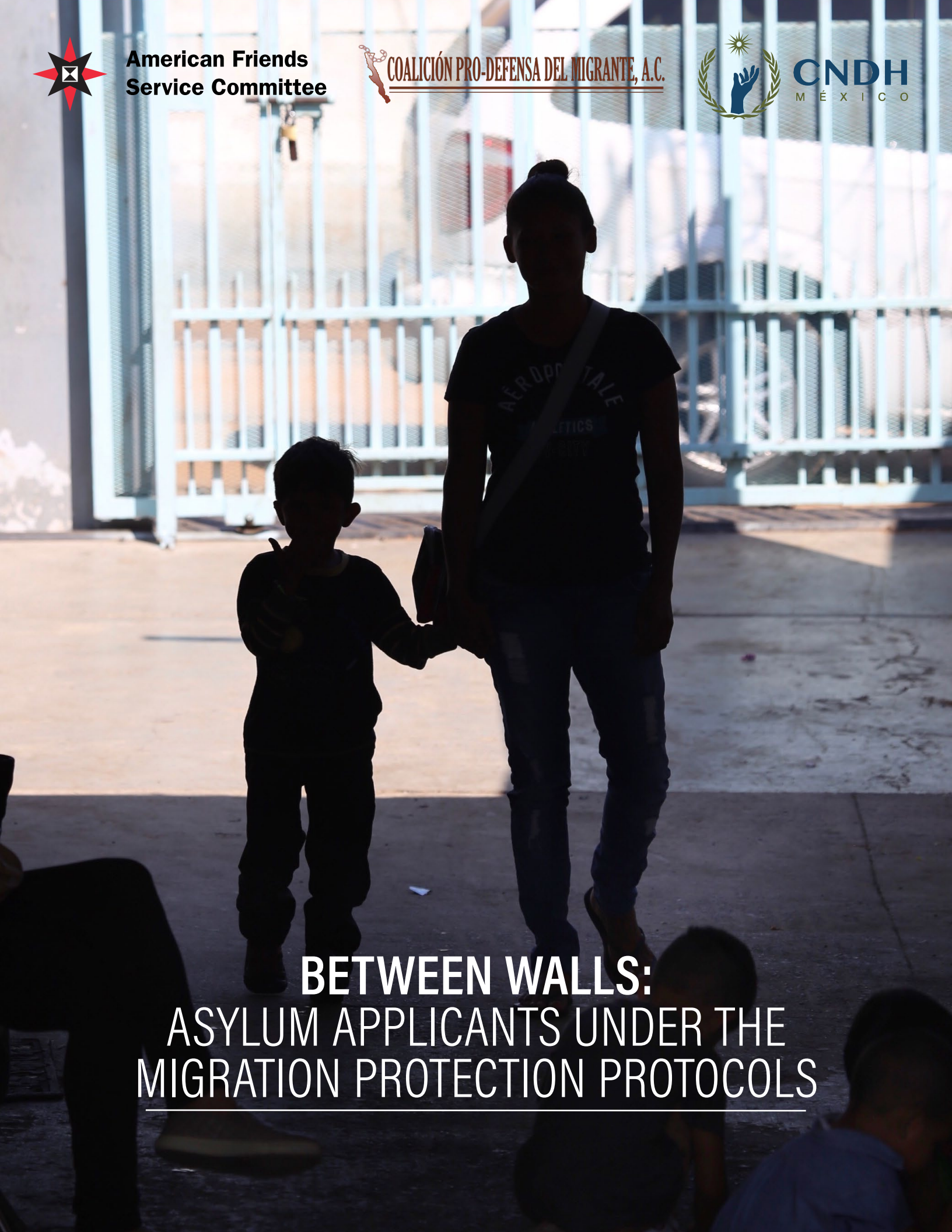

American Friends Service Committee

COALICIÓN PRO-DEFENSA DEL MIGRANTE, A.C.

CNDH MÉXICO

BETWEEN WALLS:
ASYLUM APPLICANTS UNDER THE MIGRATION PROTECTION PROTOCOLS

Credits and Acknowledgements:

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Tijuana, Baja California, October 2019

GENERAL INDEX

EXECUTIVE SUMMARY

The displaced population who is applying for international protection from the United States and has entered Mexico is being forced to wait for its process in Mexican territory under the Migrant Protection Protocols (MPP).

The exact number of applicants returned to Mexico is not available due to the lack of transparency of the authorities. However, various sources point out that, from January 1, 2019 to January 21, 2020, 26,000 people have been returned by Baja California and more than 61,000 by the entire northern border of Mexico.

Returning asylum seekers under the MPP program poses a major challenge for civil society organizations on the U.S.-Mexico border, as well as for the authorities themselves, given the conditions under which some shelters and the withdrawal of the financial support that previous governments gave them through a migrant fund.

The returned applicant population under MPP is in a state of limbo with bewilderment, desperation, and uncertainty about what the future holds. In addition, they live in fear of what may happen to them in Mexico, as they have been victimized by both organized crime and the police authorities and criminals who have robbed, extorted, kidnapped, and sexually assaulted them during their transit or waiting period. Their fear is well-founded.

They are disconnected to safety nets, protection, or support. This is further complicated when coupled with the unfamiliarity to the cities where they are returned and without the guarantee of a job that allows them to meet their food and housing needs. They are unaware of what asylum means, and little or no legal advice that allows them to continue the process.

Therefore, the Coalición Pro Defensa del Migrante, with the support of the American Friends Service Committee's Latin America and the Caribbean (ASFC LAC) regional office, in collaboration with the National Commission for Human Rights, were tasked with developing this study, documenting the phenomenon of the applicant population returned under the MPP program to Baja California by US authorities, characterizing their profiles, conditions, needs, and expectations. This report also seeks to propose options for care and protection for the population that has been forcibly returned to Mexico's northern border states.

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

The results show that the returned population is made up of a slight majority of women, but there are also families. Five out of ten people surveyed were between the ages of 19 and 35. Seven out of ten are at the most basic education levels (primary and secondary).

It is important to mention that seven out of ten did have some paid employment in their country of origin but fled because of insecurity and low wages. It should be noted that a significant number of people are from a rural community.

Half of the population left their country due to violence and the danger in which they found themselves, but there were also applicants who fled for political reasons and domestic violence.

More than 90% had never applied for asylum in the United States and 80% are unaware of legal procedures and lack legal representation to prepare their cases. Most don't plan on having legal advice either because they can't afford it. Only a small percentage, 15%, are aware of the need for legal advice and plan to make use of their services.

It was found that there are no minimum conditions of respect for human dignity in detention centers in the United States. Among the characteristics that the applicant population highlighted, are that they are spaces with very cold temperatures and where people are exposed to light day and night, since at no time are lights turned off. Eight out of ten people experienced that situation. For 80% of returnees, food is insufficient and of poor quality, and seven out of ten consider that the spaces are always overpopulated.

Nine out of ten returnees did respond to a question about receiving a credible fear interview, but 12% stated they did not receive such an interview. The relationship with US agents was reduced to the signing of documents that are not usually in Spanish, so stated by more than 80% of the survey respondants.

Also, a significant percentage of the people surveyed consider that the Mexican population discriminates against them, so they are concerned about staying in places where they do not have contacts or social networks. About half will have to wait from one to three months while 40% will wait for three to six months. Returnees are in a situation of extreme vulnerability, they do not know anyone, they do not have personal humanitarian support contacts.

Many applicants returned under these protocols have withdrawn this process and decided to return to their countries of origin despite the risks this poses. But this was largely due to a lack of legal representation, uncertainty, and fear of having to stay in Mexico for an indefinite time.

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

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

These people have uncertain expectations. 60% say they will wait as long as it takes to carry out their asylum process, while the remaining 40% only plan to wait a few months. In that interval, half have the expectation of working in Mexico, a third do not know what they are going to do, and a small percentage would return temporarily to their country.

As for what will happen if they fail to access asylum, half of those surveyed do not have an action plan, a third will seek refuge in Mexico and 20% will be required to return to their country.

INTRODUCTION TO THE REPORT

The program "Quedate en México" also known as Remain in México, which the Trump administration called Migrant Protection Protocols (MPP) began as a pilot plan in Tijuana, Baja California on January 29, 2019, and subsequently extended to the cities of Mexicali, Ciudad Juárez (Chihuahua), Nuevo Laredo and Matamoros (Tamaulipas).

The program is part of policies to curb, hinder, and reduce migrant entry into the United States. It is a response to the caravans of asylum seekers from October 2018 who entered through the southern border of Mexico and reached the cities of the northern border, where thousands of people, as a result of forced displacement, from Guatemala, El Salvador and Honduras, applied for asylum at the ports of entry, while others ventured to cross the border irregularly and surrendered to Border Patrol agents.

Under the MPP, the displaced population of Central America who is applying for international protection from the United States and has entered Mexico is being forced to wait for their process in Mexican territory (AFSC, 2019).

That return policy was implemented unilaterally by President Trump's administration without a prior agreement between Mexico and the United States. Initially, the Mexican government received asylum seekers from the caravans of the Central American exodus for humanitarian reasons, without agreeing to be a safe third country. However, in early June 2019, in the context of economic situations arising from threats to possible tariff impositions, an express binational agreement was unveiled between the two nations, where the Mexican government effectively accepted such a measure, along with others aimed at restricting, inhibiting, and reducing the flow of migration to the United States.

In this way, cities on Mexico's northern border began to receive asylum seekers massively without a humanitarian strategy of comprehensive care by the federal government. Little is known about what the Mexican government's immigration policies will be and have been in the future, and in the face of opacity, much speculation is emerging.

The media has indicated that the measures being taken by the Mexican government have been the transfers of Central American populations through the state of Tamaulipas, through the cities of Nuevo Laredo and Matamoros to Monterrey (Nuevo León), to prevent migrants from staying in those cities considered to being of high danger because of insecurity. It is also known that some of these transfers are being carried out on Mexico's southern border with little transparency about the information provided to applicants.

The federal government recently reported that three temporary shelters in Tijuana, Mexicali, and Ciudad Juarez were activated to provide comprehensive care to asylum seekers in Mexico who have been forced back by the MPP, and in recent weeks there have entered into agreements with Baja California migrant shelters to reduce electricity and water tariffs.

However, the number of people returned to Mexico is not accurately counted. From January to 7 July 2019, according to official Mexican sources, 18,501 people had been returned: 6,217 in Tijuana; 3,637 by Mexicali; 8,647 by Ciudad Juarez. However, representatives of U.S. Customs and Border Protection (CBP) mentioned that there were about 30,000 (Rodela, 2019). For its part, the Human Rights First report estimated 35,000 as of August 2019, while New York Times journalists maintain that there were 26,100 applicants at the border and 31,900 returnees (Kao & Lu, 2019).

On the other hand, Paris (2019) with data from Transactional Records Access Clearinghouse of Syracuse TRAC IMMIGRATION University (2019) mentions that during January and July 2019 25,995 cases were prosecuted under the MPP, awaiting immigration court hearings. The disparities in the figures show the lack of transparency of the program.

In the specific case of the state of Baja California, from January (when the MPP program began) to July 2019, the number of applicants returned under it reached 10,000, according to state authorities. Of these, 70% were in Tijuana and the remaining 30% in Mexicali. According to state government secretary Francisco Rueda Gómez, official spokesman for the Government of Baja California, most people were Hondurans, but Guatemalan and Salvadoran people were also found (Sánchez, 2019).

Many of the migrants do not come alone but arrive in family units. According to the same source, 20 to 30 applicant migrants were returned daily by way of Baja California. Also eight out of ten returned applicant migrants were housed in the approximately 32 hostels in the cities of Tijuana and Mexicali, while the rest were forced to stay in hotels or private apartments where they paid rent (Sanchez, 2019). This situation has been evolving, the number has grown substantially, and the profiles have also changed.

As AFSC (2019) argues in the document "The Uncertainty of Returnees," the practice of returning applicants under the MPP program represents a major challenge for civilian organizations on the U.S.-Mexico border, given the precarious conditions in which they find themselves and the withdrawal of economic support that previous governments provided through an established migrant fund.

The 32 shelters in Baja California are run by civil society, operating with private resources and some economic support provided by the state government through co-investment funds. Since 2007, they received annual support from the single budget item of the Ministry of Finance that approved by the Chamber of Deputies in its budget each year, called the Migrant Fund, belonging to the 23th sector, which supported the organizations mainly with resources for infrastructure and food. This fund was also granted by the co-investment mechanism through the Secretariat for State Social Development. However, with the new federal government, this was cancelled. Catholic, evangelical and other denominations, together with civil associations made up of benefactors and volunteers, have been the fundamental livelihood of these shelters.

Under the new situations that present new migration flows, such as the arrival of migrants from Haiti, the exodus of Mexicans resulting from forced migration through violence, Mexicans deported by the US government, the capacity for shelter care has been put into crisis by the additional migrants from Central America returned through the Remain in Mexico program.

Currently the shelters are working beyond capacity and the attention they provide to migrants is precarious, insecure and uncertain (García, 2019). Most do not have the minimum conditions to continue to serve large numbers of people, except women and girls, boys and adolescents.

