

DHS OIG Formal Complaint Regarding 'Remain in Mexico'

Via Email

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Re: Asylum seekers sent to Tamaulipas, Mexico under DHS Migrant Protection Protocols are systematically targeted by criminal organizations, yet DHS continues to endanger people in violation of its own policies and legal obligations

Dear Mr. Cuffari and Ms. Quinn:

Human Rights Watch submits this complaint and requests that the Department of Homeland Security (DHS) Office of Inspector General (OIG) and Office for Civil Rights and Civil Liberties (CRCL) investigate and report on the Migrant Protection Protocols (MPP) program and hold DHS accountable for knowingly subjecting asylum seekers to situations of persecution and other serious harm in the Mexican state of Tamaulipas in violation of its own policies and its obligations under US and international law. The dangers asylum seekers in the MPP program face are now even more acute during the Covid-19 pandemic, as asylum seekers are forced to wait for delayed hearings in crowded camps and shelters with limited and rudimentary sanitation facilities.

[Human Rights Watch](#) is an international, nonprofit, non-governmental organization that investigates and reports on abuses around the world, based on accurate factfinding and impartial reporting. This complaint is based on research Human Rights Watch conducted in the Mexican cities of Matamoros and Reynosa, Tamaulipas, in November 2019; Monterrey, Nuevo Leon, in December 2019; and San Luis Potosí, San Luis Potosí, in January 2020. Human Rights Watch researchers spoke to 43 adult asylum seekers (23 women and 20 men) who had been placed in the MPP program, many of whom had traveled with families, including 42 children. Over half of those children were under the age of 10. Human Rights Watch researchers also reviewed documents provided by asylum seekers and immigration attorneys including court documents, police reports, sworn declarations, and detailed notes taken by immigration attorneys present during nonrefoulement interviews.

These interviews and our review of documents illustrate the risk of serious harm US asylum seekers face in Tamaulipas:

- Human Rights Watch identified 32 separate instances of kidnapping or attempted kidnapping of asylum seekers subject to the MPP program – mostly by criminal organizations but at least once by a Mexican federal official – in Tamaulipas between November 2019 and January 2020.
- At least 80 asylum seekers were kidnapped in the incidents we identified.
- A further 19 asylum seekers described kidnapping attempts.
- At least 38 children were kidnapped or subjected to kidnapping attempts in these incidents.
- Eight people said they were robbed outside of these kidnappings or kidnapping attempts.
- Four people said they were sexually assaulted during a kidnapping incident.
- In five additional cases, Mexican police abducted asylum seekers for a short period of time and extorted them, a practice known as “express kidnapping.”

In addition to reports from people who had themselves been kidnapped or subjected to a kidnapping attempt, these numbers include accounts from asylum seekers Human Rights Watch interviewed of other asylum seekers they witnessed being held in captivity while they themselves were kidnapped, as well as secondhand accounts of friends or family members they knew to have been kidnapped. While some of these cases could be verified by reviewing text or audio message communications between persons known to the kidnapped asylum seeker, at times the kidnapped person remained disappeared and the asylum seeker Human Rights Watch spoke to was a friend unsure of how to contact that person’s family members. In such cases, verification was not possible.

Human Rights Watch has previously notified DHS of the serious rights consequences for asylum seekers subjected to the MPP across the US-Mexico border and urged the United States to immediately end the MPP program across the entire border, cease returning asylum seekers to Mexico, and instead ensure them access to humanitarian support, safety, and access to counsel from within the United States, where many have family members or others who can support them while their asylum cases are heard.[\[1\]](#) Despite attempts by Human Rights Watch to share findings and recommendations in the past, DHS has failed to respond to or address these harms.

Asylum seekers sent to the Mexican state of Tamaulipas under the MPP are at increased risk of life-threatening violence, including kidnapping, extortion, and sexual assault. During the pandemic, they are now also at heightened risk of infection in crowded shelters and camps where social distancing is impossible, sometimes without sufficient clean running water[\[2\]](#) to follow the basic [hygiene recommendations](#) put forward by the Centers for Disease Control and Prevention (CDC), the World Health Organization (WHO), other public health entities, and [human rights experts](#).[\[3\]](#)

The MPP Program

Under the MPP program – known as “Remain in Mexico” – non-Mexican asylum seekers in the United States are sent to border towns in Mexico while awaiting asylum hearings in US immigration court.[\[4\]](#)

On February 28, 2020, the US Court of Appeals for the Ninth Circuit upheld a preliminary injunction of the MPP, noting that “uncontested evidence in the record establishes that non-Mexicans returned to Mexico under the MPP risk substantial harm, even death.” [\[5\]](#)

The court later stayed its injunction pending the government’s appeal to the Supreme Court, which then issued its own stay of the injunction.[\[6\]](#) At time of writing, the program remains intact, but the appellate court’s finding that people sent to Mexico under the MPP “risk substantial harm, even death, so long as the directives of the MPP are followed”[\[7\]](#) is consistent with Human Rights Watch’s findings.

When launching the MPP program, then-Secretary of Homeland Security Kirstjen Nielsen said the US government would implement the program in a manner consistent with domestic and international law, including US humanitarian commitments.[\[8\]](#) The 1951 Convention relating to the Status of Refugees and its 1967 Protocol prohibit the expulsion or return of refugees to “territories where [their] life or freedom would be threatened on account of [their] race, religion, nationality, membership of a particular social group or political opinion.”[\[9\]](#) In addition, under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), the United States is obligated not to return anyone to a country “where there are substantial grounds for believing that [they] would be in danger of being subjected to torture.”[\[10\]](#) The screening process set up under the MPP fails in several material ways to ensure compliance with the international obligation of nonrefoulement.

