, “disappeared” or forced into labor if they or their families do not pay a fee.¹⁷

According to a June 2017 report from the Human Rights Center Fray Matias de Cordova in southern Mexico and Kids in Need of Defense, smugglers sometime “sell migrant and refugee women and girls to human trafficking operations for the purposes of sexual exploitation.”¹⁸ In other cases, traffickers force women and girls to engage in sex work or domestic work to “pay” for their trips.¹⁹ Traffickers also bring girls from the Northern Triangle to Mexico’s southern border to exploit them in the many bars, nightclubs and restaurants frequented by police, military, and other security forces in the region.²⁰

Refugees and migrants are particularly vulnerable to violence, exploitation and persecution due to their status as non-nationals lacking legal status and/or protection. Many refugees and migrants are also targeted due to their nationality, race, or gender. Those who flee persecution due to their sexual orientation or gender identity often find themselves again targeted in Mexico.²¹

Even asylum seekers and refugees granted asylum continue to be at risk from their persecutors in Mexico. Several aid workers and monitors described the transnational reach of criminal groups targeting refugees, particularly in southern Mexico but also in other parts of the country.²² Human rights monitors stressed that there is a large presence of transnational gangs in southern Mexico, which have easy access to those fleeing gang persecution in the Northern Triangle.²³ One aid worker reported assisting a family from Honduras who fled after gang members killed their children. While in a migrant shelter in southern Mexico, the family saw their son’s murderer in the same shelter, forcing them to flee again.²⁴ Furthermore, in some cases, asylum seekers have accepted deportation from

detention because members of the group they had fled were held in the same detention facility.²⁵

In December 2015, Mexico’s Attorney General created a unit to investigate and prosecute crimes involving migrants, both as victims and the accused. As of September 2016, the unit had received 129 cases. However, lack of resources and delays in operational rules have “prevented the Unit from fully focusing on the investigation of crimes against migrants,” according to the Washington Office on Latin America (WOLA). In the state of Coahuila, as of August 2016, prosecutors had charged just one perpetrator in the 162 reported cases involving crimes against migrants. In comparison, a June 2017 study documented 5,289 incidents of crime against migrants in 2016, including 921 crimes against migrants committed by federal or state officials.²⁶ Discrepancies between the number of crimes against migrants documented by shelters and those investigated by State prosecutors indicate that nearly half of such crimes go unreported.²⁷

Refoulement and Suppression of Asylum Claims

As party to both the 1951 Convention Relating to the Status of Refugees and the Convention Against Torture the Mexican government is obligated to prevent the return (*refoulement*) of any person to a country where they would face ongoing threats of persecution or torture.²⁸ Yet, Mexico deports many refugees who are blocked or discouraged from seeking asylum in Mexico, or who do not even know they can apply for asylum.

Mexico has deported thousands of Northern Triangle nationals, even though these populations have been found to be largely seeking protection.²⁹ Between January 2014 and July 2016, Mexican authorities detained and returned more than 448,000 migrants but only 6,933, or 1.6

percent, applied for refugee status and only 2,982 were granted protection.³⁰ In 2016, just five percent of the 130,000 Central Americans apprehended in Mexico applied for asylum.³¹

Certainly, many asylum seekers may intend to seek protection in the United States, particularly those who have family or other close ties there. However, aid workers, attorneys, and human rights monitors in Mexico report that many Central Americans who fear return are not aware they can seek asylum in Mexico, and some are deported by Mexican authorities despite their fears of return.³² As one human rights monitor observed, “there is not an established system to identify people in need of international protection.”³³

Human Rights First has represented asylum seekers who were deported to their countries of feared persecution by Mexican authorities. In one case, a woman who had fled Honduras with her children was detained by Mexican authorities and deported back to Honduras two weeks later; in another case a woman and child who were intercepted by Mexican authorities as they attempted to cross to the United States were deported back to Honduras.

As many refugees are unaware that they can seek asylum in Mexico—or how to do so, particularly from detention—UNHCR is working to increase the information provided to Central American refugees and asylum seekers in shelters and detention facilities.³⁴ However, attorneys, monitors, and aid workers report that many migrants with protection needs remain unaware of the asylum process or whether they qualify.³⁵

Mexican INM officers who work at detention facilities encourage asylum seekers to accept deportation and to not pursue asylum applications. Aid workers, human rights monitors, and lawyers consistently report that asylum seekers tell them that INM officers encourage them to *not* pursue asylum. In some cases, INM

officers themselves have explained to monitors, lawyers, and aid workers that they tell detainees not to pursue asylum requests from detention and instead to accept deportation. INM officers tell asylum seekers that if they decide to pursue asylum they will be held in these migration detention facilities for three months or longer. In some cases, INM officers explained that, after deportation, the asylum seekers could try to come back into Mexico and seek asylum without being arrested and held in detention.³⁶

In a June 2017 report, Amnesty International documents asylum seekers’ reports that INM agents previously deported them without informing them of their right to seek asylum. Asylum seekers told Amnesty International researchers that “INM agents ignored their comments [about their fear of return] or at times made derogatory or mocking remarks about them.” Other INM agents actively discouraged them from seeking protection. Amnesty International found that INM agents fail to follow procedures to adequately inform migrants of the protection options in Mexico.³⁷

While many asylum seekers are deported under a “voluntary” removal process, many of these deportations are not truly voluntary as refugees acquiesce to removal only under threat of months in detention. As one human rights monitor pointed out, “It is not a free choice because they are intimidated into accepting ‘voluntary’ return.”³⁸ Such practices of coerced returns constitute *refoulement*. Improper returns are facilitated by lack of information and lack of effective mechanisms for referring asylum seekers into asylum proceedings.