Shelters in the city of Mexicali, for example, do not have air conditioners to cope with the high summer temperatures, exposing children to possible heatstroke. Health is not guaranteed, as only a few government brigades attend sporadically. On the outskirts of the shelters in both Tijuana and Mexicali, criminals are prowling who are waiting to take advantage of migrants and there is not enough surveillance to ensure their safety.

The fear of those who run the shelters is that the number of returned asylum seekers will grow, as the threats of the Trump administration have been, forcing them to close their doors for lack of financial resources.

Uncertainty grows when the Trump administration proposes new measures every day that seek to restrict or impede the right to asylum, such as the acceptance of asylum applications on the southern border, only from those populations of "migrants who have requested asylum and have been denied it in at least one third country, as they have crossed into the US. (Voice of America, 2019), which means greater restrictions on Central American applicants because it forces them to apply for asylum in some of the countries in the region before doing so in the United States.

The population of applicants returned under the MPP program requires specific and comprehensive support, as ASFC (2019) argues, "the situation of these individuals and families is worrying considering that these are people have needs requiring international protection."

Therefore, the Coalición Pro Defensa del Migrante, with the support of the American Friends Service Committee's Latin America and the Caribbean regional office (ASFC), and in collaboration with the National Commission for Human Rights, are tasked with developing the present diagnosis that has as its central objectives:

1. Document the applicant population phenomenon returned under the U.S. MPP through Baja California by characterizing their profiles, conditions, needs, and expectations.

2. Propose alternatives of care and protection to the population forced to migrate to the states of the northern border of Mexico.

This report presents the results of a survey of a sample of 360 applicants returned under the MPP program, in hostels in Tijuana and Mexicali, during the period From July to August 2019, reinforced with some interviews semi-structured to key informants.

It includes a brief history of the processes that gave rise to the MPP program, the results of the surveys and other information relevant to the collection of data and development of this report.

"Currently the shelters are working beyond capacity and the attention they provide to migrants is precarious, insecure, and uncertain". (García, 2019)

BACKGROUND TO THE MIGRANT PROTECTION PROTOCOL PROGRAM (MPP)

Since Trump came to the presidency of the United States, he has been developing an immigration policy with the intention of stopping undocumented immigration. He has resorted to a number of internal and external measures to reduce and hinder the entry of people migrating to the United States (Castañeda, 2018), some of which have been challenged by lawsuits presented by civil rights organizations, which has led to federal judges blocking such measures.

As Castañeda has well documented (2018), Trump's first steps were executive actions known as "Border Security and Improvement of Migration Surveillance," "Improving Public Security in the Interior of the United States" and "Migration Veto for Seven Muslim Countries." The intention of these measures is to put all persons with an irregularly status in the United States in removal proceedings, regardless of the circumstances. Another step taken was to try to suspend Temporary Protected Status (TPS) for nationals of Central American countries (except Guatemala) and subsequently also affect the DACA program (Deferred Action for Childhood Arrivals) for young people without documents," known as "dreamers."

In the case of TPS, civil organizations, local governments and individuals countered with lawsuits and legal actions that succeeded in freezing the initiative and keeping it on hold until January 2020. Regarding DACA, a federal judge ordered President Trump to revive the program in April 2018, although litigation continues.

On April 6, 2018, the U.S. Federal Government announced the "Zero Tolerance" policy, which allowed the separation of Central American families detained for irregular crossing of the border. However, lawsuits, and the international pressure that influenced his own party, forced President Trump to cancel the family separation on June 20, 2018, but the "Zero Tolerance" policy remains in place.

With the massive arrival of asylum seekers, the product of the caravans of late 2018, the Trump administration issued an executive order in November 2018 prohibiting people who entered the United States undocumented from applying for asylum. It was called the "Final Provisional Rule." These new measures were based on section 212 of the US Immigration Act which describes the grounds of inadmissibility of certain foreigners (BBC News, 2018).

Trump's executive order would imply that Central American migrants who stepped on U.S. territory without documents would be subject to deportation and could even be arrested. This would force the Central American migrant population to seek asylum only through the ports of entry. The rule would make it nearly impossible for applicants seeking protection to have a positive response to their application, unless they first applied for asylum in another country (such as Mexico or Guatemala) through which they traveled to the United States (Trotta and Cowan, 2019). However, a San Francisco judge blocked the implementation of this measure, giving a setback to the intentions of the US executive.

In late January 2018, the Trump administration, in a "unilateral" manner, began its return to Mexico program, which has mostly affected Central American asylum seekers, while their petitions are being processed. On April 8 of the same year, a judge suspended that measure in a preliminary manner, a situation that lasted for a short period of time, as returns resumed on April 16.

Faced with these constraints, Trump threatened Mexico with imposing tariffs on all goods coming from the country starting in June, if Mexico did not stop migration flows to the United States. After three days of negotiations, Mexican and the United States representatives finally reached several agreements to reduce the flow of migration passing through Mexican territory bound for the United States. Among these agreements, the Mexican government would deploy 6,000 members of the National Guard to the southern border. In addition, the Mexican government committed to expanding the MPP program. Thus, the program that began on January 29, 2019 in a "unilateral" manner, would now have the officialization of the Mexican government. Obviously, this measure was aimed at countering the caravans that were organized in the Central American countries and those that were already in Mexican territory.

The program has been criticized by activists and human rights organizations that have filed several legal challenges to stop this measure. However, there are still no positive results. In the meantime, thousands of applicants will have to wait in Mexican territory for the resolution of their asylum claims.

According to the New York Times (Kao & Lu, 2019), in February 2019 there were twelve Mexican cities that had a waiting list for asylum seekers with about 26,000 people, but when the program began MPP, the U.S. government returned 32,000 people from that program, meaning there are about 58,000 applicants stranded along the Mexican border (Kao & Lu, 2019).

TABLE 1. ASYLUM SEEKERS ACCORDING TO BORDER CITIES IN MEXICO

CITY	APPLICANTS	RETURNED	TOTAL
TIJUANA	10,000	6,400	16,400
MEXICALI	2,000	5,700	7,700
SAN LUIS R.C.	1,100	0	1,100
NOGALES	700	0	700
AGUA PRIETA	100	0	100
JUÁREZ CITY	5,600	13,100	18,700
ACUÑA CITY	400	0	400
PIEDRAS NEGRAS	1,000	0	1,000
NUEVO LAREDO	1,000	4,300	5,300
REYNOSA	3,600	0	3,600
MATAMOROS	600	2,400	3,000
TOTAL	**26,100**	**31,900**	**58,000**

CHAPTER I
PROFILE OF RETURNEES UNDER THE MIGRANT PROTECTION PROTOCOLS (MPP)

1.1 GENDER OF RETURNEES

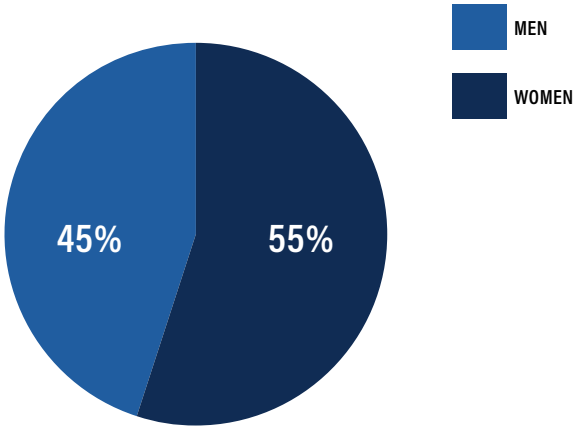
Of the total number of people returned under the MPP program who were surveyed, more than half are women and four out of ten are men.

It is pertinent to mention that a large part of the returnees returns as a family unit, i.e. father, mother, sons and daughters. However, during the fieldwork some particularities were also noted in this regard, depending on the country of origin.

While applying the questionnaires, through observation of shelter activity, returned persons from Guatemala were found to arrive in extended and/or composed families; that is, not only father, mother, daughters and sons arrive, but also other family members, who always try to stay together as a form of protection.

In contrast, returnees from Honduras usually arrive in nuclear families and in rare cases arrive with other family members. For their part, returnees from El Salvador usually arrive alone and, in particular, express a great deal of distrust of the rest of the population. Another particular case is returnees from Nicaragua who, although they are a very small number, arrive much more organized and informed about the procedures and processes that have to be followed.

GRAPH 1. GENDER

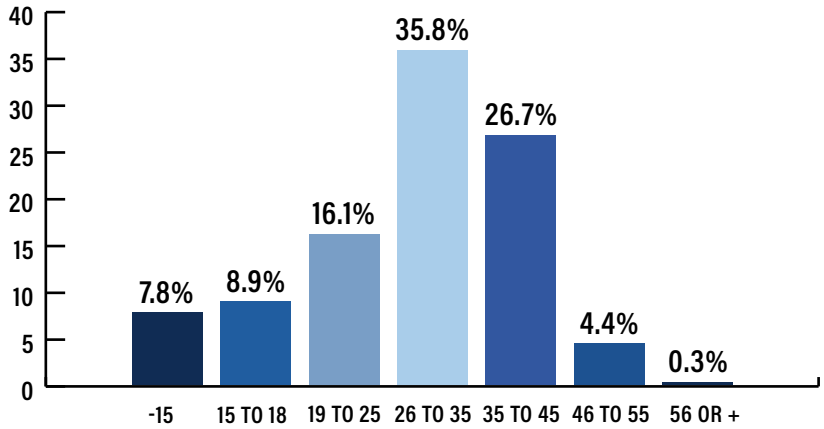


1.2 AGE OF RETURNEES

In terms of age ranges, the bulk of the applicant population surveyed ranges from 26 to 45 years; seven out of ten people surveyed were at these ages. Nearly two in ten are in the range of 19 to 25, while at the ends of the age pyramid one in ten were those who were 18 years of age or younger and 5% of the population is represented by people over 46 years of age. Only one case included a person over the age of 55.

If we analyze the data in greater detail and regroup the ranges, we find that it is a young population of productive age that has left these countries in search of better opportunities. As can be seen in chart 2, 52% are between the ages of 19 and 35 and if we add the next range to these, 78.6% of the returned population are between the ages of 19 and 45.

GRAPH 2. AGE



1.3 COUNTRY OF ORIGIN AND LANGUAGE OF RETURNEES

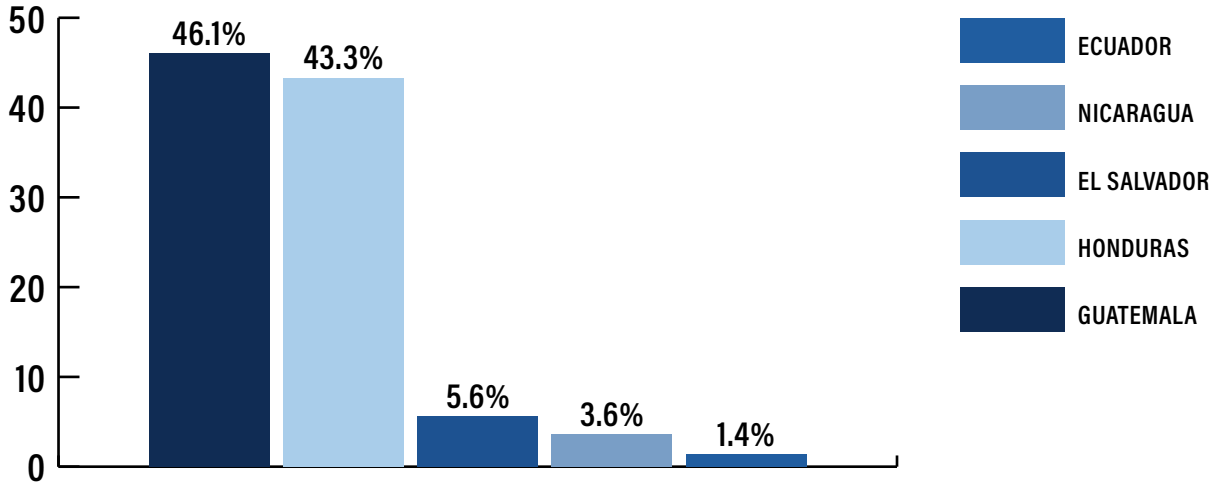
The vast majority (89.4%) of the population surveyed are from two countries: Guatemala and Honduras. However, it is important to note that unlike the official information that has given preeminence to the presence in Baja California of returnees from Honduras, the data show that almost half (46.1%) of the returned population that has arrived to this federal entity is native to Guatemala; secondly, four out of ten are returnees from Honduras; returnees who were born in El Salvador were just over 5%, and those who are from Nicaragua were at 3%.

There was a small percentage of returnees from Ecuador that registered in our survey. While returnees from Guatemala and Honduras make up the bulk of the population, it is not a minor data point that people from three other countries (El Salvador, Nicaragua, and Ecuador) are showing up in this migration flow. Although the percentage is small, the data is indicative that if current conditions persist, the exodus to the United States may include new areas or countries of the Americas.