Nonrefoulement Screenings Under MPP Lack Necessary Protections

A nonrefoulement screening procedure should be designed to ensure asylum seekers are not returned to countries where they would likely face the threat of persecution or torture or cruel, inhuman or degrading treatment.[\[11\]](#)

Existing statutory and regulatory procedures aim to implement the United States’ nonrefoulement obligations in other contexts. Asylum is a discretionary form of relief that may be granted to individuals with a well-founded fear of persecution on account of a protected ground—i.e., their race, religion, nationality, membership in a particular social group, or political opinion.[\[12\]](#) Withholding of removal under 8 U.S.C § 1231(b)(3) must be granted to noncitizens who demonstrate that their “life or freedom would be threatened” on account of a protected ground in the country to which they face removal. Relief under the Convention against Torture must be granted to noncitizens who demonstrate that are more likely than not to be tortured in the country to which they face removal.[\[13\]](#) Before claims for these forms of protections are fully assessed, credible fear and reasonable fear interview protocols established by regulation aim to screen for eligibility for these protections.[\[14\]](#)

However, under the MPP, DHS agents send migrants to Mexico without the benefit of established procedures for evaluating whether they have a credible fear or reasonable fear of persecution in Mexico. DHS instead purports to comply with the United States’ international and humanitarian obligations by providing “nonrefoulement” interviews. But these MPP nonrefoulement interviews employ procedures and standards that drastically differ from credible

fear or reasonable fear interviews and in effect make it all but impossible for migrants to avoid placement in the MPP program.

First, DHS sets an almost impossibly high standard for these interviews, requiring migrants to remain in the MPP unless they establish they are “more likely than not” to face persecution on account of a protected ground or torture — a standard much higher than “reasonable fear,” arbitrarily implemented by DHS, and not provided for in law or even in regulation. In fact, “more likely than not” is the same as the standard required to win withholding of removal in front of an immigration judge after a full hearing.

Second, DHS’s decision to return a noncitizen to Mexico is unilateral. Unlike in the reasonable fear or other summary removal contexts, a noncitizen who fears persecution in Mexico receives no review by an immigration judge.

Third, most asylum seekers in the MPP program are not guaranteed access to attorneys in nonrefoulement interviews.^[15] In an exception to this rule, on January 14, 2020, a US District Court judge issued a preliminary injunction requiring DHS to give asylum seekers placed in the MPP program along the California-Mexico border access to an attorney before and during nonrefoulement hearings.^[16] The court found that some families who had been denied access to their retained legal counsel by US Customs and Border Protection (CBP) before and during their nonrefoulement interviews and who received a negative finding by the interviewing asylum officer, subsequently received a positive finding once CBP gave those same families access to their attorneys during a second nonrefoulement interview.^[17] “Given the stakes of a nonrefoulement interview—the return to a country in which one may face persecution and torture—and the interview’s fact-intensive nature, it is undeniable that access to counsel is important,” Judge Sabraw said in the order.^[18] That injunction does not apply to nonrefoulement interviews conducted with asylum seekers placed into the MPP program along other parts of the border, including Tamaulipas.

Fourth, DHS now allows CBP agents to conduct nonrefoulement interviews with the expectation that they will be “tougher” on asylum seekers^[19] – a motivation at odds with Congress’ original purpose in implementing screenings to guard against nonrefoulement in other contexts.^[20] CBP agents are immigration enforcement officers and not neutral asylum officers, and they have far less training in asylum law. Asylum officers have alleged that CBP agents have committed serious errors in the process.^[21]

Fifth, under the MPP program, CBP agents are not required to ask asylum seekers placed in the program if they are afraid to be sent to Mexico.^[22] Instead, asylum seekers subject to the program must “affirmatively” – or without being questioned or prompted – express fear of harm in Mexico in order to be referred for a nonrefoulement interview. Asylum seekers who are not from Mexico may lack knowledge of the harms they are likely to face in Mexico, may not be aware that voluntarily expressing fear of return to Mexico is required to trigger an interview that would assess whether they can be sent there, and may not even expect they could be sent to Mexico under the MPP program in the first place.^[23]

Indeed, many of the asylum seekers Human Rights Watch spoke to had no prior understanding of the existence or purpose of nonrefoulement interviews, let alone knowledge about how they could trigger such interviews.[\[24\]](#)

As of mid-October, the US Citizenship and Immigration Services had completed screenings to assess a fear of return to Mexico for only about 13.5 percent of asylum seekers placed in the MPP program at that time, or about 7,400 out of 55,000 asylum seekers.[\[25\]](#) As of October, only 13 percent of the small fraction of those referred for nonrefoulement interviews prevailed and were subsequently removed from the program, according to DHS.[\[26\]](#) Even when asylum seekers do pass the nonrefoulement interview, affirmative decisions are often reviewed — and blocked or overturned — by asylum headquarters, an asylum officer told *Vox*, an online news source, while negative decisions did not appear to be subjected to the same review.[\[27\]](#)

Some asylum seekers told Human Rights Watch that they were aware of how difficult it is to prevail in the nonrefoulement interviews and said they did not want to spend time in frigid CBP border detention facilities only to be sent again to Mexico.[\[28\]](#) Nearly all of the asylum seekers Human Rights Watch spoke to expressed a fear of being forced to remain in Mexico.[\[29\]](#)

Nonrefoulement Interviews Are Not Given Even When Requested Affirmatively

Human Rights Watch found that CBP agents failed to refer asylum seekers to nonrefoulement interviews even when they affirmatively expressed a fear of return to Mexico in violation of DHS policy.