COMAR officers in Mexican immigration detention facilities also reportedly minimize the chances of receiving asylum in their communications with asylum seekers. The conditions under which these interviews are conducted, sometimes in tiny cell-like rooms, and with little or no access to

counsel, also discouraged asylum seekers from seeking protection.³⁹

Recent reports issued by Amnesty International, the Center for Migration Studies, Cristosal, and WOLA have all found that Mexico has violated its *nonrefoulement* obligations by deporting protection-seeking migrants to the Northern Triangle.^{40 41} UNHCR reports that it is working to monitor and identify cases of *refoulement* at Mexico's southern border. In two instances, the government of Mexico agreed to take back asylum seekers who had been refouled, though UNHCR monitors believe there are many more cases of *refoulement*.⁴²

Mexican Asylum System Lacks National Reach and Capacity to Timely Adjudicate Cases

The number of asylum applications filed in Mexico has risen steadily. Between 2013 and 2016, the number rose by 678 percent.⁴³ In 2016, 8788 people applied for asylum and in the first three months of 2017, 3,543 applied.⁴⁴ This represents a 100 percent increase in asylum applications over the same period in 2016 and leads COMAR to expect over 22,500 asylum applications in 2017.⁴⁵

Despite this significant increase in asylum filings, COMAR remains deeply understaffed. COMAR has only 28 officers conducting protection adjudication interviews.⁴⁶ UNHCR has provided support to help add 29 COMAR officers.⁴⁷ Yet even with UNHCR's support, COMAR will remain exceedingly understaffed. One aid worker said that COMAR officers are "crushed" by the number of cases.⁴⁸ Officials confirmed that most COMAR agents work more than 12 hours per day and burnout causes frequent turnover.⁴⁹

Despite the expected doubling of asylum applications, COMAR's 2017 budget is 1.6 million pesos less than it was in 2015.⁵⁰

Due to its lack of resources, COMAR lacks the staffing levels necessary to adjudicate asylum requests efficiently and in a timely manner, leaving many asylum seekers waiting long periods. The law provides that asylum decisions should be made within 45 days, but many officers are seeking extensions, leaving asylum seekers waiting three months and often much longer.⁵¹ A June 2017 study by WOLA found that asylum seekers in southern Mexico were commonly waiting over 45 days for an asylum interview and that between December 2016 and February 2017 asylum interviews "were few and far between" for migrants stranded at major migrant shelters near the southern border.⁵²

In addition to its Mexico City office, COMAR has only two other offices, both in Southern Mexico. Many COMAR officers conduct adjudication interviews by telephone due to their lack of presence in most of the country.⁵³ COMAR does not have offices in northern Mexico, including major cities such as Guadalajara and Monterey, where an increasing number of refugees settle. COMAR also has no presence along the northern border, where some refugees seek status after being turned away by the United States. COMAR also does not have a permanent office in the southern border state of Tabasco, where many asylum seekers are located.⁵⁴

Mexican Asylum System Leaves Many Refugees Unprotected

Mexican lawyers, aid workers, and nonprofit legal providers report that they regularly see refugees denied asylum mistakenly or unfairly in the Mexican asylum system. They report, for example, that asylum adjudicators at COMAR

often deny refugees asylum on the erroneous assertion that they can safely relocate within small countries, such as El Salvador or Honduras, without risk of harm from persecutors who have national reach.⁵⁵

The asylum system also lacks effective case transfer procedures, so when an asylum seeker moves within the country—for instance to join family or attempt to evade their persecutors—they often must reapply for asylum. When they do, they may find themselves barred by the 30-day filing deadline.⁵⁶ Human rights monitors, attorneys, and aid workers report that the 30-day deadline leaves many refugees blocked from asylum. For example, it often takes asylum seekers more than 30 days just to reach Mexico City or points north.

Attorneys and aid workers assisting refugees also raised serious concerns about the quality and fairness of COMAR asylum adjudications. With the agency massively understaffed, and adjudicator's salaries reportedly low, the turnover rate for COMAR adjudicators is high.⁵⁷ New personnel are in need of additional training, according to multiple experts.⁵⁸

Adjudicators sometimes fail to make individual case-by-case determinations. They copy-and-paste information and explanations from prior decisions relating to other asylum applicants (leading to major inaccuracies in written asylum decisions), fail to consider gender or child specific protection issues, only interview the father in cases where the wife or children have testimony highly relevant to the protection claim, and conduct flawed county conditions analysis, such as mischaracterizing violence or threats with national reach as “localized.”⁵⁹

The lack of quality and fairness in decision-making can lead to absurd and inconsistent results. For example, a Mexican lawyer reports that while his client, a Haitian national who fled persecution, was granted refugee status, his

Barriers and Gaps in Legal Representation

There are very few lawyers trained in refugee law who can represent asylum seekers in Mexico. This lack of legal services and substantial gaps in funding for nonprofit legal providers leave the vast majority of asylum seekers to navigate a complex system alone. This gap in counsel, along with procedural hurdles—such as an extremely short filing deadline and complex case transfer procedures—block many unrepresented asylum seekers from full adjudications of their protection needs.⁶⁰ The few attorneys who do struggle to represent asylum seekers also face serious barriers to accessing clients held in detention facilities. For example, cumbersome procedures for recognition of legal representation before both COMAR and INM prevent attorneys from visiting clients in detention and appearing during initial asylum interviews.⁶¹

client's wife and child were denied asylum even though they had fled the same persecution that formed the basis of the client's claim.⁶²

As a result of flawed initial decisions, appeals are often necessary. Yet there are numerous deficiencies in the appeals procedures. The initial review is made by COMAR, the same agency that issued the asylum denial that is the subject of the review. COMAR does not review the substance of the initial decision. Instead, it corrects only procedural errors, such as the obvious cut-and-paste mistakes that result in the wrong applicant or country being analyzed in the original decision. The next appeals level involves review by an administrative law tribunal that lacks experience with asylum, refugee, and human rights law.⁶³ In order to succeed in correcting mistaken asylum denials on appeal, legal representation is essential. However, very few lawyers in Mexico

have experience representing asylum seekers and only a handful of non-profit organizations handle asylum appeals.⁶⁴ The rate at which refugees are granted asylum has increased, rising from 34 percent in 2014, to 39 percent in 2015, to 42 percent in 2016 and through March 2017.⁶⁵ Still, these rates are low given the high percentage of individuals fleeing acute violence.⁶⁶ Of 202 asylum requests supported by *La 72* shelter in Southern Mexico between January and June 2017, none were granted refugee status and only six were granted complementary protection.⁶⁷ Low recognition rates—along with asylum denials of refugees with well-founded fears of persecution—are likely to discourage many from applying for asylum in Mexico.

Detention Used to Punish Asylum Seekers

Asylum seekers first apprehended by Mexican immigration officers before filing an asylum application must pursue their protection cases while detained in Mexican detention centers, which are euphemistically called “migration stations.”⁶⁸ One human rights monitor explained that those held in these facilities essentially have two untenable choices: to “agree” to deportation or remain detained in horrendous conditions.