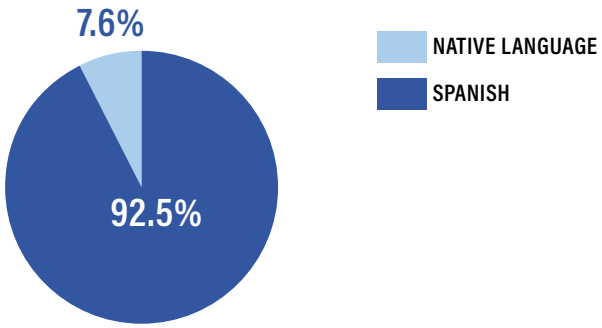
Regarding the language, the data show that, in correspondence with the country of origin, nine out of ten people surveyed speak the Spanish language, while a small percentage, 7%, speak an indigenous language, especially those belonging to Guatemala and Honduras. In the case of the first country, we identified Quiché o k'iche', Mam and Kaqchikel belonging to the Mayan languages from the northwest and center of Guatemala.

Meanwhile, speakers of the Garífuna language from Honduras were detected from the Atlantic coastal region of Honduras. This relates to the rural origin of some of the people surveyed.

GRAPH 3. ORIGIN OF COUNTRY



GRAPH 4. LANGUAGE OF ORIGIN

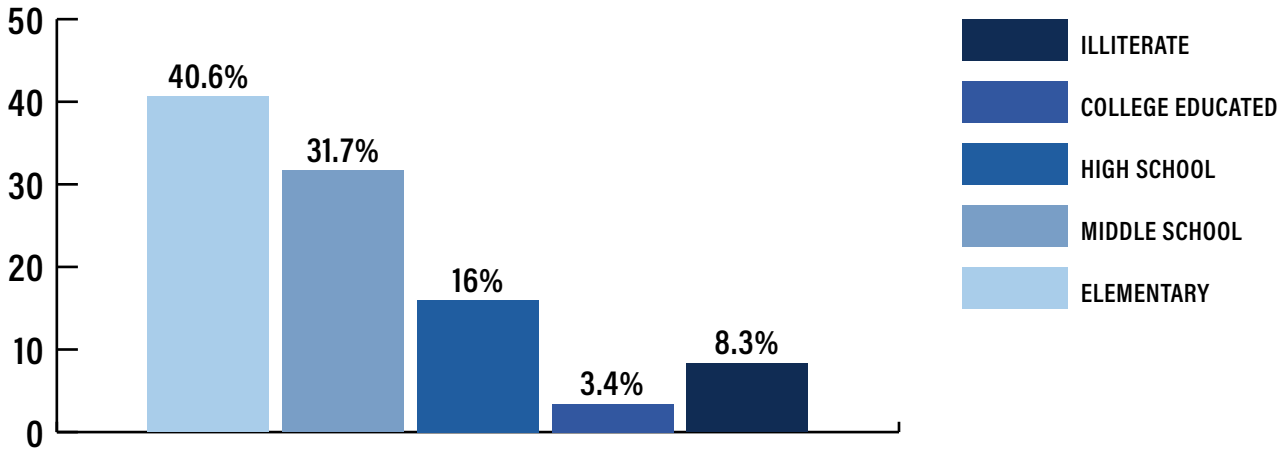


1.4 EDUCATIONAL LEVEL OF RETURNEES

In terms of education level, the results show that four out of ten respondents have a primary level education, while a third managed to finish high school. Sixteen percent completed a bachelor's degree or completed a diversified level, as it is known in some Central American countries. It should be noted that almost one in ten was declared illiterate; but, on the other hand, 3% managed to begin a university career.

72.3% are at the most basic levels of education (primary and secondary). It is important to consider that the population is mostly young, who have seen few upward bound opportunities in their home countries because they do not have access to educational opportunities or well-paying jobs.

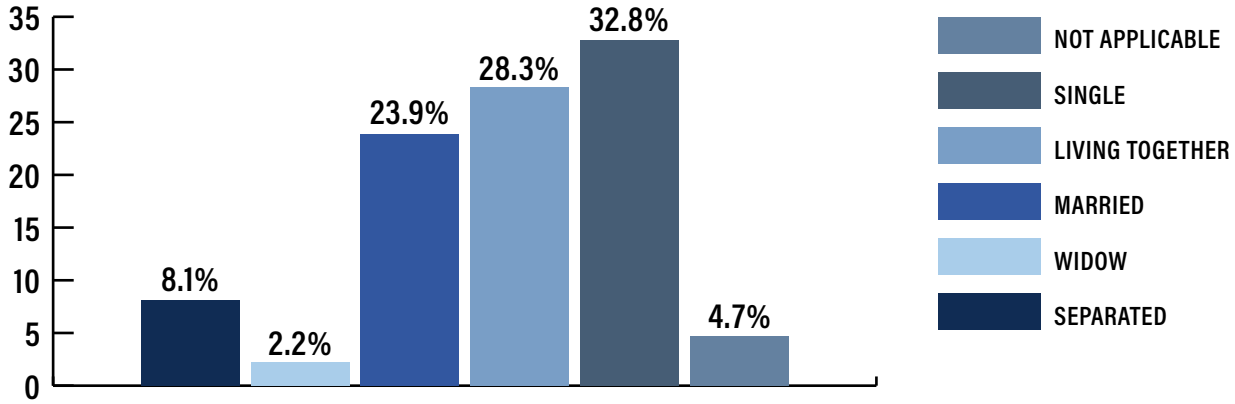
GRAPH.5. EDUCATION LEVEL



1.5 MARITAL STATUS OF RETURNEES

Regarding personal relationships, the results show that four out of ten people are single in their various forms: people who are strictly single, people who are divorced, persons separated and those who are widowed. Just over half of the migrant population has a marital commitment, whether married or in free union. This survey did not include a small percentage of people surveyed because they were underage.

GRAPH. 6 MARITAL STATUS



1.6 LABOR ACTIVITY

As for the activities they carried out at their place of origin, seven out of ten people surveyed received compensation for their work, two out of ten were engaged in unpaid domestic work, mostly as housewives, one in ten was dedicated to studying and a small percentage of less than 3% of the population was unemployed.

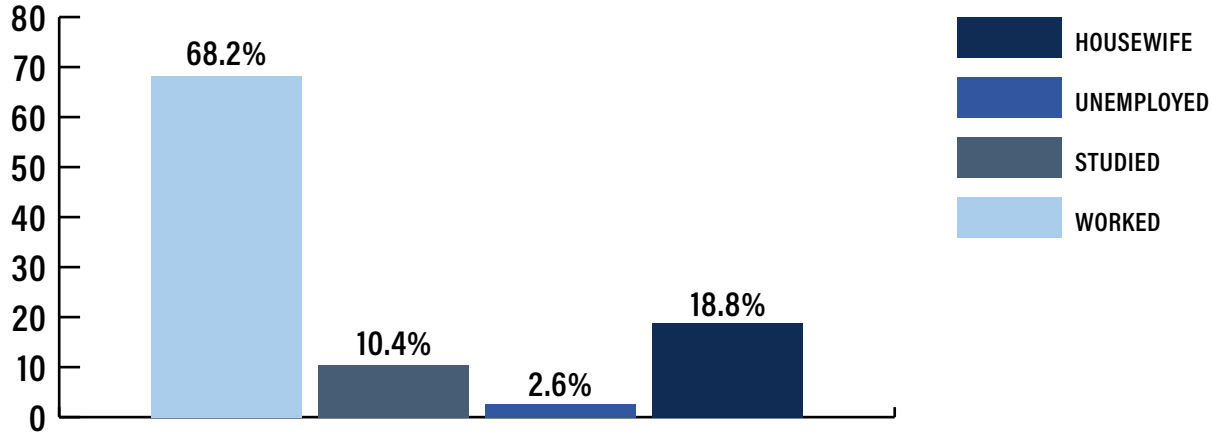
While nearly 70% of the returned population said they worked in their home country, it is important to note that respondents often indicated that the wages they received for their activities were too insufficient to cover their basic needs and those of the family, which also led them to migrate, in addition to the conditions of insecurity and violence persistent in their countries of origin, as we will see below.

Of the people compensated for their work, a quarter were engaged in agricultural activities: they were peasants or agricultural producers; another quarter were workers from different industries, while two out of ten were employed in the services sector: security

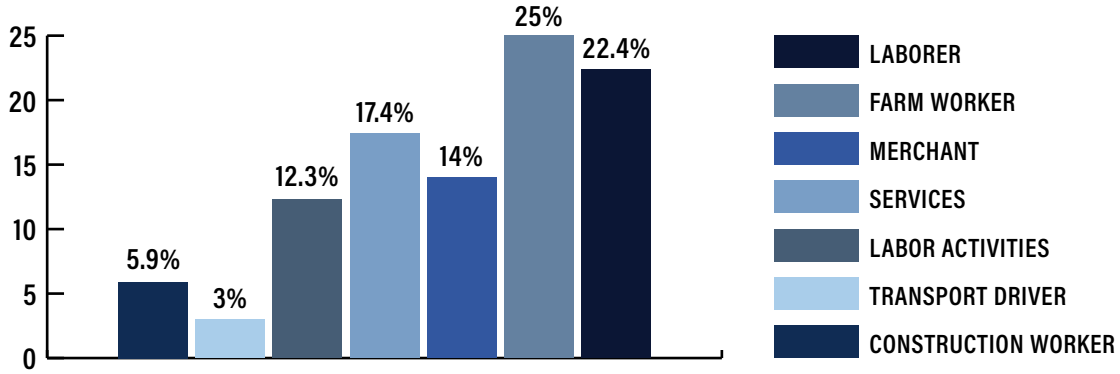
guards in private companies, banks, etc. One in ten is dedicated to small trade, either in the formal sector or in the informal sector. 12% carried out activities on their own as technicians, mechanics and other manual activities. Two small percentages appear: the first for returnees who worked as masons, with 5.9%, and 3% for those who worked in the transport sector as drivers.

Given the limited opportunities for studies that yield data on educational level, it is not uncommon for half of the returned population to carry out activities in the peasant, labor sector or in the rural and manufacturing sectors, receiving low wages that they couldn't afford to cover the basic needs in their homes.

GRAPH 7. WHAT THEY DEDICATED TO IN THEIR COUNTRY



GRAPH. 8 LABOR ACTIVITY DONE IN THEIR COUNTRY



CHAPTER II
EXODUS, REASONS, TRANSIT THROUGH MEXICO AND ASYLUM PETITION

2.1 REASONS FOR LEAVING COUNTRY OF ORIGIN

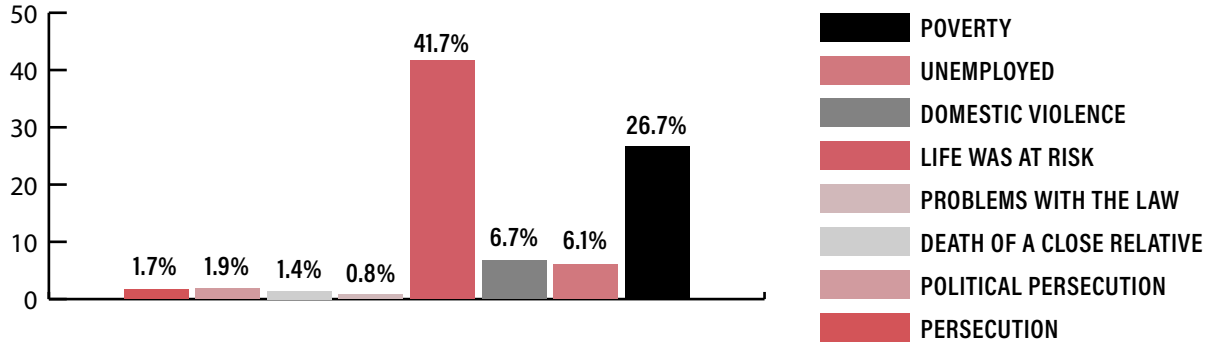
Four out of ten people surveyed show that they left their country because their life or that of their family was in danger. A quarter states that the main reason for its exodus is the poverty in their home countries. One in ten argues that it is the widespread violence that exists in the country that led to their departure. Six other reasons appear, including family violence, unemployment, and political persecution.

The data account for high levels of violence and insecurity in the countries of origin, as most people stated that their lives were at risk and that forced them to leave their country. According to this information, the poorest families are the ones most at risk, because their vulnerability makes them more exposed to criminal groups, losing their wealth and often becoming helpless and in danger of losing their lives, which forces them to leave their communities and countries.

With regard to the reasons for making an asylum claim in the United States of America, and in accordance with the above data, half of the population surveyed said that their life or that of a family member was in danger; almost two out of ten indicated that it is widespread violence in their country that motivated the person to apply for asylum, while an 18% argue that they were left with nothing in their country, whether because of the prevailing poverty, territorial displacement, or because of an environmental catastrophe. Prevailing domestic violence and political reasons was also noted as a reason for having fled their partners and migrated.

As for the application for asylum to the United States, a strong majority pointed out that this is the first time that this was done. Only 3% had attempted petitioning for asylum for which it was denied.