Acting CBP Commissioner Mark Morgan in a November 14, 2019 press briefing said that reports of violence against asylum seekers along the Mexico border were merely anecdotal and that anybody in the MPP program who feared for their safety could approach a port of entry, tell CBP agents of their fear, and be given a nonrefoulement interview.[\[30\]](#)

But asylum seekers who had been placed in the MPP program in Tamaulipas told Human Rights Watch that when they affirmatively expressed fear, CBP agents ignored them, even when Mexican government officials had been implicated in the harm:

- Nina V., who fled domestic violence in Guatemala with her 12- and 8-year-old sons, said CBP agents told the family they had two options: “go to Mexico or go home.” She said she told agents that they had been kidnapped from a Mexico City bus terminal for ransom, but she said the agents “did not care.” She was placed into the MPP program and sent to Matamoros without being given a nonrefoulement interview.[\[31\]](#)
- Daniel G., who fled Cuba, was kidnapped and extorted by Mexican federal police in southern Mexico and pursued through Reynosa by armed men, according to a sworn declaration. When he turned himself into Border Patrol agents, he was held for four days in a series of CBP border jails before finally being brought to speak to an official, he said. “It was difficult to understand her because she spoke very little Spanish, and I do not speak English,” Daniel said. “She explained that I was going to be returned to Mexico to wait for my day in court on Sept. 20, 2019. I explained to her what had happened in

Mexico, but she insisted that I had to return to Mexico. . . She never explained my rights, nor did I get a [nonrefoulement] interview.”[\[32\]](#)

- An asylum-seeking family consisting of a mother, father and their two children who fled Guatemala were kidnapped for ransom in Nuevo Laredo by cartel operatives while they were on their way to the US-Mexico border to ask for asylum, according to attorney notes from the interview made available to Human Rights Watch. While in captivity, the father was beaten with a wooden plank, and cartel operatives threatened the family with death. The family told the DHS official conducting their nonrefoulement interview that when they first arrived “at the bridge, we tried to tell all of this to the CBP officer. And they told us that this was not important.”[\[33\]](#)
- Yago R., who fled Cuba, was assaulted 3 times in the 5 days he spent in Reynosa, according to a sworn declaration. “One day, I went to buy food when two men accosted me and robbed me of all my money,” Yago said. “US officials were not permitting anyone to cross the bridge to ask for asylum.” Faced with the prospect of waiting months in the dangerous city as the result of illegal turnbacks by CBP agents at the port of entry,[\[34\]](#) Yago decided to cross the Rio Grande away from the port of entry and seek asylum. There, a group of around 15 men surrounded him and stole his watch, cellphone, and backpack, which contained important evidence of his asylum claim. Only then did they allow him to swim across. He immediately sought out Border Patrol agents to turn himself in and ask for asylum. Yago said he told agents of all the harm he had suffered in Tamaulipas, but that they paid no attention to him, and he was not given a nonrefoulement interview.[\[35\]](#)
- According to a federal lawsuit filed by the American Civil Liberties Union (ACLU) of Massachusetts, DHS returned a Guatemalan father, Hanz Minoldo Morales Barrera, and his 9-year-old son to Nuevo Laredo under the MPP without a nonrefoulement interview in July 2019 despite his affirmative expression of fear. According to the complaint, Mr. Morales “was so afraid [to enter Nuevo Laredo] that he refused to cross. He sat down on the bridge in the hot sun and told H.E.M.C. (name withheld for fear of retribution) to sit next to him. He begged officials to do anything with him—including taking him to jail—as long as they did not send him and [his son] to Mexico. Mr. Morales and [his son] were crying. An official told Mr. Morales and [his son] that because they did not cooperate, they would be separated—Mr. Morales would be sent to jail for a long time, and [his son] would be sent to a facility for minors—and they would never see each other again. [Mr. Morales’ son] heard this and was inconsolable.”[\[36\]](#) In early February 2020, DHS reportedly agreed to a settlement of the lawsuit that included removing Mr. Morales and his son from the MPP program and allowing them to pursue their asylum claims while living in the United States.[\[37\]](#)

More recently under the Covid-19 pandemic, a CBP official said that nonrefoulement interviews are now only being given to asylum seekers in the MPP on a case-by-case basis after the agency began using an order from the Centers for Disease Control and Prevention to turn away asylum seekers.[\[38\]](#)

Human Rights Watch also found that asylum seekers subject to the MPP program may lack access to nonrefoulement interviews because they are too afraid to travel to the border after receiving threats from or being harmed by criminal organizations:

- Fabiola B., who fled El Salvador with her 4-year-old son, told Human Rights Watch she was sexually assaulted in front of her child after being kidnapped in Nuevo Laredo for the second time. Fabiola was on her way to the port of entry with her friend Beatriz A. and Beatriz' 10-year-old son, who also fled El Salvador, so that the two families could attend their US immigration court hearings. When they stepped off of the bus they had taken from a Reynosa shelter to Nuevo Laredo, a group of men encircled the women and children and began asking them where they were from and why they were in Nuevo Laredo. The men then kidnapped the asylum seekers, separating the two families and taking Fabiola and her son to an empty store where they sexually assaulted her. When the criminal organization released them, telling them never to return, Fabiola and Beatriz fled Nuevo Laredo, missing both their court date and the opportunity for a nonrefoulement interview.[\[39\]](#)
- Walter P. and his 11-year-old daughter, who together fled El Salvador, spent their first night in Nuevo Laredo after being placed in the MPP program sleeping on the floor at the Mexican immigration office. Mexican immigration officials warned him and other asylum seekers of the frequent kidnappings of asylum seekers that have been taking place there. The next day, they sought to leave Nuevo Laredo to find somewhere safer to live but were kidnapped from the bus terminal after two men walked up and asked where they are from. Walter said one of the members of the criminal operation identified as the leader told him, "There is no asylum in the United States. But we can get you across safely." After Walter and his daughter were released several hours later, they fled Nuevo Laredo, and the 11-year-old begged her father never to return. They subsequently missed both their immigration court hearing and the opportunity for a nonrefoulement interview. They are now hiding out in Mexico, waiting to see if there is a policy change that would allow them to safely pursue asylum in the future. Walter's wife and 18-year-old son left El Salvador separately, and planned on traveling to the US-Mexico border to ask for asylum. After they learned of their family's kidnapping, they decided against approaching the border and are also hiding in Mexico.[\[40\]](#)