A range of abuses, including overcrowding, lack of medical care, and prolonged detention, plague detention facilities.⁶⁹ A 2015 study by the Coalition Against Torture and Impunity (CCTI) conducted 50 interviews with detained migrants in detention centers across southern Mexico and found 94 percent suffered abuse while detained.⁷⁰ The detention system itself punishes you if you apply for asylum, one human rights expert noted.⁷¹

A September 2016 report by the National Commission on Human Rights (CNDH) found that immigration detention facilities were overcrowded,

did not provide beds, banned visitors, failed to appropriately separate women and children from adult males, and lacked medical and security staff.⁷² The U.N. Special Rapporteur on Torture and other cruel, inhuman and degrading punishment reported in 2014 that he received reports of beatings, threats, humiliation and insults from migrants held in detention facilities.⁷³

It is extremely difficult to pursue an asylum claim from detention. As one attorney told Human Rights First, “Detention is the rule not the exception in Mexico and it greatly impacts the ability to seek asylum.”⁷⁴

As outlined above, INM officers invoke the threat of months of detention to pressure asylum seekers from pursuing asylum claims. UNHCR has found that many of those who feared return reported that they would not make an asylum claim if they would be held in detention.⁷⁵

Attorneys, aid workers, and human rights monitors confirmed that the threat of detention discourages asylum seekers from requesting protection in Mexico.⁷⁶ In June 2017, Amnesty International likewise found that “prolonged detention can be a major reason why some asylum-seekers choose to abandon their asylum claim as they cannot bear to await the outcome of their proceeding deprived of liberty.”⁷⁷

If an asylum seeker does pursue an asylum application, he or she is typically held in detention for three months or much more.⁷⁸ In one case, an asylum seeker from El Salvador was reportedly held in detention for 350 days while his lawyers pursued his case on appeal.⁷⁹

Since June 2016, INM and COMAR, in coordination with UNHCR and civil society groups, have initiated an alternative-to-detention program for detained asylum seekers. Some 1,200 people have been released to pursue their protection claims outside of detention.⁸⁰ While this initiative applies only to a comparatively small number of

asylum seekers, preliminary reports indicate it is effectively supporting the ability of asylum seekers to pursue protection in Mexico. In April 2017, a Mexican court concluded that detention of asylum seekers should be an exception, not the norm.⁸¹ Still, the vast majority of asylum seekers apprehended by Mexican INM agents are held in immigration detention, and no official procedures or staffing has been established to remove asylum seekers from detention centers.⁸²

Detention and *Refoulement* of Children, Families, LGBTI Persons and other Vulnerable Populations

Detention traumatizes all migrants and asylum seekers, but it presents additional challenges and barriers to protection for children, families, and LGBTQI persons.

Under Mexican Law, as of 2014, it is unlawful for authorities to hold children in detention facilities.⁸³ This law is consistent with international human rights law and treaties.⁸⁴ Instead, they are to be transferred to the custody of the Mexican child protection agency, the National System for Integral Family Development (DIF).

Yet children are being held in migrant detention facilities.⁸⁵ One human rights monitor noted that some families with children are detained in DIF custody, in an area within a larger migration detention facility.⁸⁶ Some INM officers have reportedly been relabeled as DIF child protection officers, despite the conflict of interest and lack of training and expertise. Many children from Central American countries continue to pass through detention without applying for asylum, resulting in their deportation.⁸⁷

Unaccompanied minors are especially unlikely to receive asylum in Mexico. In the first four months

of 2016, Mexican authorities detained 35,000 minors from the Northern Triangle. UNHCR officials “estimated that as many as half had plausible claims to international protection because of threats to their lives and safety,” but only 138 sought asylum status in Mexico and only 77, or 0.2 percent, received protection.⁸⁸ In 2015, Mexico deported 95 percent of children detained, and 85 percent in the first six months of 2016.⁸⁹

One of Human Rights First’s pro bono clients, a 16-year-old from El Salvador, asked about applying for asylum and was told by a Mexican officer in the children’s facility that he only had a three percent chance of winning asylum.

INM employs child protection officers (OPIs) to screen unaccompanied minors for protection needs and conduct best interest assessments.⁹⁰ However, in July 2015 the U.N. Committee on the Rights of the Child criticized Mexico for not establishing a best interest determination process for deciding protection needs of migrant children.⁹¹ Additionally, a 2014 study by UNHCR found that more than 70 percent of boys and more than 80 percent of girls held in detention had not met with child protection officials.⁹² Furthermore, in March 2016, Human Rights Watch reported that officials from the national child welfare agency (DIF), working in the child “module” at Acayucan immigration detention center in southern Mexico, could recall only one visit by a child protection officer who “stopped by briefly to be photographed while speaking to children.”⁹³

Lesbian, gay, bisexual, transgender, and intersex (LGBTI) people also face particular difficulties in Mexican detention facilities. They are sometimes held in isolation cells, away from the general detention population.⁹⁴ Amnesty International recently interviewed 10 transgender women in Southern Mexico. The majority reported they did not feel safe in Mexico and faced discrimination or violent attacks by gangs while awaiting decisions on their asylum claims.⁹⁵

Gaps in Long Term Integration Initiatives

For refugees fleeing the Northern Triangle, Mexico has traditionally been a country of transit, not a destination. Now as it becomes an endpoint for some refugees, Mexico lacks the integration initiatives necessary to help ensure that they thrive and contribute.

Many refugees face unnecessary difficulties securing work in Mexico. For instance, the work authorization document issued by COMAR to refugees granted asylum status is not a form recognized by most Mexican businesses, banks, or other entities.⁹⁶ There are also few programs supporting refugees' integration into the labor market. Discrimination against Central Americans and Mexico's overarching economic challenges make it even more difficult for non-Mexicans to secure employment. Recent research indicates that effective investment initiatives can help spur jobs for both refugees and host communities.⁹⁷

Many refugee children have difficulty accessing education in Mexico. For example, the Mexican government requires a certificate from a refugee's home country that is very difficult and often expensive to secure. Refugees who face dangers at home cannot return to secure this documentation. As a result, many refugee children remain out of school.⁹⁸

Individuals granted refugee status and complementary protection are allowed, according to the law, to bring their spouse and children to Mexico. However, significant impediments, such as extensive delays and unduly demanding financial requirements, effectively block refugees from reuniting with family members. This problem greatly impedes integration and may discourage some refugees from applying for protection.⁹⁹

The lack of education, employment, and family reunification not only hampers Mexico's ability to

integrate refugees, it may also leave some to believe they have little choice but to travel onwards, primarily to the United States, to secure these basic protections.