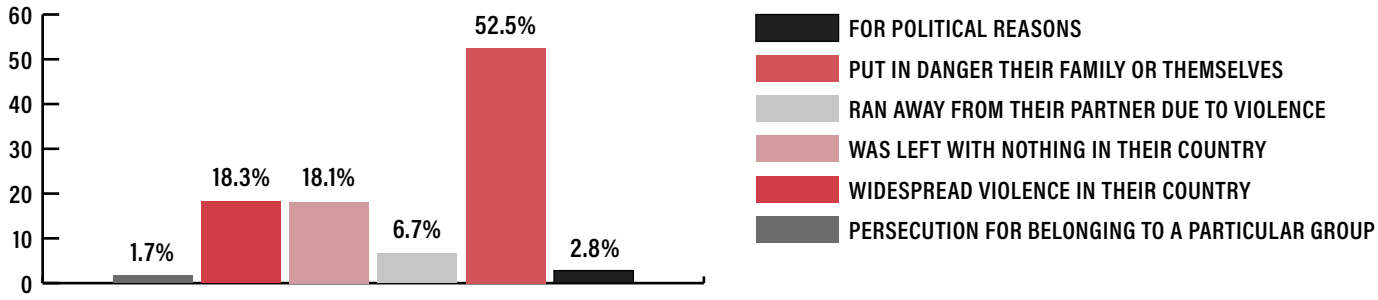
GRAPH. 9 REASONS FOR LEAVING COUNTRY OF ORIGIN



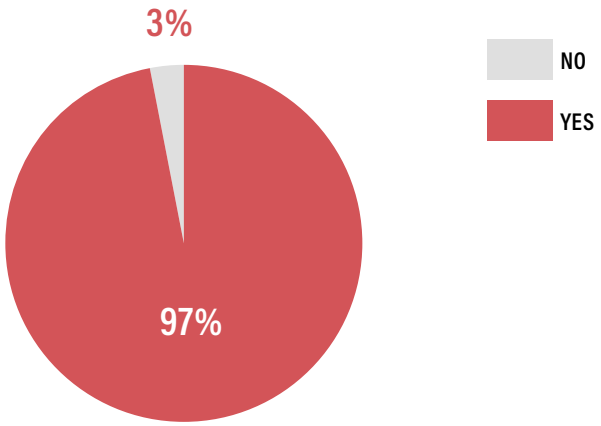
2.2 BACKGROUND IN THE UNITED STATES AND MEXICO

The researchers explored whether asylum seekers had a prior history of living in the United States and found that 5% had a previously resided in the United States, and for some reason left the country.

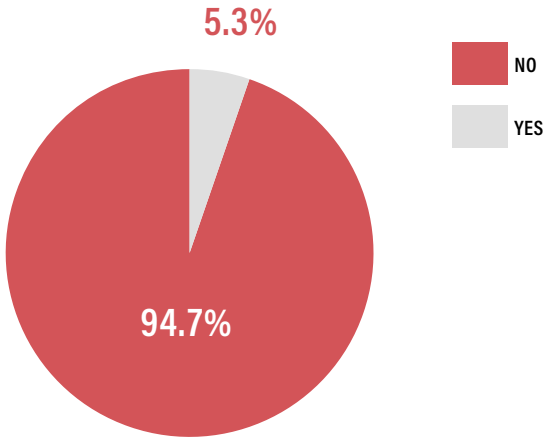
GRAPH. 10 REASONS WHY MIGRANTS PETITIONED FOR ASYLUM IN THE US



GRAPH. 11 IS IT THE FIRST TIME APPLYING FOR ASYLUM?

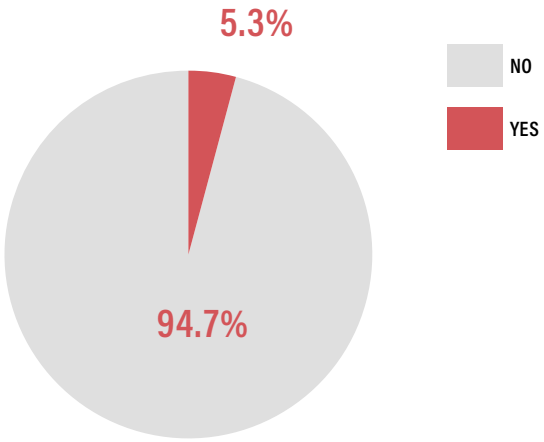


GRAPH. 12 HAVE YOU EVER LIVED IN THE UNITED STATES?



In contrast, the remaining 95% of asylum seekers said they do not have a history of residency in the United States and it was the first time applying for asylum.

GRAPH. 13 DO YOU SPEAK THE ENGLISH LANGUAGE?

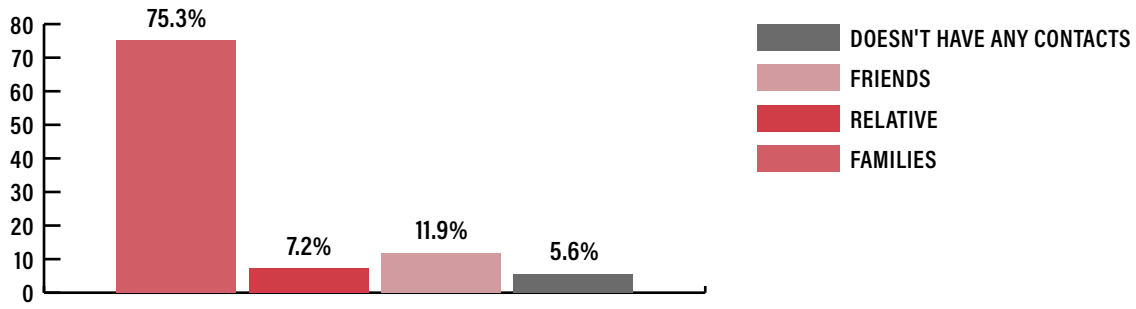


This may explain the knowledge of the English language of some respondents, as 4% said that they do speak the English language, perhaps because they had previously resided in that country.

It is not fortuitous for asylum seekers to continue the application process, unlike people who gave up after entering U.S. territory.

In the case of applicants who are awaiting their appointments, nine out of ten have contacts in the United States and only a small percentage know no one in that country. Seven out of ten people surveyed have family members already living in the United States in a documented or undocumented manner; while two out of ten have acquaintances or friends who can make it easier for them to stay in that country.

GRAPH. 14 CONTACTS THAT THEY HAVE IN THE UNITED STATES



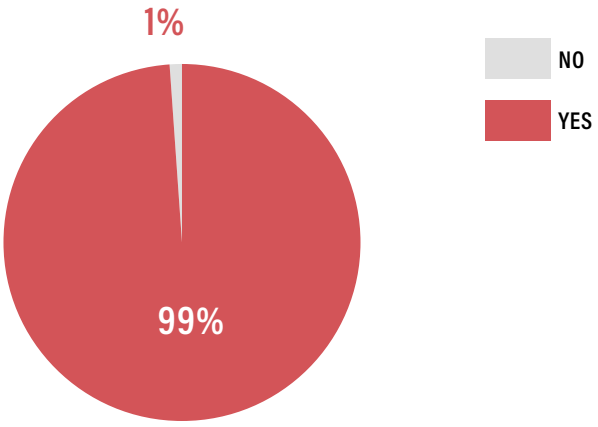
Having relatives in the United States may be one of the reasons that makes asylum seekers hope that their asylum application will be an affirmative decision and that has encouraged them to continue the process, enduring months of long waits and living under difficult conditions in Mexican border towns where they wait for their cases.

As for transit through the Mexican territory, only 1% of the people surveyed did not pass through Mexico. It is possible that the population arrived in the United States via Canada or directly by plane with passport.

2.3 FEAR OF RETURNEES AND FEELING OF DISCRIMINATION

At immigration court hearings held in San Diego, California, American Friends Service Committee (AFSC) staff and volunteers have observed migrants under MPP express fear of returning to Mexico (US-Mexico Border Program AFSC San Diego, 2019).

GRAPH. 15 DID YOU PASS THROUGH MEXICO BEFORE ARRIVING TO THE UNITED STATES?

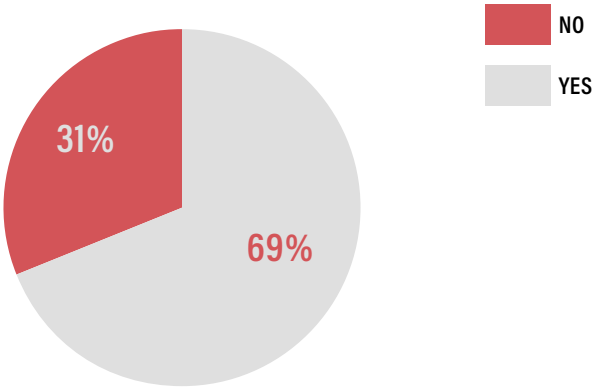


According to the observations made in June and August 2019, AFSC staff documented statements Central American applicants made to judges, expressing their fear of returning to Mexico because of the insecurity they would face. They expressed fear at the high level of violence that prevails in border towns and the insecurity around the shelters where they are staying.

On the other hand, from the observations made by AFSC-San Diego staff, they point out that when applicants intend to share their concerns and worries with the Immigration Judge, their cases are not referred to an United States Citizenship and Immigration Services (USCIS) asylum officer for an additional interview, even when stipulated in the regulations (US-Mexico Border Program AFSC-San Diego, 2019).

In the Coalición-AFSC-CNDH study, MPP applicants reinforce some of these concerns. It was found that seven out of ten people surveyed are fearful of returning to Mexico, while three out of ten have no problem returning to Mexican territory.

GRAPH. 16 FEAR OF BEING IN MEXICO



The concerns expressed by asylum seekers who are afraid to return to Mexico are summed up in ten aspects that were mentioned as the most disturbing: firstly, the insecurity prevailing in the country, not just because of the presence of organized crime but by the deployment of the national guard in the space where they will be returned. Almost half of the people surveyed expressed these sentiments.

Second, migrants mentioned the high-level of violence they have observed in Mexican border towns; to this point a Honduran applicant interviewed at the Alpha and Omega hostel in Mexicali stated "that here, violence is the same or worse than in our country".

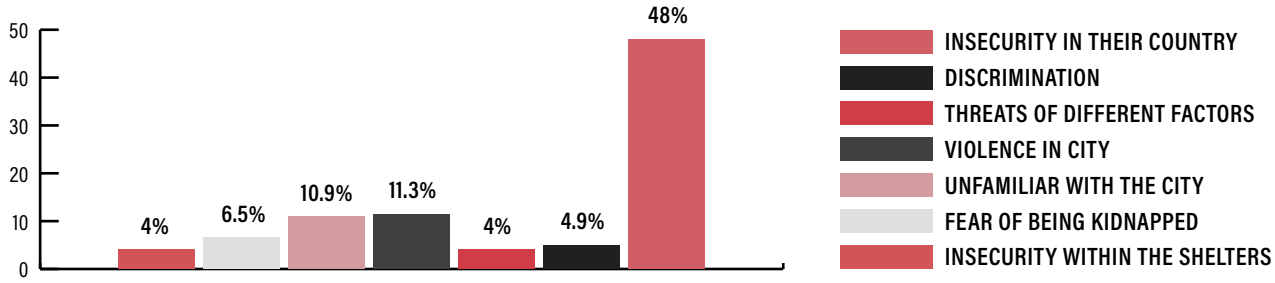
Thirdly, there is concern about not knowing the city where they are and not having any contact that allows them to design a strategy to remain in that city.

Fourth, migrants expressed a fear of a possible kidnapping of both adults and their children. There are recurring rumors that mothers hear about the alleged thefts of children for the puprose of taking their organs, as well as the disappearances of young people at the hands of organized crime to force them into their ranks.

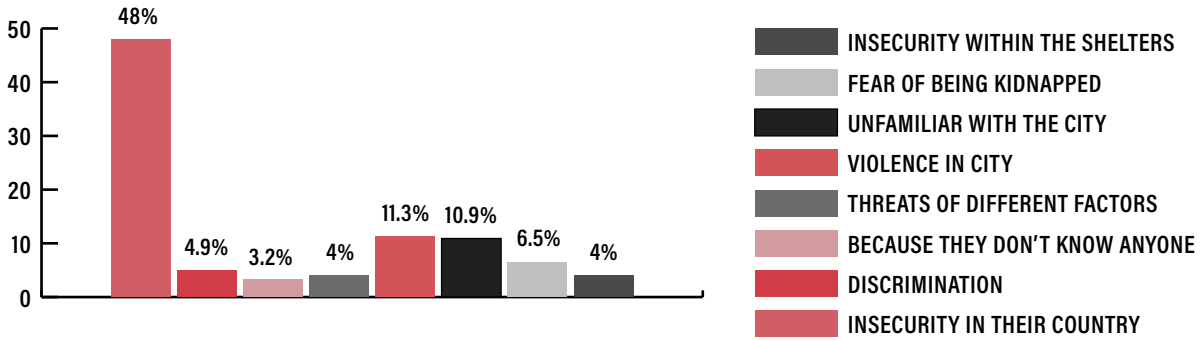
Later and in descending order, migrants mentioned discrimination and insecurity in shelters, threats from different actors, harassment in the country, and even racist actions.

In answers to the question of whether asylum seekers feel discriminated against in the country, nearly four out of ten do express that sentiment, while more than 60%, on the other hand, do not feel discriminated against.

GRAPH. 17 REASONS TO BE AFRAID TO STAY IN MEXICO



GRAPH. 18 HAVE YOU FELT DISCRIMINATED IN MEXICO?