Nonrefoulement Interviews Under the MPP Program Apply an Excessively Stringent Standard for Assessing Likelihood of Harm in Mexico and Fail to Comport with Guidelines Under International Law

When asylum seekers are given nonrefoulement interviews under the MPP program, the evidentiary standard they must meet to pass those interviews is extremely high. DHS officials must find it is "more likely than not" an applicant will be tortured or persecuted in Mexico.[\[41\]](#) An asylum officer who had been administering interviews for asylum seekers in the MPP program told *Vox* that in practice the standard for prevailing on claims of fear of return to Mexico was "all but impossible for applicants to meet."[\[42\]](#) Asylum rights groups challenging the MPP have argued the nonrefoulement interview "imposes a significantly higher evidentiary standard"[\[43\]](#) than the traditional "well-founded fear" standard applied otherwise.[\[44\]](#)

US asylum officers acting through their union condemned the MPP program in an amicus (“friend of the court”) brief filed June 26, 2019, in a lawsuit against the program, saying the interview process under the MPP “virtually guarantees a violation of the nonrefoulement obligation” because it lacks the safeguards and protections that asylum seekers need to meet the high burden of proof required.^[45] The “more likely than not” standard is typically reserved for full-scale removal proceedings in front of an immigration judge, officers explained, whereas asylum officers typically apply lower standards to determine if someone has a “well-founded fear” in the reasonable fear interview context since outside of the MPP context an asylum seeker who has passed the officer’s interview would then go before a judge where the higher “more likely than not” standard would be applied.^[46] In that process, asylum seekers are given time to find an attorney and gather evidence. In the context of the MPP program, asylum seekers’ nonrefoulement claims will never go before a judge, and they are not given sufficient time to seek out counsel or gather evidence.

The UN Committee against Torture, which provides authoritative guidance on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, has stressed the need for a high level of due process protection to comply with the principle of nonrefoulement.^[47] We have found that:

- The nonrefoulement interview practice fails to meet the need for an examination of each case “individually, impartially and independently”^[48] insofar as CBP agents are now conducting some interviews.
- While access to a lawyer, free of charge if necessary, for the nonrefoulement hearing is required under the convention,^[49] asylum seekers are not given consistent access to an attorney.
- Though the nonrefoulement interview should be a procedure conducted in a language the person understands,^[50] asylum seekers were given interviews in a language other than their first language.
- The MPP program violates the convention in that there should be no “dissuasive measures” such as prolonged asylum processes or poor detention conditions.^[51]
- The nonrefoulement process should take into account prior cruel, inhuman, and degrading treatment in the state to which the person would be returned, considering such treatment “an indication that the person is in danger of being subjected to torture” in that state,^[52] but asylum seekers in the MPP program who have suffered prior harm have been sent to Mexico again and again (see following section). This presumption should apply in cases where the person “has been or would be a victim of violence, including gender-based or sexual violence, in public or in private, gender-based persecution or genital mutilation, amounting to torture, without the intervention of the competent authorities of the State concerned for the protection of the victim.”^[53]
- Finally, the principle of nonrefoulement also applies to returns to torture or other ill-treatment at the hands of nonstate actors “over which the receiving State has no or only partial de facto control, or whose acts it is unable to prevent or whose impunity it is unable to counter.”^[54] Criminal organizations in Mexico routinely operate with impunity.^[55]

Asylum Seekers in the MPP Program Who Have Already Suffered Harm Are Nevertheless Returned Again to Mexico

Even when asylum seekers Human Rights Watch spoke to described persecution or torture in Tamaulipas to DHS officials in the nonrefoulement interview, they were still unable to prevail and were returned to Mexico.

Asylum seekers who described being kidnapped, physically harmed, or sexually assaulted – some on multiple occasions – based on one or more of the protected grounds and even with the involvement of Mexican government officials failed their nonrefoulement interviews and were sent again to the same cities in which they had been harmed.