Recommendations

For the Mexican Government

- **End the practice of deporting asylum seekers who express fears of return; create effective processes to identify and refer asylum seekers.** INM leadership should direct officers to take steps to identify and refer individuals with fears of harm into the asylum process, and stop discouraging or pressing asylum seekers into not pursuing asylum applications. INM officers should be trained, extensively and repeatedly, on Mexico's human rights and refugee protection legal obligations.
- **Use alternative measures rather than detention policies that violate laws and treaties and discourage refugees from seeking asylum in Mexico.** Rather than encouraging asylum seekers to "accept" deportation, INM should refer them into the asylum process and, if appropriate, to an alternative-to-detention program, shelter, or other appearance support. A pilot program demonstrated effective outcomes in Mexico. Children should never be held in immigration detention, and adult asylum seekers should generally not be, either. Current practices not only violate Mexican law and human rights standards, but they are counterproductive and wasteful.
- **Expand staffing levels and national reach of COMAR.** The Mexican government should expand the national reach of COMAR, through the addition of offices, particularly in northern states and major cities. It should also

fund a sufficient number of asylum adjudicators to handle increasing workloads and adjudicate cases in a timely manner.

- **Eliminate unnecessary and counter-productive barriers to asylum.** The Mexican government should change laws and policies that are blocking access to asylum. The counterproductive 30-day asylum filing deadline should be eliminated, and additional training and oversight conducted to ensure that refugees are not denied asylum due to mistaken conclusions that their persecutors do not have national reach, and to properly handle gender-based cases or those involving the protection of children.

For the United States Government

- **Lead a comprehensive initiative, along with other nations, to expand protection of refugees in the region.** Key components of such an initiative should include increased humanitarian assistance, development investment in refugee-hosting states and home countries, and increased access to asylum and adherence to refugee protection, human rights law, and treaties across the region.
- **Set a strong example at home and abandon efforts to shift refugee protection responsibilities on to Mexico, including through “safe third country” arrangements, “firm resettlement” revisions, or other moves to block refugees who pass through Mexico from the United States or the U.S. asylum system.** The United States should comply with its own legal and treaty commitments—including at U.S. borders—and abandon any plans to evade these responsibilities or shift them onto Mexico. Progress in Mexico on refugee protection doesn’t justify the United States’ failure to receive and process asylum seekers.
- **Firmly support the strengthening of access to asylum and protection in Mexico and throughout the region.** The United States, which provides significant funding to Mexican migration enforcement activities, should press Mexican migration officers to identify and refer asylum seekers for protection processing, rather than deporting them and dissuading them from applying for asylum. The United States should also support and encourage the use of alternative measures for individuals who apply for asylum in Mexico, rather than the use of detention, which discourages the filing of asylum applications in Mexico. The United States should require, as a precondition for any assistance to Mexico for migration or border enforcement, that Mexico demonstrate that its immigration officers are providing access to asylum and respecting the human rights of migrants and asylum seekers.
- **Significantly increase, and encourage other countries to increase, funding to support the humanitarian response to the Central American refugee and displacement crisis.** The United States and other donor states should robustly support UNHCR’s efforts to enhance the capacity of the Mexican and other asylum systems in the region, including through support for increased staffing, offices, and training for the Mexican asylum adjudication system. U.N. humanitarian appeals to address the Central American refugee and displacement situation were only eight percent funded as of early June 2017. ■

Endnotes

- ¹ Department of Homeland Security, “United States Key Deliverables for the June 15-16, 2017 Conference on Prosperity and Security in Central America,” June 16, 2017.
- ² Secretaría de Gobernación Unidad de Política Migratoria [Secretary of the Interior Migration Policy Unit], Boletín Mensual de Estadísticas Migratorias 2016 [Monthly Bulletin of Migration Statistics], May 2017, available at http://www.politicamigratoria.gob.mx/work/models/SEGOB/CEM/PDF/Estadisticas/Boletines_Estadisticos/2016/Boletin_2016.pdf.
- ³ Secretaría de Gobernación Comisión Mexicana de Ayuda a Refugiados (COMAR) [Mexican Commission of Refugee Assistance (COMAR)], ESTADÍSTICAS [STATISTICS], 2013-2017, available at http://www.comar.gob.mx/work/models/COMAR/Resource/267/6/images/ESTADISTICAS_2013_A_1er_semestre_2017.pdf.
- ⁴ See *Id.*; see also Human Rights First notes on UN Refugee Agency (UNHCR) Civil Society briefing, June 8, 2017, Washington, D.C., notes on file.
- ⁵ Gabriel Stargarder, “Mexico braces for fresh flood of Central American asylum seekers,” Reuters, December 15, 2016, available at <http://www.reuters.com/article/us-mexico-immigration-idUSKBN1442Z0?il=0>; See Human Rights First notes on UN Refugee Agency (UNHCR) Civil Society briefing, *supra* note 4.
- ⁶ Comisión Nacional de los Derechos Humanos (CNDH) [National Human Rights Commission], Informe Especial de la Comisión Nacional De Los Derechos Humanos Sobre Desaparición de Personas y Fosas Clandestinas en México [Special Report from the National Human Rights Commission on Disappearances and Clandestine Graves in Mexico], 2017, available at http://www.cndh.org.mx/sites/all/doc/Informes/Especiales/InformeEspecial_20170406.pdf.
- ⁷ Universidad Iberoamericana y la Comisión Mexicana de Defensa y Promoción de Derechos Humanos [Iberoamerican University and the Mexican Commission for the Defense and Promotion of Human Rights], Violencia y Terror: Hallazgos sobre fosas clandestinas en México [Violence and Terror: Findings on Clandestine Graves in Mexico], 2017, available at http://www.iberomx.mx/files/informe_fosas_clandestinas_2017.pdf.
- ⁸ See “A más de 5 años de la masacre de migrantes en San Fernando, México no repara el daño ni explica qué pasó” [More than 5 years after the massacre of migrants in San Fernando, Mexico does not repair the damage nor explain what happened], Animal Político, March 2, 2016, available at <http://www.animalpolitico.com/2016/03/a-mas-de-5-anos-de-la-masacre-de-migrantes-en-san-fernando-mexico-no-repara-el-dano-ni-explica-que-paso/>.
- ⁹ International Crisis Group, Easy Prey: Criminal Violence and Central American Migration, Latin America Report No. 57, July 28, 2016, page 18; <http://www.independent.co.uk/news/world/americas/police-involved-in-mass-kidnap-and-massacre-of-193-people-in-mexico-travelling-towards-us-9941906.html>.
- ¹⁰ See “El caso de 49 torsos encontrados en la carretera de Cadereyta, Nuevo León” [The case of 49 torsos found on the highway in Cadereyta, Nuevo Leon], Fundación para La Justicia [Foundation for Justice], available at <http://fundacionjusticia.org/el-caso-de-49-torsos-encontrados-en-la-carretera-de-cadereyta-nuevo-leon/>.
- ¹¹ Human Rights First interview 4, Mexico City, Mexico, June 14, 2017; Human Rights First interview 5, Mexico City, Mexico, June 14, 2017; Human Rights First interview 6, Mexico City, Mexico, June 13, 2017; Human Rights First interview 7, Mexico City, Mexico, June 14, 2017; Human Rights First interview 8, Mexico City, Mexico, June 13, 2017; Human Rights First interview 11, Mexico City, Mexico, June 7, 2017.
- ¹² Human Rights First interview 7, Mexico City, Mexico, June 14, 2017.
- ¹³ Data distinguishing a documented case of a disappeared migrant from other disappearances does not exist, however reports of missing or disappeared migrants indicate a large percentage of the overall cases of disappearances in Mexico are migrants. See Red de Documentación de las Organizaciones Defensoras de Migrantes (REDODEM) [Documentation Network of Migrant Defenders Organizations], Migrantes en México: recorriendo un camino de violencia, Informe 2016 [Migrants in Mexico: walking a path of violence, 2016 Report], July 2017, available at <https://drive.google.com/file/d/0B2qOr5xTBM2TWjRFbUY1a0x5Rms/view>.
- ¹⁴ See International Organization for Migration (IOM), Missing Migrants Project, Migrant Fatalities Worldwide, available at <https://missingmigrants.iom.int/latest-global-figures>; See also “Crecen las cifras de migrantes muertos en el primer semestre de 2016” [The number of migrants killed increase in the first half of 2016], Informador.MX, available at <http://www.informador.com.mx/internacional/2016/678642/6/crecen-las-cifras-de-migrantes-muertos-en-el-primer-semester-de-2016.htm>.