With the implementation of the program, some acts of rejection of the returned applicant population have been observed in Baja California, both in Tijuana as in Mexicali. Faced with the proposal to establish a shelter for four thousand people in an area of Boulevard Insurgents of Tijuana, a movement rejecting the shelter immediately emerged, led by representatives of the School Security Council of the Third Stage of the Rio Zone, arguing the potential risks it would pose to communities of students of public and private campuses who are in that area (De Anda, 2019).

In the case of Mexicali, faced with the proposal to create a shelter in the Mexicali Valley to provide them with temporary care, specifically in the Ejido Michoacán de Ocampo, the community organized into a citizen committee to oppose the Federal Government and express its rejection (Lion, 2019). The main arguments concerned the lack of local infrastructure and unemployment in the community.

Similarly, after a rumor that a space would be established as a shetler in an urban area of Mexicali, in a place located at Av. Universidad y Calle Heroico Colegio Militar (Calle 11) where a supermarket previously operated, business owners and residents in the surrounding neighborhood organized a movement to reject the idea (Noriega, 2019).

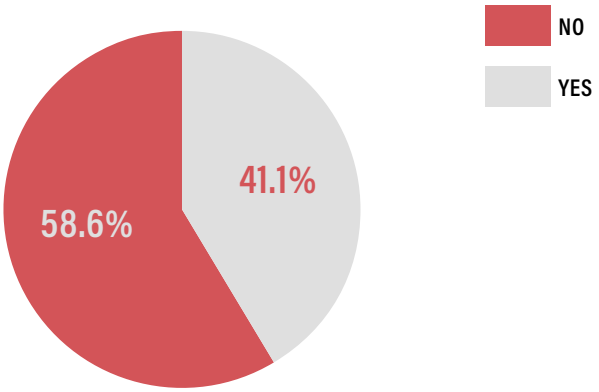
In the latter case, expressions representing a clear connotation of criminalizing returned asylum seekers was used among the main arguments for refusing the installation of a possible shelter, indicating it would increase the crime rate and children in schools in the area would be put at risk (De León, 2019). In publications made on networks by the promoters of this rejection, expressions such as the following were expressed:

"...it will affect our already weakened and unsafe residential area... and we must not wait for this to increase and also bring us health problems because of the conditions in which these people arrive" (Fragment of publication made by Mathias Velázquez, chairman of the Committee of Neighbors of Fracc. 27 September)

Regarding the question if any event occurred where the migrant suffered a negative experience in Mexico, four out of ten returned applicants say that he did have some bad experience, while two thirds argue that they have not had any situation involving safety, as can be seen in graph 19.

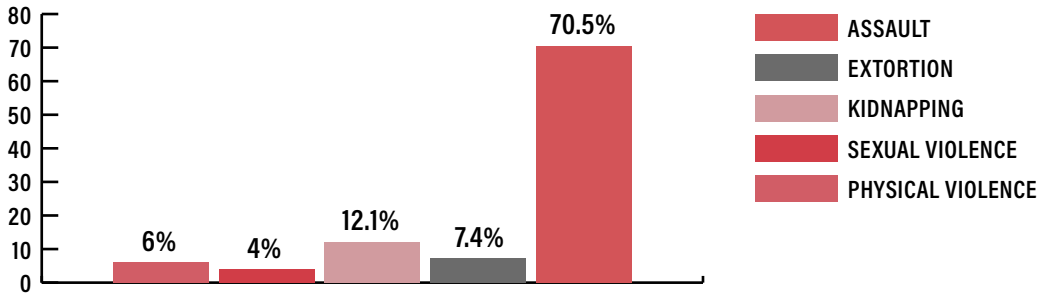
That more than 40% of the returned population has suffered a risky situation in Mexico, not only explains the climate of insecurity that the country lives, but the constant risks to which the migrants who travel through the national territory are exposed. This further explains the well-founded suspicion and fear expressed by the applicant population to remain on Mexican soil, awaiting a response to their application for asylum in the United States.

GRAPH. 19 DID A NEGATIVE OR UNPLEASANT EVENT HAPPEN IN MEXICO?



Of the total number of people who responded having had some unpleasant or negative experience during their stay in Mexico, the data show that seven out of ten people were assaulted in some area of the Mexican Republic; 12% suffered kidnapping; while 7% suffered extortion by some government or civilian actor. It should be added that one person in ten reported having experienced sexual and/or physical violence during their transit through the country.

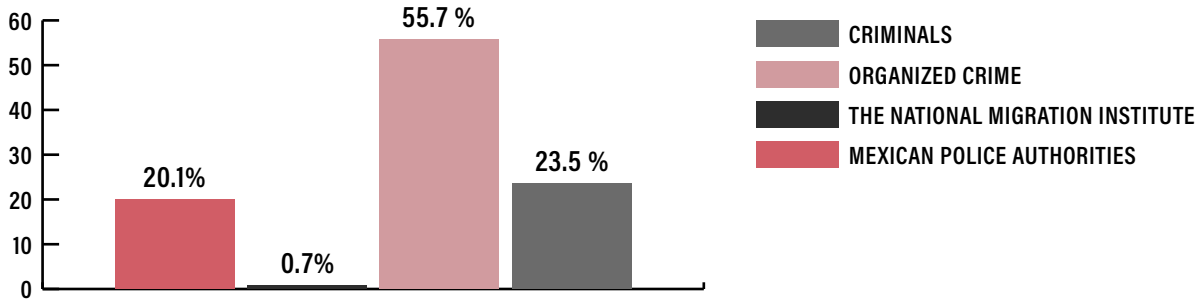
GRAPH. 20 NEGATIVES EVENTS SUFFERED IN MEXICO



In exploring who were the perpetrators of the negative action in Mexico, asylum seekers pointed to the following: first, organized crime, followed by criminals, and thirdly the Mexican police authorities. The National Migration Institute was also noted, albeit lastly, with a percentage not reaching one percent.

In view of this data, one wonders whether the concerns of returnees under the MPP program are actually well-founded, especially if their security is at risk if they remain in Mexico. Some available data illustrates what has recently happened in Baja California in terms of security and crime and may be part of the answer.

GRAPH 21. PERPETRATOR OF THE VIOLENT EVENT/CRIME



During 2018, Tijuana recorded 2,640 homicides and a rate of 138.26 deaths per 100,000 inhabitants (Lion, 2019). In the period from January to July 2019, there were 1,525 homicides statewide, 109 extortions, 569 violations according to Criminal Traffic Light (Criminal Traffic Light in Mexico, 2019). During June, Baja California was the State of the Mexican Republic with the most homicides, according to the June Crime Incidence Map of the Executive Secretariat of the National Public Security System (Alvarez, 2019).

Data such as the above place Baja California as one of the most insecure states in the country and this wave of violence and crime are not new facts, as there is no evidence that can attribute the increase in insecurity to the recent presence of migrants in the state, as some have pretended to make you believe; but asylum seekers are justified in their fear of returning and staying in the area while waiting for a solution to their application in the United States.

CHAPTER III
DUE PROCESS, STAYS IN DETENTION CENTERS, AND WAIT TIME FOR THE HEARING

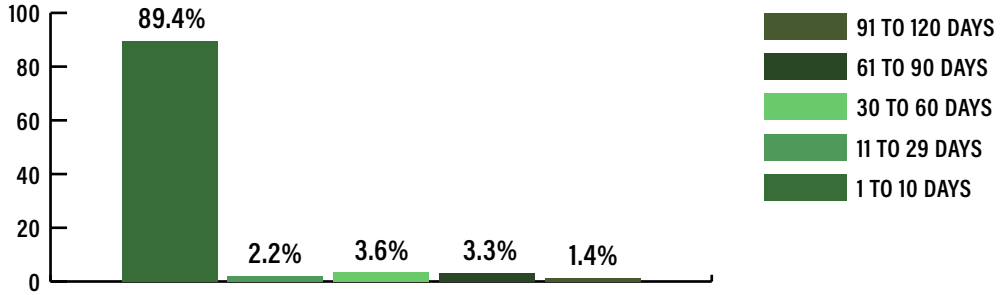
3.1 WAITING TIME FOR APPOINTMENTS

The process of Central American people that enter through Mexico and move towards the United States with the intention of applying for asylum is as follows: you must arrive in a Mexican city bordering on the United States where the port of entry has an office for that type of processing and can present the request for application. In those cities, asylum seekers must wait for a time until authorities from the United States gives them a date to submit the petition. That was the normal procedure until a few months ago.

Through the survey applied by Coalipro-AFSC-CNDH, the investigators learned that the wait in the cities of Tijuana or Mexicali to present the request to the US was actually shorter, as nine out of ten migrants stated that they waited 1 to 10 days, while only 2% had to wait between 11 and 29 days. Almost 4% accounted for those who waited between 1 and 2 months, 3.3% had a wait time between 61 and 90 days; and only 1.4% waited more than three months in the bordering cities already mentioned.

Although the process of delivering the application seems to be expedited, the truth is that from there the wait is long and despair begins to set-in in the asylum seeking population, since the presentation of the asylum application to when one needs to appear in court is extended. For this, migrants are returned to the border cities in Mexican territory and there they have to wait, not days, but months to go to court and get a response to their petition.

GRAPH 22. WAIT TIME FOR ASYLUM SEEKERS IN THE US FROM TIJUANA AND MEXICALI



3.2 DUE PROCESS

For asylum seekers to the United States, part of the process includes the credible fear interview. Dr. Nelson Castillo in the newspaper La Opinion, explained it in detail:

... when an immigrant presents themselves at a port of the United States, an official of the Bureau of Customs and Border Protection (CBP) must determine several things, including whether the individual has authorization to legally enter the US otherwise they will be subject to be removed from the country immediately (expedited removal).

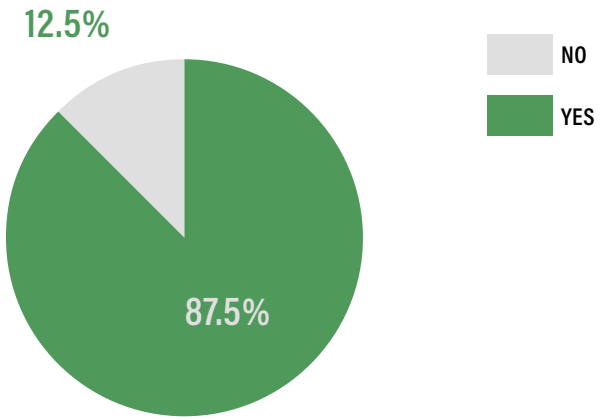
If an immigrant is subject to be removed immediately expresses the desire to request asylum because of fear of persecution or torture if returned to their country of origin, the CBP official takes custody of the immigrant and usually refers the case to the Immigration and Customs Enforcement (ICE). ICE, in turn, referrs the case to the Office of the Asylum and Immigration Services US Citizenship (USCIS) to determine if this person has a credible fear of returning to their country of origin (Castillo, 2019).

Once under ICE custody, ICE should explain to applicants of what the interview consists (Credible Fear Interview, or CFI) and provide them with a list of legal firms or pro bono or low-cost organizations for advice. During the interview, the asylum officer (USCIS) must determine whether the person petitioning for asylum has a credible fear founded on persecution or torture.

On that topic, the survey data found most people said the procedure was carried out as routine, as reported by almost 9 out of 10 people surveyed. 12.5% commented they had no such interview and was returned directly to Mexico with an appointment document.

Although we must clarify, by the observations made in the field at shelters where returnees were surveyed, which many said they had not approached the ports at the border, but rather, entered the United States in an undocumented way and surrendered to the Border Patrol to request asylum. Therefore, they were taken to detention centers and later were returned to Mexico, so they did not go through the CFI process .

GRAPH 23. HAVE YOU HAD THE CREDIBLE FEAR INTERVIEW (CFI) WHEN YOU ARRIVED AT THE BORDER?

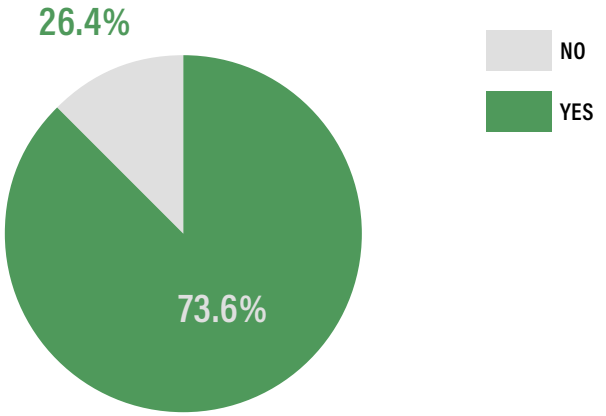


In the observations that American Friends Service Committee (AFSC) staff made in the Courts of San Diego, they documented that in most of the hearings the applicants had no legal representation. Judges postponed the hearings for other dates in order to allow time for people to identify a legal representative (US-Mexico Border Program AFSC-San Diego, 2019).

As part of the process, the Executive Office for Immigration Review (EOIR) should provide migrants a list of pro bono attorneys or organizations that could help them in their application, given the inability to pay for legal representation. AFSC staff and volunteers observed at immigration courts that most applicants were unsuccessful in reaching anyone at the phone numbers provided to them. In addition, those who that did manage to speak with someone were told that the attorneys could not take cases outside of the United States or that the list was too long and they would have to wait a long time for a consultation. It goes without saying that a good number of asylum seekers are not aware of how to make calls to an unfamiliar country, which further complicated contact with potential legal representatives.