- Julio L., who said he fled Honduras with his 11-year-old daughter when members of a militia working for local politicians beat, raped and murdered his sister and then brutally beat him almost to death, told Human Rights Watch he was kidnapped for 12 days with his daughter for ransom in Veracruz along with a group of migrants, including a cousin and a friend, both of whom were also traveling with their young daughters. He said they were targeted because they were migrants. “The girls were very upset,” Julio said. “[The men who kidnapped them] would grab the girls, get really close to them. They would watch the girls while they showered.” After Julio, his cousin, his friend, and their children were placed into the MPP program and sent to Matamoros, criminal operatives attempted to kidnap the group yet again, succeeding in kidnapping at least one parent-child pair. At his first immigration court hearing, he expressed a fear of return to Mexico and was given a nonrefoulement interview. Though interviews are required to be non-adversarial, Julio said the DHS official who performed the interview over the telephone was very aggressive in both his tone of voice and in the language he used, at one point ordering Julio to “stop being emotional.” The nonrefoulement decision notice said he “did not establish a clear probability of persecution or torture in Mexico,” and he and his daughter were sent back to Mexico.”[\[56\]](#) “Everyone fails these interviews the same way,” Julio said, remarking on what he has seen among other asylum seekers at the sprawling makeshift encampment where he and his daughter were living. “The same box is always checked.” Julio and his daughter eventually won protection under the Convention Against Torture and now reside in the United States, meaning he successfully showed that it is more likely than not he will be tortured with government acquiescence if returned to Honduras.[\[57\]](#)
- Yohan P., who fled political persecution in Nicaragua with his wife, 2-year-old son, and 10-year-old daughter, told Human Rights Watch he and his family were kidnapped at gunpoint from the Nuevo Laredo bus terminal shortly after being sent there under the MPP program. They were held for 11 days along with several other asylum seekers. Throughout that time, criminal operatives continuously called Yohan “Nica” in reference to his nationality, a protected ground in US asylum law. When the family showed up for their first immigration court hearing, they expressed a fear of return to Mexico and were given a nonrefoulement interview. Even though the family presented a Mexican police report detailing the incident, evidence most asylum seekers lack because they are often too fearful of corruption among police in Mexico and retaliation to file reports, they were sent back to Nuevo Laredo because they “did not establish a clear probability of

persecution or torture in Mexico,” according to the explanation contained in the nonrefoulement decision notice.[\[58\]](#) The family is now in hiding, too afraid to approach the US border again and have since missed their US immigration court hearings.[\[59\]](#)

- An asylum seeker from Cuba who was placed in the MPP program and sent to Matamoros told the DHS official conducting her nonrefoulement interview that when she first arrived in Reynosa, she was kidnapped by a Mexican immigration official based on her status as a migrant, held in a room for 42 days and told she would be deported if she did not pay \$3,500, according to notes taken by her attorney during the interview and turned over to Human Rights Watch. She told the official that in another incident in Reynosa, she was kidnapped and sexually assaulted by three men who pulled up in a van after she'd collected money from a wire transfer and pulled her inside in broad daylight. Afterward, they told her “not to report them to the police because they knew where I lived and they would find me,” according to the attorney notes. The men threatened to kill her. When asked whether she thought the police could have helped her, the asylum seeker explained that the Mexican police are corrupt and that federal police officers had robbed her on a bus while she was traveling through Mexico on her way to the US-Mexico border. She affirmed that she had been harmed in Mexico after being identified as a Cuban migrant on account of both her race and nationality, both protected grounds under US asylum law. She was failed on her nonrefoulement interview and sent back to Mexico.[\[60\]](#)
- An asylum seeker traveling, who was traveling with her daughter after fleeing Honduras, told a DHS official during a nonrefoulement interview that in Tamaulipas she had suffered attempted rape by cartel members who verbally identified the woman as a migrant while they ripped off her clothes, and on another occasion was extortion by Mexican police officers who also identified her as a migrant, according to notes taken by her attorney during the interview and turned over to Human Rights Watch. They were failed on their nonrefoulement interview and sent back to Tamaulipas.[\[61\]](#)
- Eric M., who fled El Salvador with his 3-year-old son and pregnant partner, told a DHS official during a nonrefoulement interview that the family was kidnapped and that his partner suffered a miscarriage as the result of a physical assault targeted at her abdomen in Tamaulipas, according to notes taken by the family's attorney during the interview and given to Human Rights Watch. Members of a cartel kidnapped the family for ransom in Reynosa, beating Eric and threatening to kill their toddler and harvest his organs for sale if they did not come up with the money the cartel operatives were demanding. After they were placed in the MPP program and returned to Matamoros, those cartel operatives threatened to kidnap the family again because they wanted more money, according to attorney notes from the interview. On two other occasions, Eric was assaulted and robbed, he told the DHS official. He explained they had been targeted for being asylum seekers because they “talk differently and do not wear shoelaces.” CBP agents routinely take asylum seekers' shoelaces while they are in detention to prevent them from harming themselves. When CBP agents send asylum seekers in the MPP program to Mexico, they do not give them their shoelaces back. Five days before the nonrefoulement interview, some men assaulted the asylum seekers during a robbery, hitting Eric in the head with a pistol and punching his wife in her stomach even though Eric pleaded with the men to leave his pregnant partner alone, according to the notes. The men verbally identified the family as migrants. The family said that even though they reported two of the incidents to

Mexican police officers, the officers failed to assist or protect them, and that, in another incident, police officers extorted them, threatening to turn them over to the cartel if they did not pay. Though they brought evidence to their nonrefoulement interview, including hospital documents they obtained after Eric's wife sought medical treatment for the miscarriage. The DHS official nonetheless failed Eric and his family on their nonrefoulement interview and sent them back to Tamaulipas.[\[62\]](#)

DHS Knows or Should Know that Asylum Seekers Are at Risk of Serious Harm in Tamaulipas

Human Rights Watch, other civil society organizations and the media have documented risks of violence to asylum seekers sent to Mexico under the MPP since the program began in Tijuana early 2019.[\[63\]](#) In July 2019, despite warnings from Human Rights Watch, other human rights defenders, and federal asylum officers, DHS expanded the MPP in the Texas Rio Grande Valley, returning vulnerable asylum seekers to cities in the Mexican state of Tamaulipas, which is on the US State Department's "do not travel" list.[\[64\]](#)

That State Department notice warns:

Criminal groups target public and private passenger buses as well as private automobiles traveling through Tamaulipas, often taking passengers hostage and demanding ransom payments. Heavily armed members of criminal groups often patrol areas of the state in marked and unmarked vehicles and operate with impunity particularly along the border region from Reynosa northwest to Nuevo Laredo.