- ¹⁵ See Maureen Meyer, “Migrants in Transit Face Crimes and Human Rights Abuses,” Washington Office on Latin America (WOLA), November 15, 2016, available at <https://www.wola.org/analysis/migrants-transit-face-crimes-human-rights-abuses-mexican-government-prioritizes-detention-deportation-protection/>.
- ¹⁶ Human Rights First interview 7, Mexico City, Mexico, June 14, 2017; Human Rights First interview 8, Mexico City, Mexico, June 13, 2017; Human Rights First interview 11, Mexico City, Mexico, June 7, 2017.
- ¹⁷ See U.S. Department of State, Mexico 2016 Human Rights Report (“There were reports criminal groups kidnapped undocumented migrants to extort money from migrants’ relatives or force them into committing criminal acts on their behalf.”); see also Human Rights First interview 7, Mexico City, Mexico, June 14, 2017; Human Rights First interview 8, Mexico City, Mexico, June 13, 2017; see also International Crisis Group, *supra* note 9, page 10-14.
- ¹⁸ Kids in Need of Defense (KIND) and Human Rights Center Fray Matías de Córdova, *Childhood Cut Short: Sexual and Gender-based Violence Against Central American Migrant and Refugee Children*, June 2017, page 29.
- ¹⁹ *Id.*
- ²⁰ *Id.*
- ²¹ See U.S. Department of State, Mexico 2016 Human Rights Report (“Discrimination in employment or occupation occurred against women, indigenous groups, persons with disabilities, LGBTI individuals, and migrant workers”); see also Inter-American Commission on Human Rights, *Situation of Human Rights in Mexico*, December 31, 2015 (“The Commission is pleased to see the creation of the Special Prosecutor for Crimes of Violence against Women and Trafficking in Persons of the PGR, whose existence is based on the need to address the crime of trafficking in Mexico in a timely manner. However, the Commission can only express its concern at information indicating that Central American migrants, especially women, are subjected to a pattern of discrimination and criminalization by the authorities of the Public Ministry of Chiapas when investigating the commission of crimes of people trafficking, taking advantage of the extreme vulnerability in which these individuals often find themselves.”); See also Amnesty International, *Facing Walls: USA and Mexico’s Violations of the Rights of Asylum Seekers*, June 2017, page 35.
- ²² Human Rights First interview 1, Mexico City, Mexico, June 13, 2017; Human Rights First interview 3, Mexico City, Mexico, June 13, 2017; Human Rights First interview 7, Mexico City, Mexico, June 14, 2017; Human Rights First interview 8, Mexico City, Mexico, June 13, 2017.
- ²³ Human Rights First interview 8, Mexico City, Mexico, June 13, 2017; Human Rights First interview 11, Mexico City, Mexico, June 7, 2017; see also https://www.jrsusa.org/Assets/Publications/File/Persistent_Insecurity.pdf page 20.
- ²⁴ Human Rights First interview 11, Mexico City, Mexico, June 7, 2017.
- ²⁵ Human Rights First interview 4, Mexico City, Mexico, June 14, 2017; Human Rights First interview 5, Mexico City, Mexico, June 14, 2017; Human Rights First interview 6, Mexico City, Mexico, June 13, 2017; Human Rights First interview 8, Mexico City, Mexico, June 13, 2017.
- ²⁶ Red de Documentación de las Organizaciones Defensoras de Migrantes (REDODEM) [Documentation Network of Migrant Defenders Organizations], *supra* note 13.
- ²⁷ WOLA, *A Trail of Impunity: Thousands of Migrants in Transit Face Abuses amid Mexico’s Crackdown*, October 20, 2016.
- ²⁸ List of Signatories and Ratifications, Convention Relating to the Status of Refugees, Geneva, July 28, 1951, available at <https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20V/IV-2.en.pdf>; List of Signatories and Ratifications, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, New York, December 10, 1984, available at <https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-9.en.pdf>.
- ²⁹ UNHCR, “UNHCR warns of looming refugee crisis as women flee Central America and Mexico,” October 28, 2015, (In connection with the release of Women on the Run, UNHCR stated: “The dramatic refugee crises we are witnessing in the world today are not confined to the Middle East or Africa,” Guterres said. “We are seeing another refugee situation unfolding in the Americas. This report is an early warning to raise awareness of the challenges refugee women face and a call to action to respond regionally to a looming refugee crisis.”); UNHCR, “U.S. announcement on Central America refugees highlights seriousness of situation, UNHCR,” January 14, 2016, (In connection with the U.S. announcement of refugee processing in the region, UNHCR stated: “The U.S. initiative to resettle Central American refugees is a welcome step to help address the growing refugee crisis.” The UN refugee agency reiterated its serious concern for the welfare of large numbers of people who continue to flee deadly violence in El Salvador, Guatemala and Honduras – the Northern Triangle of Central America.).
- ³⁰ See WOLA, *supra* note 27.
- ³¹ Mexico detained 112,720 migrants from Central America from January to September 2016 and deported 104,707 during the same period. See Secretaria de Gobernación Unidad de Política Migratoria [Secretary of the Interior Migration Policy Unit], *supra* note 2; see also see Patricia Vélez Santiago and Alejandro Fernández Sanabria, “México levanta un muro invisible: deporta a 9 de cada 10 centroamericanos que van a EEUU” [Mexico raises an invisible wall: deport 9 of every 10 Central Americans on their