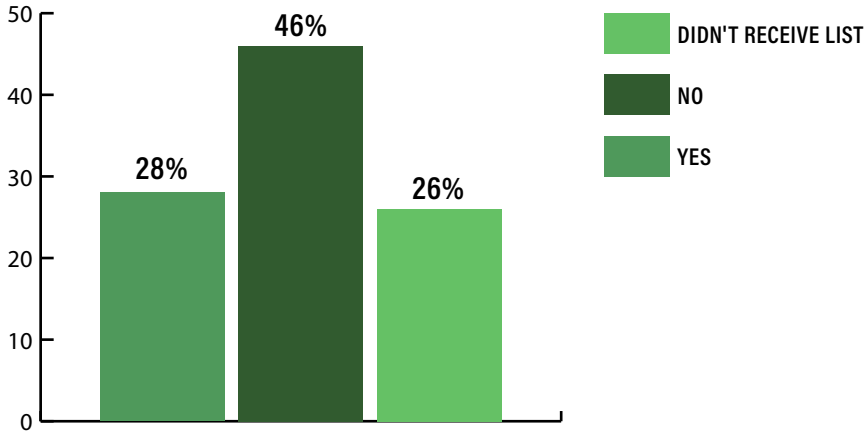
In this Coalition-AFSC-CNDH study, when asked if they were provided with a list of lawyers or organizations that could provide legal advice, seven out of ten said they had received a sheet with a list, while a third was not provided had not received one.

GRAPH 24. DID YOU RECEIVE A LIST OF ATTORNEYS OR FROM ORGANIZATIONS THAT COULD PROVIDE ASSISTANCE?



However, those who did have access to this list, only slightly more than a third used it, and 7 out of 10 decided not to call any of the numbers listed on it. In the questionnaire response, it was noted that the primary reason they did not use it was that they heard indirectly, by other applicants, that nobody answered the calls.

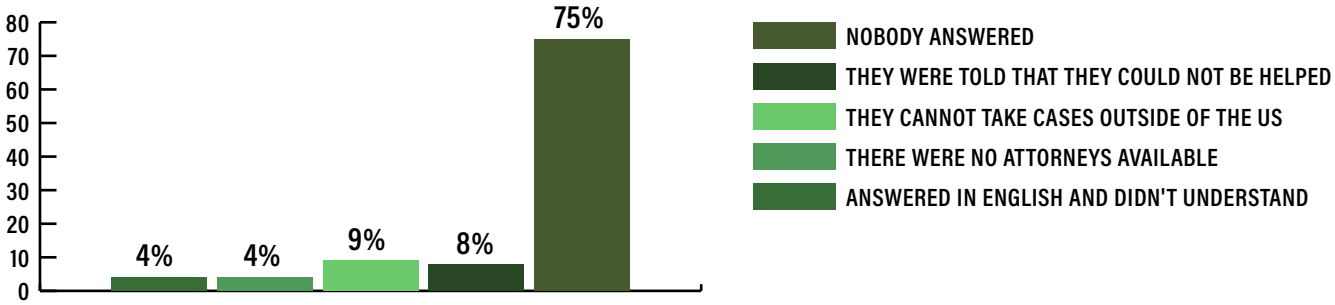
GRAPH 25. DID YOU CALL AN ATTORNEY OR AN ORGANIZATION FROM THE LIST PROVIDED?



From the people that did call, none received a positive response. Seven out of 10 did not have their calls answered; while only three out of ten were fortunate to have their calls answered. However, the responses were not favorable.

In short, the following are answers applicants obtained who called: 75% no answer; 9% were told the attorneys could not take cases outside of the United States; 8% were told that they could not receive help; 4% were told no lawyers were available; the remaining 4% were answered in English and not understanding the language could not continue the conversation with them. This supports the observations AFSC staff documented.

GRAPH 26. ANSWER TO THE CALL TO PETITION FOR LEGAL REPRESENTATION

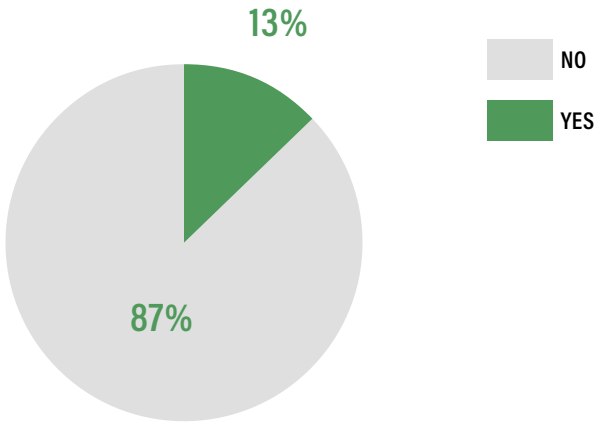


According to US regulations, migrants should be given a formal document called a Notice to Appear (NTA) which explains how they arrived to the United States, the current legal status, and an explation about the date of the hearing before the immigration judge, where they will have to present their arguments.

The document is usually written in English, but at times Spanish-language summary is provided on the back of the document. Generally, the document requests the applicant's address and it is common that the space is filled-in with "Known Address" and city where the returnee is likely to be returned to for notification purposes. This creates problems and confusion in the courts because it is assumed that US government federal agencies must have a fixed address to notify asylum seekers of any change affecting appointments for hearings. Similarly, the applicants are required to submit a fixed address to receive correspondence or information about their cases.

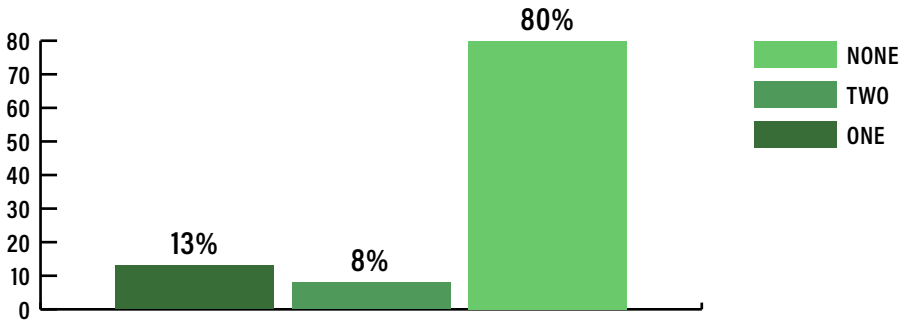
In relation to the data in this survey, only 13% said the notification was provided to them in the Spanish language, but partly because the vast majority of the document was only in English, which complicated the full understanding of the content for the vast majority of the applicant population that only speaks and reads Spanish.

GRAPH 27. WAS THE DOCUMENTATION YOU SIGNED IN SPANISH?



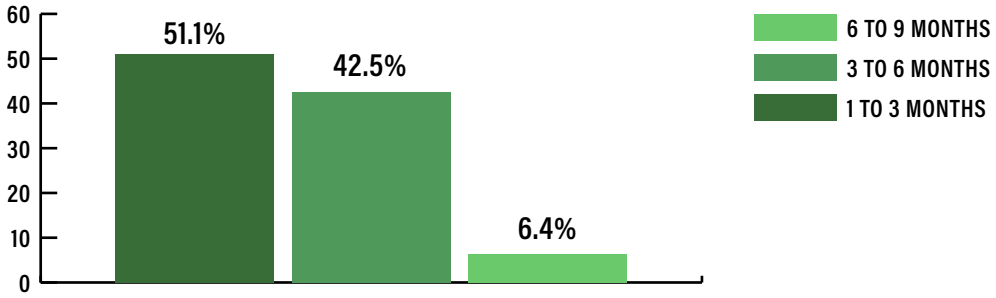
When inquiring about the hearings attended, the survey results show that eight out of ten applicants have not yet had their first hearing; 12% have already had a hearing, while 8% had been present twice. In the case of the first respondents, their return was took place without having gone through any court proceedings.

GRAPH 28. APPOINTMENTS THAT YOU HAVE BEEN TO IN THE US



As for the time given to them to appear before the immigration court in the United States, more than half of the population surveyed replied that the date was from one to three months; four out of ten they were scheduled for a period ranging from three months to more than six months; 6% have a hearing within six to nine months. In those periods, this population will be stranded in a Mexican border city to which they were returned; without resources and with the expectation of support provided to them by civil society, their families or the Mexican government.

GRAPH 29. TIME GIVEN FOR APPOINTMENT IN THE U.S. COURT



3.3 STAY IN DETENTION

In the international media, different voices have expressed concern about CBP detention facilities, where Central Americans applying for asylum are held. Allegations humanitarian organizations have made have prompted the High Commissioner of the United Nations (UN) Human Rights, Michelle Bachelet, to expressed dismay at the conditions of migrants, asylum seekers and refugees, children and adults, who are detained in the United States after crossing the southern border (Voice of America, 2019). Returnees call these centers as "ice boxes and kennels" because of conditions in which they are housed (Calcino, 2019).

Meanwhile, a monitoring agency of the US government reported in the second week of July 2019, severe overcrowding in detention centers in the corridor of the Rio Grande Valley of Texas. The report stated that children in three observed facilities, had no access to showers and some children remained at these centers for more than two weeks, in violation of the Flores agreement (Voice of America, 2019).

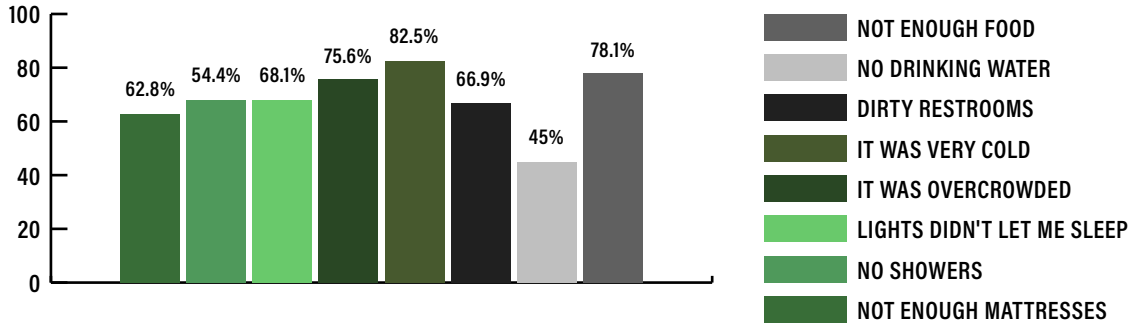
However, there are also complaints about detention centers in California, Arizona and Colorado, especially the Aurora detention center, located in Denver, where already there have been deaths. These are detention run by private companies or the US government, under the direction of ICE.

This has caused controversy with the US authorities, and the Acting Secretary of Homeland Security, Kevin McAleenan, has defended the conditions at US Border Patrol facilities, and rejected reports that expose adverse circumstances, such as dirty cells, inadequate food and water such as what was exposed to the media in Clint, Texas (Voice of America, 2019).

In this survey, such conditions were also explored from the perspective of the applicants. Returnees described almost all the characteristics of detention centers that were presented for evaluation as negative; eight out of ten complained about the centers being cold, which is why they were called iceboxes, especially those located in California. Also in the category of food, eight out of ten considered it insufficient and of poor quality; some people mentioned they were given bad "burritos" and preferred not to eat them to avoid getting sick. Seven out of ten said they had been in overcrowed detention centers.

Also, seven out of ten stated they could not sleep in the centers because of excessive light, which was not turned off throughout the day and night. Two thirds of respondents said that the bathrooms were unsanitary. Six out of ten mentioned that there were not enough mattresses to sleep on and they were forced to sleep on the floor, including children. A little more than half stated that there were not enough bathrooms to shower. Finally, four in ten felt that the available water was unfit to drink.

GRAPH 30. CONDITIONS OF DETENTION CENTER

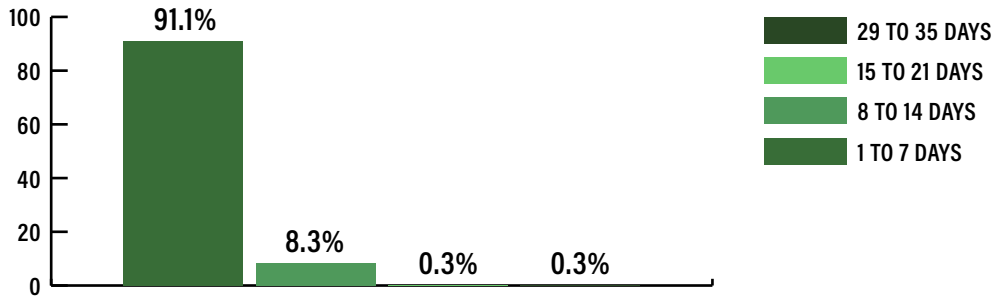


Fortunately, the applicants stated the duration of time spent at these centers was not very long, nine out of ten remained between 1 to 7 days, while 8.3% stated being held there between one and two weeks, and 6% stated they were detained 15 days to one month.

However, short, the time spent under detention was enough to substantiate the unfavorable conditions under which asylum seekers are kept in various US detention centers.