Tamaulipas has long been known as a particularly dangerous place for migrants. It is one of two Mexican Gulf states where officials and human rights defenders have discovered more than 1,300 mass graves since 2007, including those of murdered migrants. There have also been multiple reports of bus kidnappings of migrants attempting to reach the US border.[\[65\]](#) For many years, kidnapping for ransom and human trafficking have been a main source of income for transnational criminal organizations operating in Tamaulipas.[\[66\]](#) A study released in June 2018 by the Robert Strauss Center for International Security and Law estimated that such groups can earn over \$134 million annually from crimes against migrants and identified the state of Tamaulipas as having "the highest incidence of crime against migrants."[\[67\]](#)

In both November and January, the US Consulate issued security alerts warning US government employees in Nuevo Laredo to shelter in place and observe a curfew after a series of open gunfights and blockades of burning vehicles.[\[68\]](#)

In late December 2019, the ACLU and the Center for Gender and Refugee Studies wrote a letter to the Department of Homeland Security calling on DHS to immediately stop returning asylum seekers in MPP to Tamaulipas.[\[69\]](#) A May 2020 report by Human Rights First tracked more than 1,100 publicly reported abuses, including murder, rape, and kidnapping, a figure that includes many of the cases presented in this complaint.[\[70\]](#)

Instead, DHS has continued sending asylum seekers to Tamaulipas, even though the government was alerted to the life-threatening conditions there. Those sent to Tamaulipas have included people who ask for asylum anywhere in the Rio Grande Valley sector, including Reynosa, Mexico, and McAllen, Texas, and other cities.[71] In practice, this means CBP agents at times have gone out of their way to drive asylum seekers placed in the MPP program more than 150 miles to Laredo, Texas, where they are then expelled to Nuevo Laredo, one of the most dangerous cities in Mexico, despite the significant risk that asylum seekers in the MPP program will suffer abuse, persecution, or torture there.[72]

As of December 31, 2019, more than 28,000 asylum seekers had been expelled to Tamaulipas under the MPP program, according to the Mexican National Institute of Migration.[73]

Given the well-documented history of abuse of migrants in that region by both criminal organizations and Mexican law enforcement,[74] as well as longstanding US State Department warnings against travel to the state due to “crime and kidnapping,” [75] the threats to asylum seekers sent to Tamaulipas are entirely foreseeable.

Asylum Seekers’ Consistent Accounts Suggest Routine Targeting on the Basis of Protected Grounds

[The UN Human Rights Committee, in its general comment on the prohibition against torture and other ill-treatment, stated that governments “must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement.”\[76\]](#)

Yet, DHS continues to implement the MPP program even though it knows or should know that Central Americans and other migrants subjected to MPP face likely abuse in Mexico or persecution on account of their race, national origin, and particular social group. Asylum seekers in MPP are easily identifiable in Mexico and often appear foreign, speak with noticeable accents, or do not speak Spanish at all.[77] Additionally, CBP agents routinely expel asylum seekers in the MPP program to Mexico without shoelaces and with plastic folders containing their notice to appear in court and other important documents, making these asylum seekers even easier for criminal actors to immediately identify. Criminal organizations that routinely kidnap migrants operate on the assumption that the majority of asylum seekers placed in the MPP program have US family members who can be extorted for thousands of dollars. One asylum seeker reported that while he was kidnapped, one of his captors told him the cartel had been hiring new members to respond to the increased number of migrants sent to Mexico under MPP. “Since the United States is deporting so many through here, we are capturing them and that has meant more work,” the captor told him. “We’re saturated.”[78]

Instead of safely pursuing their US asylum cases from within the United States, asylum seekers expelled by DHS to Tamaulipas have become commodities in a growing market exploiting vulnerable migrants and their US-based families and fueling the profits of transnational criminal organizations.[79]

A report by Doctors Without Borders (MSF) in early February 2020 corroborates Human Rights Watch's concern that migrants are frequently victimized in Tamaulipas. MSF found that nearly 80 percent of the 670 patients they treated in Nuevo Laredo, Tamaulipas from January to October 2019 had suffered from violence, including assault, sexual violence, torture, extortions, or threats, and in October 2019 the percentage of their new patients in Nuevo Laredo who had been kidnapped reached 75 percent (33 of 44 new patients).^[80] According to monitoring of publicly reported cases of kidnapping and other abuse of asylum seekers in the MPP program by Human Rights First, there were 265 cases of children returned to Mexico who were kidnapped or nearly kidnapped as of May 13, 2020. It is ultimately impossible to know how many people are kidnapped at a given time or how many asylum seekers have been killed after their families failed to pay the ransom because asylum seekers are often afraid to report crimes to Mexican authorities, citing corruption and impunity.^[81]

The accounts of kidnapping that Human Rights Watch documented repeatedly described having been kidnapped from bus terminals, while riding in taxis, or from in front of or within Mexican immigration offices near US ports of entry.^[82] Their descriptions of events during their abductions were highly consistent:

Asylum seeker accounts related that kidnapers routinely made reference to the fact that asylum seekers were “migrants,” “refugees,” or “foreigners”; referred to asylum seekers by their country of origin; or asked asylum seekers where they were from prior to attack.^[83] Armed cartel or other criminal operatives quickly confiscated cellphones, sometimes placing them in airplane mode, and transported asylum seekers to a stash house where they frequently saw other asylum seekers who had also been kidnapped. Asylum seekers reported being put through a standardized intake process – photos of each person were taken, identity and court documents inspected, and identifying information logged into a notebook.