- way to the US], Univision, July 15, 2016, available at <http://www.univision.com/noticias/indocumentados/mexico-levanta-un-muro-invisible-deporta-a-9-de-cada-10-centroamericanos-que-van-a-eeuu>; Mexican authorities removed nearly 120,000 citizens of Guatemala, Honduras, and El Salvador between January and October 2016. See Unidad de Política Migratoria, Estadísticas Migratorias Síntesis 2015, available at http://www.politicamigratoria.gob.mx/work/models/SEGOB/CEM/PDF/Estadisticas/Sintesis_Graficas/Sintesis_2015.pdf; see also WOLA, *supra* note 27; see also Red de Documentación de las Organizaciones Defensoras de Migrantes (REDODEM) [Documentation Network of Migrant Defenders Organizations], *supra* note 13.
- ³² Human Rights First interview 1, Mexico City, Mexico, June 13, 2017; Human Rights First interview 3, Mexico City, Mexico, June 13, 2017; Human Rights First interview 4, Mexico City, Mexico, June 14, 2017; Human Rights First interview 5, Mexico City, Mexico, June 14, 2017; Human Rights First interview 6, Mexico City, Mexico, June 13, 2017; Human Rights First interview 7, Mexico City, Mexico, June 14, 2017; Human Rights First interview 8, Mexico City, Mexico, June 13, 2017; Human Rights First interview 10, Mexico City, Mexico, June 9, 2017; Human Rights First interview 11, Mexico City, Mexico, June 7, 2017; Human Rights First interview 12, Mexico City, Mexico, June 12, 2017; Human Rights First interview 13, Mexico City, Mexico, June 14, 2017.
- ³³ Human Rights First interview 8, Mexico City, Mexico, June 13, 2017.
- ³⁴ See The UN Refugee Agency (UNHCR), CENTRAL AMERICA AND MEXICO: UNHCR OPERATIONAL UPDATE, August 31, 2016, available at <http://www.refworld.org/country,COI,UNHCR,,MEX,,57fe2b374,0.html>.
- ³⁵ Human Rights First interview 3, Mexico City, Mexico, June 13, 2017; Human Rights First interview 4, Mexico City, Mexico, June 14, 2017; Human Rights First interview 5, Mexico City, Mexico, June 14, 2017; Human Rights First interview 6, Mexico City, Mexico, June 13, 2017; Human Rights First interview 7, Mexico City, Mexico, June 14, 2017; Human Rights First interview 8, Mexico City, Mexico, June 13, 2017; Human Rights First interview 9, Mexico City, Mexico, June 22, 2017.
- ³⁶ Human Rights First interview 1, Mexico City, Mexico, June 13, 2017; Human Rights First interview 3, Mexico City, Mexico, June 13, 2017; Human Rights First interview 4, Mexico City, Mexico, June 14, 2017; Human Rights First interview 5, Mexico City, Mexico, June 14, 2017; Human Rights First interview 6, Mexico City, Mexico, June 13, 2017; Human Rights First interview 7, Mexico City, Mexico, June 14, 2017; Human Rights First interview 8, Mexico City, Mexico, June 13, 2017; Human Rights First interview 9, Mexico City, Mexico, June 22, 2017; Human Rights First interview 10, Mexico City, Mexico, June 9, 2017; Human Rights First interview 11, Mexico City, Mexico, June 7, 2017; Human Rights First interview 12, Mexico City, Mexico, June 12, 2017; Human Rights First interview 13, Mexico City, Mexico, June 14, 2017.
- ³⁷ Amnesty International, *supra* note 21.
- ³⁸ Human Rights First interview 3, Mexico City, Mexico, June 13, 2017.
- ³⁹ Human Rights First interview 5, Mexico City, Mexico, June 14, 2017; Human Rights First interview 6, Mexico City, Mexico, June 13, 2017; Human Rights First interview 8, Mexico City, Mexico, June 13, 2017.
- ⁴⁰ Center for Migration Studies and Cristosal, Point of No Return: The Fear and Criminalization of Central American Refugees, June 2017.
- ⁴¹ *Id.*; Amnesty International, *supra* note 21; WOLA, Mexico's Southern Border – Security, Central American Migration, and U.S. Policy, June 29, 2017.
- ⁴² Human Rights First notes on UN Refugee Agency (UNHCR) Civil Society briefing, *supra* note 4.
- ⁴³ Secretaría de Gobernación Comisión Mexicana de Ayuda a Refugiados (COMAR) [Mexican Commission of Refugee Assistance (COMAR)], *supra* note 3.
- ⁴⁴ See *Id.*; see also Human Rights First notes on UN Refugee Agency (UNHCR) Civil Society briefing, *supra* note 4.
- ⁴⁵ Gabriel Stargarder, *supra* note 5; see also Human Rights First notes on UN Refugee Agency (UNHCR) Civil Society briefing, *supra* note 4.
- ⁴⁶ Human Rights First interview 2, Mexico City, Mexico, June 22, 2017.
- ⁴⁷ Comisión Mexicana de Ayuda a Refugiados, Convenio ACNUR-COMAR, available at http://www.gob.mx/cms/uploads/attachment/file/153000/Anuncio_General_de_Vacantes_UNOPS_COMAR.pdf.
- ⁴⁸ Human Rights First interview 8, Mexico City, Mexico, June 13, 2017.
- ⁴⁹ Human Rights First interview 2, Mexico City, Mexico, June 22, 2017.
- ⁵⁰ See Maureen Meyer, “Migrants in Transit Face Crimes and Human Rights Abuses,” WOLA, available at <https://www.wola.org/analysis/migrants-transit-face-crimes-human-rights-abuses-mexican-government-prioritizes-detention-deportation-protection/> (citing Centro de Análisis e Investigación (FUNDAR), Sin garantía de derechos: migración en el Proyecto del PEF 2017 [Without rights guarantees: migration in the PEF 2017 Project], September 16, 2016, available at