If an immigrant subject for immediate removal states a desire to request asylum because he fears persecution or torture upon return to their country of origin, CBP officials take custody of the immigrant and usually refers the case to the Immigration and Customs Enforcement US (ICE). ICE, in turn, refers the case to the asylum unit of the US Citizenship and Immigration Services (USCIS) to determine if this person has a credible fear of returning to their country of origin. (Castle, 2019).

GRAPH 31. TIME OF STAY IN DETENTION CENTER IN USA



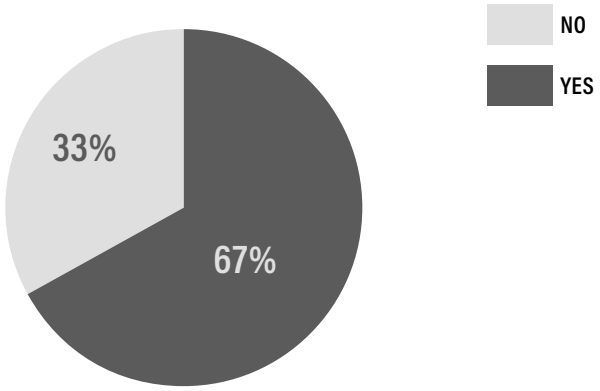
CHAPTER IV
DUE PROCESS DURING RETURN AND WELCOMING INTO MEXICO

4.1 US AUTHORITIES NOTIFICATION OF RETURN

One third of the asylum seekers who were in detention centers were not notified that they would be returned Mexico; they mentioned that they were told to sign a document where they were given an appointment with immigration judge and would be returned to a border town. Two-thirds did know they would be returned because the officials notified them in a timely manner.

It should be added that not all returnees who crossed certain border towns were returned to the same place: in some cases, the applicants admitted through Texas were returned through Tijuana, which borders California, while another migrant population group that crossed through San Luis Rio Colorado, Sonora to Yuma, Arizona, were returned throught Mexicali, which also is part of the state of California.

GRAPH 32. WERE YOU INFORMED BY US AUTHORITIES THAT YOU WOULD BE RETURNED TO MEXICO?

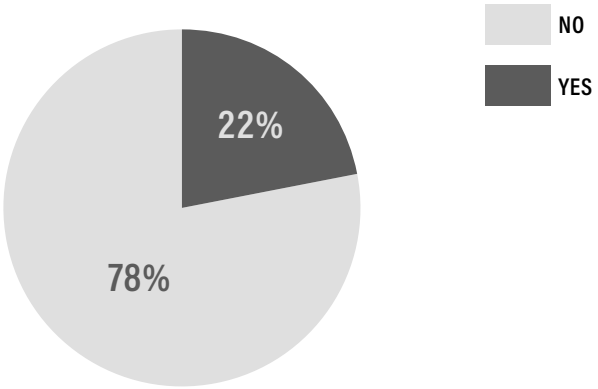


4.2 FAMILY SEPARATION DURING THE RETURN

One aspect highly criticized about US immigration authorities is the violation of international treaties dealing with Human Rights because of the family separation, especially concerning the return to Mexican border cities.

This study explored that point and the results showed that nearly a quarter of those surveyed did suffer family separation in the process of being returned to Mexico, while seven out of ten did not experience that situation or were applicants who were alone at the time of the return.

GRAPH 33. WERE YOU SEPARATED FROM YOUR FAMILY ON YOUR RETURN?

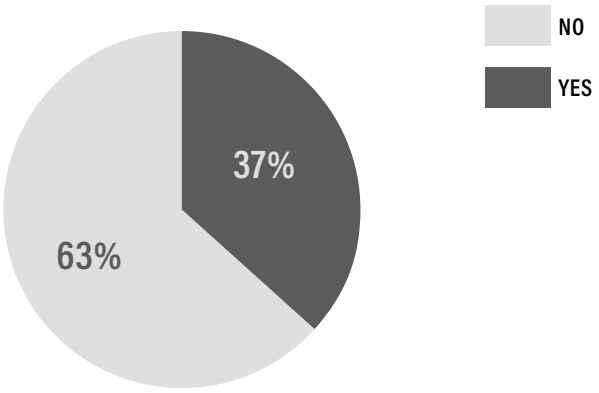


4.3 RECEPTION AND HUMANITARIAN SUPPORT FROM MEXICAN AUTHORITIES

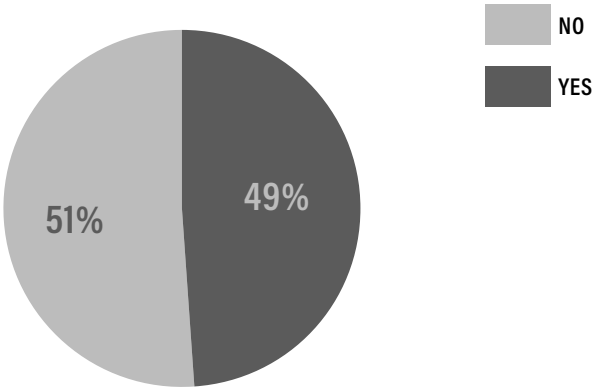
In addition to the issues presented in the return process, the study also inquired about the conditions in which the Mexican government received the returnee population. In that sense, the results of the survey indicate that only three out of ten applicants were interviewed by Mexican immigration authorities upon reaching the border, while 63.1% of the population surveyed was not interviewed or met by Mexican officials corresponding to the interview.

Previously, when repatriation of Mexican population took place, National Migration Institute agents interrogated people suspected of being Central Americans in order to return them to the US. However, since the Mexican president agreed to receive the petitioning population of asylum for humanitarian reasons, it has not kept up with the practice, probably to make that point that Mexico does not accept being identified as a safe third country.

GRAPH 34. INTERVIEW BY MEXICAN OFFICIALS ON RETURN TO MEXICO



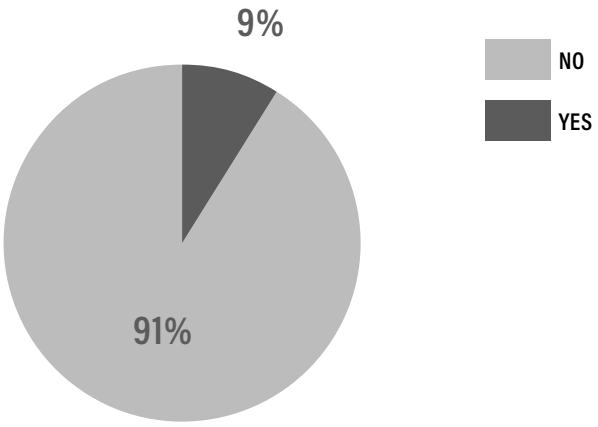
GRAPH 35. DID MEXICAN OFFICIALS TELL YOU ABOUT SHELTERS AND HUMANITARIAN SUPPORT?



As for the possible humanitarian support returnees might receive by the government sector and Mexican civil society, the data indicate that half of respondents did receive information about the existence of shelters in border cities, while the other half was not informed. This has a connection with the earlier point regarding the interview with Mexican officials when arriving in Mexico.

What is surprising is that nine out of ten Central Americans and other nationalities that were returned, they had to go to shelters on their own and only one in ten received transportation support by staff from the National Institute of Migration / Grupo Beta. By direct observation at the shelters, we documented that the returnees arrived by different ways and in good measure by their own accounts. Typically, the resident population tells them the location of the shelters and some people already know the location, because that is where they stayed before crossing into the United States. In addition, others spread the word in detention centers and thus quickly learn where to turn.

GRAPH 36. DID GROUP BETA TAKE YOU TO A SHELTER?



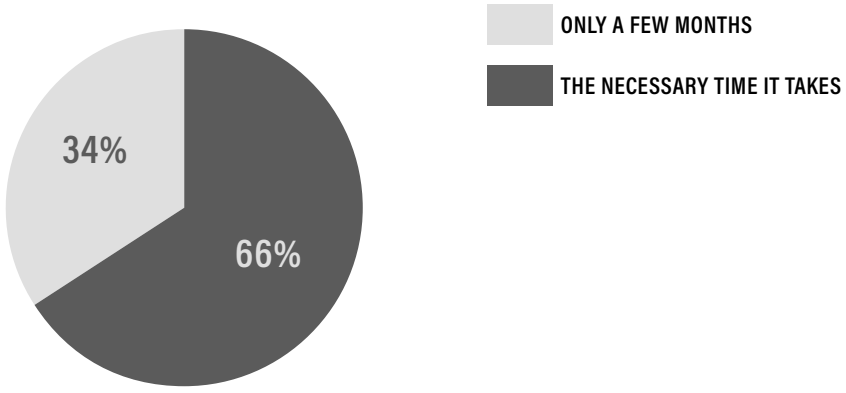
One of the most criticized issues about US immigration authorities is the violation of international human rights treaties because of family separation, which occurs mainly in the return of migrants to Mexican border cities.

CHAPTER V
EXPECTATIONS OF RETURNEES UNDER MIGRANT PROTECTION PROTOCOLS

5.1 TIME ONE IS WILLING TO WAIT

The survey explored what returnee's expectations were about their future plans. First, they were asked how long they would be willing to wait for the asylum application process. Six out of ten people surveyed said they would stay as long as necessary. To be clear, they did not have a specific time period defined for themselves, while the rest indicated that they would only wait for a few months. This latter population represents returnees who are under a state of great uncertainty, either because of economic issues because they are not sure how to support themselves for an extended stay or because they have realized that the chances of obtaining asylum in the United States are remote under the current conditions.

GRAPH 37. EXPECTED WAIT TIME FOR THE PROCESS OF THE ASYLUM PETITION



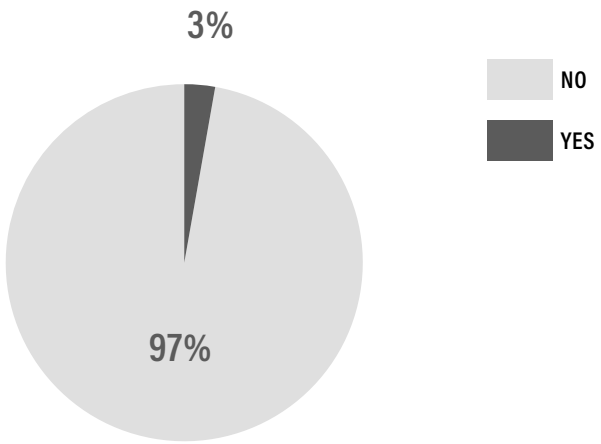
5.2 HUMANITARIAN AID IN MEXICO

The possibility of receiving humanitarian aid by either civil organizations or residents who choose to support them, impacts the returnees' decision on whether to stay and wait for the appointment.

However, asking about the help available to them in Mexico, the vast majority of respondents said there is no assurance of humanitarian aid by well-intentioned people in the cities to where they are returning, and confronted by the demonstrations against their presence that have occurred in some sectors of the population, their stay becomes increasingly hard.

Only 3%, a small percentage, has established ties of friendship or relationships with persons that allow them to have a better stay in Mexican border cities.

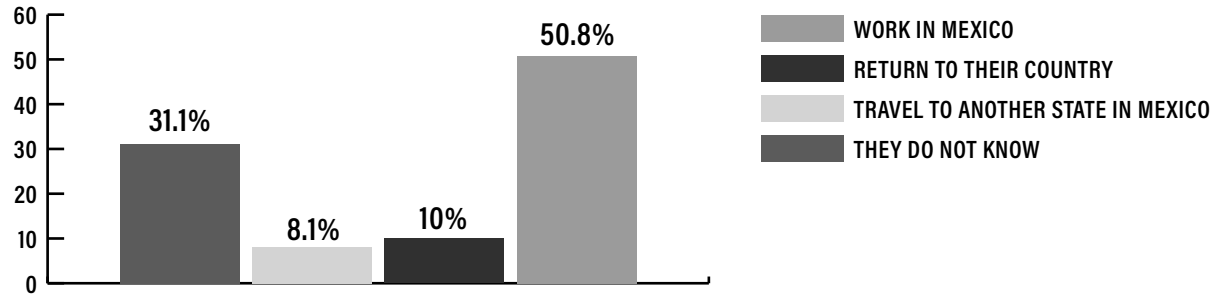
GRAPH 38. DO YOU HAVE ANY PERSON THAT MAY PROVIDE YOU HUMANITARIAN AID IN MEXICO?



5.3 EXPECTATIONS WHILE IN MEXICO

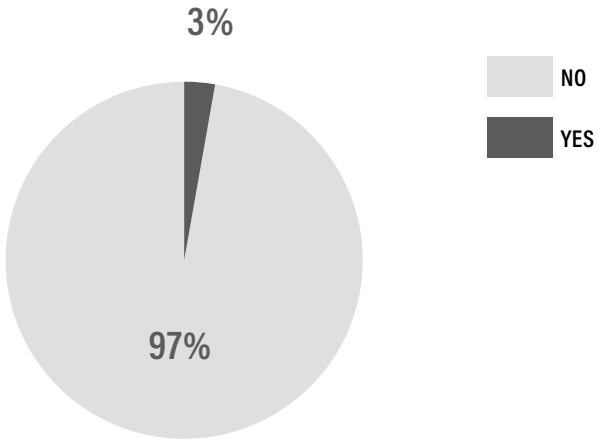
As for what they plan to do during the waiting period, half of the population surveyed have expectations to work in Mexico, taking advantage of the promises of the Mexican government of regularizing their stay and providing opportunities in the country. One in ten believes they will return to their home country while waiting for the appointment, and 8% have plans to travel to another Mexican state. However, there is a large percentage that is in a state of uncertainty, and this reflects one third of respondents who do not yet know they will do while they wait.