Criminal organizations set an extortion amount and began looking through asylum seekers' phone contacts in search of a US-based number to call.^[84] According to data collected by the Mexican National Institute of Migration through mid-June 2019, nearly 84 percent of asylum seekers in the MPP program reported having family members in the United States.^[85] Criminal organizations are aware of the familial ties asylum seekers have with US residents and seek to exploit them for profit by threatening to harm or kill their asylum-seeking relatives.^[86]

According to attorney notes from a nonrefoulement interview, when a DHS official asked one asylum seeker from El Salvador traveling with his wife and young son how many times he was punched after having been kidnapped for ransom, he said, “Several times. Two times whenever I was on the phone [with] my mother-in-law asking about the money. They would hit me to make me scream and convince her to send the money.”

The ransom amounts ranged from \$2,000 to more than \$20,000 per person.

Mexican Government is Unable or Unwilling to Provide Protection as Required by DHS Policy

The MPP program policy guidance claims that “the Government of Mexico will afford such individuals all legal and procedural protection[s] provided for under applicable domestic and international law. That includes applicable international human rights law and obligations as a party to the 1951 Convention relating to the Status of Refugees (and its 1967 Protocol) and the Convention Against Torture.”[\[87\]](#)

Mexican government officials, including police and immigration officers, have been implicated in some reports of persecution or torture against asylum seekers in the MPP program, while in others, officials did nothing to prevent harm to asylum seekers.[\[88\]](#)

DHS has not made any meaningful efforts to monitor the conditions for asylum seekers in Tamaulipas.

Contrary to Acting CBP Commissioner Mark Morgan’s October 2019 statements in a press briefing defending the MPP program,[\[89\]](#) most shelters that Human Rights Watch researchers visited do not have security guards and are not capable of ensuring asylum seekers expelled to Mexico under the MPP program remain safe. Shelters where asylum seekers are known to stay have been targeted by criminal organizations, which had been reported in the media prior to Morgan’s misleading statement.[\[90\]](#)

For example, on August 3, 2019, kidnappers showed up at a migrant shelter in Nuevo Laredo, but when Pastor Aaron Méndez refused to let them take any asylum seekers, they took Méndez instead, along with Alfredo Castillo, who also worked at the shelter.[\[91\]](#) Both men remain missing, and the United Nations High Commissioner for Human Rights and the Inter-American Commission on Human Rights have since called on the Mexican government to intensify efforts to find and protect both men.[\[92\]](#)

Asylum seekers have also reported being targeted directly outside of shelters.[\[93\]](#) Expecting asylum seekers to never leave shelters, as Morgan suggested, is unreasonable considering the fact that they are ordered by DHS to show up to US ports of entry as early as 3 a.m. multiple times to appear for their immigration court hearings.[\[94\]](#) They must also leave to purchase personal hygiene products, to work, or for other necessary reasons.

Morgan continued to defend the MPP program in a February 2020 press briefing, where he claimed that when visiting migrant shelters in Mexico, he had not heard the kinds of reports of violence to asylum seekers in the program that so many journalists and nongovernmental organizations have reported on.[\[95\]](#)

“When Morgan visited El Paso, I ran into his staffers at one of the shelters by accident,” immigration attorney Taylor Levy responded on Twitter. “I took them aside and told them I had represented a woman the day before who was kidnapped *outside of that very shelter.* They told me (per my memory), ‘That’s what everyone has been telling us.’” She said Morgan’s staff looked “truly impacted.”[\[96\]](#) She said she warned them that asylum seekers had been kidnapped from within the shelter and that “masked men had entered the unsecured compound on multiple occasions screaming while riding in the backs of pick-up trucks with semi-automatic rifles, as a scare tactic. They heard all of this.”[\[97\]](#)

Almost none of the asylum seekers interviewed for this complaint reported crimes against them to the police in Mexico. Not only have some asylum seekers been persecuted by Mexican police or immigration authorities, but the high level of impunity in Mexico often deters asylum seekers from risking their safety knowing they are not likely to receive protection.[\[98\]](#)

Asylum seekers continue to face a severe shortage of shelter space in cities in Tamaulipas. Many asylum seekers have extremely limited financial means and often have no ability to pay for shelter, food, water, or other necessities. This further increases their vulnerability to criminal organizations aiming to exploit them.

In Matamoros, thousands of asylum seekers in the MPP have been forced to live in a makeshift refugee camp with little to no support from the Mexican government. What little access asylum seekers have there to potable water, medical care, showers or bathrooms has mainly been provided by volunteers and is insufficient. Asylum seekers have had to bathe and wash clothes in the nearby Rio Grande, causing irritated skin rashes, and have had to defecate on the open ground in close proximity to where they sleep. Medical professionals volunteering in the camp told Human Rights Watch they have documented outbreaks of chickenpox, parasites such as lice and intestinal worms, as well as respiratory and gastrointestinal problems. Asylum seekers forced to wait in Tamaulipas also often suffer from anxiety, post-traumatic stress disorder, and depression.[\[99\]](#)

Encampments are also unsafe. Asylum seekers told Human Rights Watch that cartel members are constantly surveilling them. Many parents live in constant fear that their children will be raped, kidnapped, or otherwise harmed.