- <http://www.eluniversal.com.mx/blogs/fundar/2016/09/16/sin-garantia-de-derechos-migracion-en-el-proyecto-del-pef-2017>); Human Rights First interview 1, Mexico City, Mexico, June 13, 2017.
- ⁵¹ Secretaría de Gobernación Comisión Mexicana de Ayuda a Refugiados (COMAR) [Mexican Commission of Refugee Assistance (COMAR)], Procedimiento para ser Reconocido como Refugiado en México [Process to be Recognized as a Refugee in Mexico] February 29, 2016, available at <http://www.gob.mx/comar/acciones-y-programas/procedimiento-para-ser-reconocido-como-refugiado-en-mexico>; see also Human Rights First interview 2, Mexico City, Mexico, June 22, 2017.
- ⁵² WOLA, *supra* note 41, page 16.
- ⁵³ See Human Rights Watch, Closed Doors: Mexico's Failure to Protect Central American Refugee and Migrant Children, March 31, 2016; see also Laura Weiss, "Last Hope or Last Stop? Mexico's Growing Migrant Crisis," World Politics Review, February 14, 2017, available at <http://www.worldpoliticsreview.com/articles/21208/last-hope-or-last-stop-mexico-s-growing-migrant-crisis>.
- ⁵⁴ List of COMAR offices, available at <http://www.comar.gob.mx/en/COMAR/Oficinas>; Human Rights First interview 3, Mexico City, Mexico, June 13, 2017.
- ⁵⁵ International Crisis Group, International Crisis Group, *supra* note 9, Page 19; Human Rights First interview 1, Mexico City, Mexico, June 13, 2017; Human Rights First interview 4, Mexico City, Mexico, June 14, 2017; Human Rights First interview 5, Mexico City, Mexico, June 14, 2017; Human Rights First interview 6, Mexico City, Mexico, June 13, 2017; Human Rights First interview 12, Mexico City, Mexico, June 12, 2017; Human Rights First interview 13, Mexico City, Mexico, June 14, 2017.
- ⁵⁶ Human Rights First interview 5, Mexico City, Mexico, June 14, 2017; Human Rights First interview 6, Mexico City, Mexico, June 13, 2017; Human Rights First interview 8, Mexico City, Mexico, June 13, 2017.
- ⁵⁷ Human Rights First interview 1, Mexico City, Mexico, June 13, 2017; Human Rights First interview 2, Mexico City, Mexico, June 22, 2017.
- ⁵⁸ Human Rights First interview 1, Mexico City, Mexico, June 13, 2017; Human Rights First interview 2, Mexico City, Mexico, June 22, 2017; Human Rights First interview 3, Mexico City, Mexico, June 13, 2017; Human Rights First interview 4, Mexico City, Mexico, June 14, 2017; Human Rights First interview 5, Mexico City, Mexico, June 14, 2017; Human Rights First interview 6, Mexico City, Mexico, June 13, 2017; Human Rights First interview 12, Mexico City, Mexico, June 12, 2017; Human Rights First interview 13, Mexico City, Mexico, June 14, 2017.
- ⁵⁹ Human Rights First interview 3, Mexico City, Mexico, June 13, 2017; Human Rights First interview 4, Mexico City, Mexico, June 14, 2017; Human Rights First interview 5, Mexico City, Mexico, June 14, 2017; Human Rights First interview 6, Mexico City, Mexico, June 13, 2017; Human Rights First interview 7, Mexico City, Mexico, June 14, 2017; Human Rights First interview 8, Mexico City, Mexico, June 13, 2017; Human Rights First interview 9, Mexico City, Mexico, June 22, 2017; Human Rights First interview 10, Mexico City, Mexico, June 9, 2017; Human Rights First interview 12, Mexico City, Mexico, June 12, 2017.
- ⁶⁰ Human Rights First interview 8, Mexico City, Mexico, June 13, 2017; Human Rights First interview 5, Mexico City, Mexico, June 14, 2017; Human Rights First interview 6, Mexico City, Mexico, June 13, 2017.
- ⁶¹ Human Rights First interview 2, Mexico City, Mexico, June 22, 2017; Human Rights First interview 4, Mexico City, Mexico, June 14, 2017; Human Rights First interview 5, Mexico City, Mexico, June 14, 2017; Human Rights First interview 6, Mexico City, Mexico, June 13, 2017; Human Rights First interview 7, Mexico City, Mexico, June 14, 2017; Human Rights First interview 8, Mexico City, Mexico, June 13, 2017.
- ⁶² Human Rights First interview 16, New York, NY, July 6, 2017.
- ⁶³ Human Rights First interview 8, Mexico City, Mexico, June 13, 2017; Human Rights First interview 5, Mexico City, Mexico, June 14, 2017; Human Rights First interview 6, Mexico City, Mexico, June 13, 2017.
- ⁶⁴ Human Rights First interview 5, Mexico City, Mexico, June 14, 2017; Human Rights First interview 6, Mexico City, Mexico, June 13, 2017.
- ⁶⁵ Secretaría de Gobernación Comisión Mexicana de Ayuda a Refugiados (COMAR) [Mexican Commission of Refugee Assistance (COMAR)], *supra* note 3.
- ⁶⁶ See UNHCR, Women on the Run, 2015; see also UNHCR, Children on the Run, 2014.
- ⁶⁷ WOLA, WOLA, *supra* note 41, page 17.
- ⁶⁸ See Mexico Immigration Detention Profile, Global Detention Project, available at <https://www.globaldetentionproject.org/countries/americas/mexico#gdp-detention-facts-figures>.
- ⁶⁹ Human Rights First interview 3, Mexico City, Mexico, June 13, 2017.
- ⁷⁰ Red de Documentación de las Organizaciones Defensoras de Migrantes (REDODEM) [Documentation Network of Migrant Defenders Organizations], *supra* note 13.