GRAPH 39. WHAT THEY THINK THEY WILL DO WHILE THEY WAIT FOR THEIR APPOINTMENT



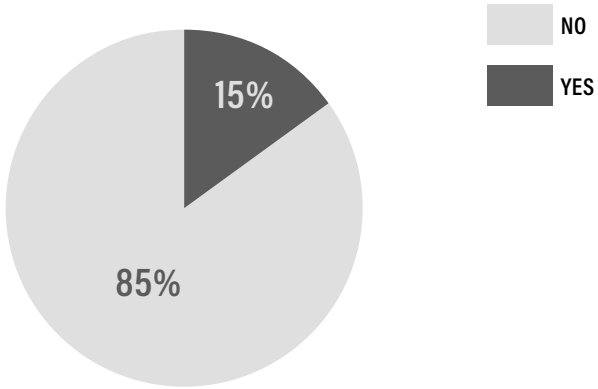
Only 3% say they have secured a job in Mexico, and that percentage coincides with those who reported having some humanitarian aid in the country. It is likely that they are already working or have the promise of a job in the cities to which they were returned.

GRAPH 40. DO YOU HAVE A SECURE JOB IN MEXICO?



Finally, as to the prospects of having any legal advice or services of a lawyer to represent them in the United States, eight out of ten people polled have not contemplated having any legal advice, which is essential to continue their asylum claim. Only 15% have contemplated this possibility, either because they have hired the services of a lawyer, or because an organization is going to take care of their case. This is mainly reflected in the cases of those suffering political persecution and / or domestic violence.

GRAPH 41. LEGAL REPRESENTATION FOR THEIR DEFENSE IN COURT IN THE US

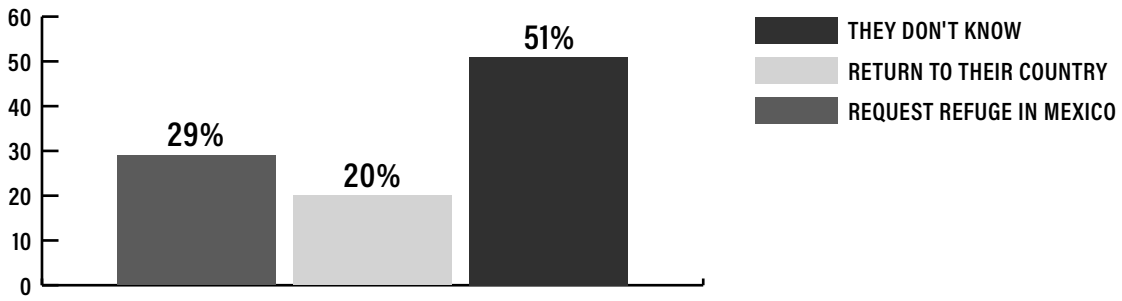


5.4 ACTIONS TO BE TAKEN IF ASYLUM IF THE US DENIESASYLUM

As for the actions returnees would take if they are denied asylum by US authorities, half of respondents still have not decided what it will do; three in ten think they will seek refuge in Mexico, and 20% would be forced to return home.

When asked about the help available to them in Mexico, the vast majority of respondents said there is no humanitarian aid available to them by well-intentioned individuals in the cities where they are returning and because of protests against their presence that have occurred in some sectors of the population, their stay becomes increasingly difficult.

GRAPH 42. WHAT YOU WILL DO IF THE US DENIES YOUR PETITION FOR ASYLUM



FINAL THOUGHTS AND SUGGESTIONS

The results of the survey of migrants placed into the Migrant Protocols Protection (MPP) confirm that the current exodus of people, especially from Central American countries, is not a traditional economic migration, but has multiple factors. The more important ones right now are violence and political instability in some countries like Honduras and Nicaragua. It is a forced migration because of the living conditions in which they find themselves.

The US government has been concerned in the past two years by the large number of people who are seeking asylum, but their concern is also related to border crossings by undocumented people from countries of the Northern Triangle. CBP reported that May 2019 was the month with the greatest apprehensions over the past 13 years (Brooks, 2019), which highlights the unprecedented rise of the population seeking asylum in that country.

In response, the Trump Administration has taken steps to counter the avalanche of asylum applicants but has run into legal obstacles that have forced it to accept the asylum processes. However, it has found the way for the Mexican government to accept returnees while they wait for their appointments in the United States, through the MPP program.

This measure exposes people to constant risks because of the insecurity in the cities where they are being returned. The results of our inquiry from shelters in Tijuana and Mexicali demonstrate that in the returnee population there is a slight preponderance of women and families. They are of a young and working age group: five out of ten people interviewed were between 19 and 35 years old. Seven out of ten are in the (primary and secondary) most basic levels of study. An important fact is that seven out of ten did have paid work in their country but fled because of insecurity and low wages. It is also noteworthy that a significant number of people are from rural areas.

At least half of the population surveyed left their country for violence and danger, but the surveyed also showed some applicants who fled for political reasons and domestic violence.

Over 90% of this population has never applied for asylum in the US and 80% do not know the legal procedures. If that wasn't enough, they have no legal representation to assist them prepare their cases. While it is true to itself 70% were provided with lists of lawyers and pro bono lawyers that supposedly can help them in their applications, to a third of them were not provided with such a list, thereby violating due process. Of those who had access to information about legal support, only a third called the phone numbers, while most did not contact the numbers provided because they did not know how to communicate to the United States or because no one responded to their calls. 70% of those who called confirmed this information, and those that did speak with someone were told that attorneys could not take their cases outside of the United States, or could not help them, or that there weren't enough attorneys to take their cases.

This is an important factor that deprives the applicants of possibilities to continue the process of obtaining asylum, since judges often postpone hearings until the applicants have some representation in court. Most do not have legal support because they cannot afford it and only a small percentage (15%) is aware of the need for professional support and plan to use their services.

While seeking asylum is a fundamental legal right under the United Nations Convention on Refugees of 1951 and the US Immigration and Nationality Act, these practices are not the best to enforce the law, since there is no access to proper legal advice, leaving defenseless people and families in need of international protection.

As if that were not enough, in migrant detention centers, there are no minimum conditions of respecting human dignity and as a result they are denigrating spaces where conditions exist that often affect the health of people, for instance, the cold temperatures in the cells and the 24-hour lights in the cells that do not allow adequate rest. That is the reason applicants call them the "iceboxes": eight out of ten identified them as such. For 80% of the returnees, the food was insufficient and of poor quality and seven out of ten believe that there is always overcrowding in these centers.

The survey results also prove feelings of fear that applicants expressed about returning to Mexico. 70% of the population surveyed reported being afraid of being returned to Mexico and main concern is insecurity. The fear is well founded, since four out of ten suffered a situation of insecurity in transit through Mexican territory, such as kidnapping, extortion, assaults, sexual violence, and physical violence. These situations are not being considered by the judges of US immigration courts.

Nine out of ten returnees did undergo the credible fear interview, but 12% of this population was not interviewed. Over 80% of the returnee population he said that the relationship with immigration officials was only filling out documents which usually were not in Spanish.

A significant percentage of respondents believed that the Mexican population discriminates against them and thus this worries them when staying in places where they have no contacts or social networks. About half of this population will have to wait one to three months and 40% for three to six months. The returnees are in a situation of extreme vulnerability since they do not know anyone, they do not have personal contact humanitarian support networks and only 3% have developed friendships. Only 3% have a secure job, while the vast majority are waiting and economic conditions are extremely precarious.

Furthermore, in places where return of migrants is taking place, there are often no shelters available and the ones that are around are saturated. For example, in Baja California shelters for migrants at their maximum capacity with different flows of migrants converging: deported Mexicans, internally displaced people, asylum seekers, international migrants, and now we add the Central American population being returned under the MPP.

Evidently, many applicants who have been returned under these protocols have given up this process and decided to return to their countries of origin (despite the risks that this represents) due to lack of legal representation, uncertainty and fear having to remain in Mexico indefinitely.

During the return procedure, irregularities were also committed that violate due process because a third of the people who were in detention centers were not notified that they would be returned to Mexico, because many applicants were not returned to the same city where they began the paperwork and 25% suffered family separation, violating international treaties on the subject.

Also, in the return process, but in Mexican territory, tracking these people is an irregular endeavor and their safety is not guaranteed. Mexican authorities must respect and protect asylum seekers as pledged in agreements with the United States, but practices demonstrate the opposite. Two-thirds were not outreached to by the Mexican authorities for an interview and only half of the returnees had information about the existence of shelters in the cities where they arrived. Over 90% had to go on their own because the authorities did not provide transportation or provide guidance on how to get to the shelters.

The expectations of these people are uncertain: 60% say they will wait as long as necessary to carry out their asylum application process and the remaining 40% only plan to wait a few months. While they wait, half expect of work in Mexico, a third does not know what to do and a small percentage will temporarily return to their country of origin.

As for what will happen if they do not have a positive outcome in their asylum claim, half of respondents have not prepared a plan of action and do not know what they will do, a third will seek refuge in Mexico and 20% will be forced to return to their country of origin.

We believe that the results of the survey above are very important for the development of public policies of the Mexican government, and we should mention that, so far, we have not observed the strategy to provide comprehensive humanitarian aid or integration programs to this population returned to the northern border. Especially if one takes into account the extraordinary amount of asylum seekers who are stranded at the border, that according to recent estimates, has reached approximately 58,000 people awaiting response from the US government.

The federal government plans to open three shelters or comprehensive care centers for the returnee population in Tijuana, Mexicali, and Ciudad Juarez, but thus far it has been civil society who have cared for asylum seekers.

This population requires specific and comprehensive support, given the extended and indefinite stay that will have in Mexico, the uncertainty of the time they will have to wait, and all of the implications this could have on their lives, such as finding housing, food, employment and psychological impact that are a byproduct of new these types of situations.

What is observed with the "Remain in Mexico" program is that the practices are completely opposed to the right to asylum afforded to foreigners in the US and dignified treatment in Mexico. The protocols seem to be created to discourage people so that they eventually desist from continuing the process voluntarily. They are also designed to discourage the formation of new caravans of Central Americans heading to the United States.

To guarantee the human rights of returnees under the Migrant Protection Protocols, we propose that the following practices be undertaken:

- For both countries, they are placed on notice about migrants placed under MPP are people and deserve decent treatment.
- The US government must be respect due process and prioritize family units, preventing separation of migrant families.
- The creation of a binational protocol between the two countries that includes the steps in the delivery and reception of asylum seekers in the United States.
- Timely and effective monitoring by the federal government of applicants awaiting the asylum process in Mexico until completion or termination of their asylum claim and the guarantee to provide urgent comprehensive humanitarian assistance.
- The Mexican government must be transparent in the number of people being returned by the Mexican border under MPP and establish cooperation agreements with state and municipal authorities to ensure comprehensive care of returnees.
- Based on hard data, in the coming years projections on the growth of the migrant population should be made to design comprehensive public policies to address this population, since it has agreed to receive them.
- The Mexican federal government should ensure comprehensive care of the returnees temporarily residing or who choose to permanently stay in the country, since it has assumed this commitment. In particular, comprehensive integration policies should be developed for migrants who decide to stay in Baja California.
- As an immediate step, it is necessary to support civil organizations caring for the returnees and reconsider the policy of restricting resources to civil society organizations. In any case, a review of nonprofit organizations should be done working on the migrant phenomenon.
- As a specific recommendation, the Mexican government should consider issues such as facilitating permits to work in the country, creating policies with a gender perspective that allow the employment of single mothers (autonomous mothers), and access to health services and education.
- Regarding the protection of children, ensure that children are effectively subject to legal protections, and from a sensitive perspective that considers their particular vulnerabilities, ensuring their welfare and integrity and away from hunger, abuse, sexual abuse and labor exploitation.
- Finally, a permanent regularization program should be created for returnees deciding to stay in Mexico, and design policies to raise awareness among the Mexican population to counter xenophobic reactions, such as those that are already happening.

While seeking asylum is a fundamental legal right under the United Nations Convention Refugee Act 1951 and the US Immigration and Nationality Act, these tools are not the best to assert that right because they do not provide access to proper legal advice, leaving defenseless people and families in need of international protection.

METHODOLOGICAL NOTE

In preparation for this study a standardized questionnaire was designed with 43 questions and it was applied to a representative sample of 360 people returned to Mexico under the Migrant Protection Protocols, and it has a 95% confidence level.

The sample was distributed in the cities of Tijuana and Mexicali and applied at 15 shelters. At the same time, the investigative team conducted various interviews with operational staff at shelters and activists who perform tasks in support of returning migrants. The study was conducted during the period July and August 2019.

With the data obtained, a database in SPSS was created. The collected information was supplemented by literature and hemerographic documentation.

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BETWEEN WALLS: ASYLUM APPLICANTS UNDER THE MIGRATION PROTECTION PROTOCOLS