- ⁷¹ Human Rights First interview 3, Mexico City, Mexico, June 13, 2017.
- ⁷² Comisión Nacional de los Derechos Humanos (CNDH) [National Human Rights Commission], INFORME NACIONAL TORTURA 7/2016 DEL MECANISMO DE PREVENCIÓN DE LA SOBRE Y ESTACIONES ESTANCIAS ESTADOS DE MIGRATORIAS PROVISIONALES EN LOS GUERRERO, MICHOACÁN, NUEVO LEÓN, QUINTANA ROO, SONORA Y VERACRUZ, September 29, 2016, available at http://www.cndh.org.mx/sites/all/doc/PrevTortura/7_2016.pdf.
- ⁷³ See Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Mendez, Mission to Mexico, A/HRC/28/68/Add.3, December 29, 2014.
- ⁷⁴ Human Rights First interview 8, Mexico City, Mexico, June 13, 2017.
- ⁷⁵ Human Rights First notes on UN Refugee Agency (UNHCR) Civil Society briefing, *supra* note 4.
- ⁷⁶ Human Rights First interview 3, Mexico City, Mexico, June 13, 2017; Human Rights First interview 4, Mexico City, Mexico, June 14, 2017; Human Rights First interview 5, Mexico City, Mexico, June 14, 2017; Human Rights First interview 6, Mexico City, Mexico, June 13, 2017; Human Rights First interview 7, Mexico City, Mexico, June 14, 2017; Human Rights First interview 8, Mexico City, Mexico, June 13, 2017; Human Rights First interview 9, Mexico City, Mexico, June 22, 2017; Human Rights First interview 10, Mexico City, Mexico, June 9, 2017; Human Rights First interview 11, Mexico City, Mexico, June 7, 2017; Human Rights First interview 12, Mexico City, Mexico, June 12, 2017; Human Rights First interview 13, Mexico City, Mexico, June 14, 2017.
- ⁷⁷ Amnesty International, *supra* note 21, page 32.
- ⁷⁸ Human Rights First interview 5, Mexico City, Mexico, June 14, 2017; Human Rights First interview 6, Mexico City, Mexico, June 13, 2017; Human Rights First interview 13, Mexico City, Mexico, June 14, 2017.
- ⁷⁹ Human Rights First interview 1, Mexico City, Mexico, June 13, 2017.
- ⁸⁰ See Inter-American Commission on Human Rights, "IACHR Welcomes Progress on the Protection of Asylum Seekers and Refugees in Mexico," June 13, 2017.
- ⁸¹ See *Id.*; see also WOLA, *supra* note 41, page 17.
- ⁸² See *Id.*; Human Rights First interview 1, Mexico City, Mexico, June 13, 2017; Human Rights First interview 13, Mexico City, Mexico, June 14, 2017.
- ⁸³ See Ley General de los Derechos de Niños, Niñas y Adolescentes [General Law on the Rights of Children and Adolescence] Article 85 and Article 101, available at <http://www.ordenjuridico.gob.mx/Documentos/Federal/pdf/wo99957.pdf>.
- ⁸⁴ The detention of children and families seeking asylum violates international human rights law, including obligations under the International Covenant on Civil and Political Rights, Refugee Convention and its Protocol. Depriving children of their liberty is not necessary and may constitute cruel, inhumane, and degrading treatment. The Committee on the Rights of the Child concluded that immigration detention of children "is never in their best interests and is not justifiable. See United Nations Committee on the Rights of the Child, Report of the 2012 Day of General Discussion: The Rights of All Children in the Context of International Migration, available at http://www2.ohchr.org/english/bodies/crc/docs/discussion2012/2012CRC_DGD-Childrens_Rights_InternationalMigration.pdf.
- ⁸⁵ Human Rights First interview 1, Mexico City, Mexico, June 13, 2017; Human Rights First interview 2, Mexico City, Mexico, June 22, 2017; Human Rights First interview 3, Mexico City, Mexico, June 13, 2017; Human Rights First interview 4, Mexico City, Mexico, June 14, 2017; Human Rights First interview 5, Mexico City, Mexico, June 14, 2017; Human Rights First interview 6, Mexico City, Mexico, June 13, 2017; Human Rights First interview 7, Mexico City, Mexico, June 14, 2017; Human Rights First interview 8, Mexico City, Mexico, June 13, 2017; Human Rights First interview 9, Mexico City, Mexico, June 22, 2017; Human Rights First interview 10, Mexico City, Mexico, June 9, 2017; Human Rights First interview 11, Mexico City, Mexico, June 7, 2017; Human Rights First interview 12, Mexico City, Mexico, June 12, 2017; Human Rights First interview 13, Mexico City, Mexico, June 14, 2017.
- ⁸⁶ Human Rights First interview 13, Mexico City, Mexico, June 14, 2017.
- ⁸⁷ Human Rights First interview 3, Mexico City, Mexico, June 13, 2017.
- ⁸⁸ International Crisis Group, International Crisis Group, *supra* note 9.
- ⁸⁹ Migration Policy Institute, Migrants Deported from the United States and Mexico to the Northern Triangle: A Statistical and Socioeconomic Profile, September 2015; see Patricia Vélez Santiago and Alejandro Fernández Sanabria, *supra* note 31.
- ⁹⁰ See Instituto Nacional de Migración [National Migration Institute], Oficiales de Protección a la Infancia (OPI) [Child Protection Officers], available at <http://www.gob.mx/inm/acciones-y-programas/oficiales-de-proteccion-a-la-infancia-opi>.
- ⁹¹ See Committee on the Rights of the Child, Concluding Observations, Mexico, UN Doc. CRC/C/MEX/CO/4-5 (July 3, 2015), para. 60(c).

- ⁹² UNHCR, “Arrancados de Raíz” [Uprooted], 2014, available at <http://www.acnur.org/fileadmin/scripts/doc.php?file=fileadmin/Documentos/Publicaciones/2014/9828>.
- ⁹³ Human Rights Watch, *supra* note 53, page 52.
- ⁹⁴ Human Rights First interview 1, Mexico City, Mexico, June 13, 2017.
- ⁹⁵ See Amnesty International, *supra* note 21, pages 35-36.
- ⁹⁶ Human Rights First interview 8, Mexico City, Mexico, June 13, 2017.
- ⁹⁷ See REACH Initiative. “Preliminary Impact Assessment.” (January 2014). Available at http://www.reach-initiative.org/wpcontent/uploads/2014/02/jeffrey.frankens-10022014-093154-REACH-FCO_Syrian-Refugees-in-Host-Communities_PreliminaryImpact-Assessment.pdf, at 10. See also Francis, Alexandra, Jordan’s Refugee Crisis, Carnegie Endowment for International Peace, Sep. 2015, available at http://carnegieendowment.org/files/CP_247_Francis_Jordan_final.pdf; Turkey’s Response to the Syrian Refugee Crisis and the Road Ahead, World Bank Group, (December 2015), available at <https://www.openknowledge.worldbank.org/bitstream/handle/10986/23548/Turkey0s0respo0s0and0the0road0ahead.pdf?sequence=1&isAllowed=y a>; Icdygu, Ahmet. “Syrian Refugees in Turkey – The Long Road Ahead.” Transatlantic Council on Migration; Ayas, Abdel-Rahman. “The economic cost of Syrian refugees in neighbouring countries.” The Arab Weekly. Available at <http://www.thearabweekly.com/?id=2441>.
- ⁹⁸ Human Rights First interview 8, Mexico City, Mexico, June 13, 2017.
- ⁹⁹ Human Rights First interview 5, Mexico City, Mexico, June 14, 2017; Human Rights First interview 8, Mexico City, Mexico, June 13, 2017.