- Hugo O., an asylum seeker living in the makeshift camp in Matamoros who fled Honduras with his 15-year-old daughter after members of a gang tried to forcibly recruit her, said he is constantly afraid his daughter will be kidnapped or raped in the camp. When we talked to him, he was thinking about sending his daughter across alone and had written a letter to US immigration officials. It read:

My daughter is desperate. I am trying to be strong so that she does not see that I'm afraid. But inside I am destroyed by what is happening. We live in a little tent here near the repatriation place in Matamoros, but that does not matter. The sad thing is the fear that we experience because of the threats. My daughter is traumatized. We cannot leave here. They say they [the cartel] control everything. Please help us.[\[100\]](#)

- A young woman returned to a crowded refugee area in Tamaulipas under the MPP fled the threat of death in Central America with her toddler. Her child needed to go to the bathroom in the middle of the night, but there were no facilities available, so she took the toddler to some nearby shrubs. Three men subsequently accosted them, forced them into a vehicle, and violently raped the young woman in front of her child. The following day, when Human Rights Watch researchers met the young asylum seeker, she was still suffering from injuries caused by the abuse and had to return to the hospital.[\[101\]](#)

The Matamoros camp is situated directly next to the port of entry and along the Rio Grande partly because asylum seekers are afraid to seek shelter in the interior of the city and partly because if it were located elsewhere, asylum seekers would no longer have access to the few US attorneys and volunteers serving asylum seekers in the camp.

During Pandemic, Asylum Seekers in the MPP Face a Prolonged Wait in Danger

All of the dangers described above, as well as the heightened risk of infection in crowded, unsanitary settings, have increased asylum seekers' vulnerability in the MPP program. Currently, MPP hearings have been delayed until June 19, 2020,[\[102\]](#) due to the pandemic and could be further delayed. Asylum seekers are now therefore forced to wait even longer than previously for their day in court.

Many of those waiting for their US immigration court hearings are homeless in Mexico and have little access to health care. For example, Human Rights Watch found that in Matamoros, Mexico, just across from a US port of entry, about 2,500 asylum seekers live back-to-back in tents holding up to five people each with only a handful of outdoor showers and portable restrooms that have at times overflowed with human waste.

Health workers have said that an [outbreak of COVID-19 in camps and shelters is inevitable](#), meaning asylum seekers face a real risk of life-threatening disease.[\[103\]](#)

Conclusion

In its implementation of the MPP in the Mexican state of Tamaulipas, DHS is knowingly and willingly returning asylum seekers to harm, as well as violating US asylum law, international human rights law, and its own policies associated with the program.

Despite the significant risk that asylum seekers will face persecution or torture in Tamaulipas, the nonrefoulement screening process implemented by DHS has proven ineffective at protecting against these harms, and, even when applied, is implemented incorrectly or not at all.

DHS should end the MPP program, or at a minimum, DHS should immediately cease sending asylum seekers to Tamaulipas State.

Asylum seekers in the MPP program should be paroled into the United States and allowed to continue their immigration court proceedings in communities where they have existing networks of support. To achieve this, the US government should ensure those who have been subjected to the MPP program are given a change of venue to the immigration court nearest to their destination.

Asylum seekers who have been sent to Mexico under the MPP program and who have been issued orders *in absentia* should be given the opportunity to reopen their cases, and DHS should be required to properly notify such persons, as well as facilitate transportation and entry into the United States.

So long as MPP is in place, DHS should not apply the onerous “more likely than not” standard during nonrefoulement interviews, and asylum seekers should have access to an attorney before and during such interviews across the border. Those interviews should be conducted for all asylum seekers DHS intends to place in the MPP program, rather than requiring asylum seekers to affirmatively express fear of Mexico.

CBP agents should not perform any nonrefoulement interviews. Fear of return assessments should only be conducted by properly trained asylum officers.

We look forward to learning what action you have taken in regard to this matter. Thank you for your time and attention.

Sincerely,

Nicole Austin-Hillery

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[5] *Innovation Law Lab v. Wolf*, No. 19-15716 (9th Cir. February 28, 2020), op. at 7, available at <https://cdn.ca9.uscourts.gov/datastore/opinions/2020/02/28/19-15716.pdf> (viewed March 16, 2020).

[6] *Wolf v. Innovation Law Lab*, Order in Pending Case, No. 19A960 (U.S. March 11, 2020), available at https://www.supremecourt.gov/orders/courtorders/031120zr_19m2.pdf (viewed March 16, 2020).

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[8] US Department of Homeland Security, “Secretary Kirstjen M. Nielsen Announces Historic Action to Confront Illegal Immigration,” press release, December 20, 2018, <https://www.dhs.gov/news/2018/12/20/secretary-nielsen-announces-historic-action-confront-illegal-immigration> (viewed March 16, 2020).

[9] Convention Relating to the Status of Refugees, 189 U.N.T.S. 150, *entered into force* April 22, 1954, article 33.

[10] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), *entered into force* June 26, 1987, article 3(1). The US ratified the convention in 1994. The convention defines

torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.” *Ibid.*, art. 1. The UN Committee against Torture, which provides authoritative guidance on states’ obligations under the Convention against Torture, has determined that “‘substantial grounds’ exist whenever the risk of torture is ‘foreseeable, personal, present and real.’” Committee against Torture, General Comment No. 4, U.N. Doc. CAT/C/GC/4 (September 4, 2018), para. 11.

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[13] 8 C.F.R. §§ 208.16-208-18.

[14] 8 C.F.R §§ 208.30; 8 C.F.R 1208.31

[15] Memorandum from US Department of Homeland Security to US Citizenship and Immigration Services, “MPP Guiding Principles,” January 28, 2019, <https://www.cbp.gov/sites/default/files/assets/documents/2019-Jan/MPP%20Guiding%20Principles%201-28-19.pdf> (accessed February 17, 2019); Letter from

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[16] *Doe v. Wolf*, Order Granting Motion for Classwide Preliminary Injunction, No. 19-cv-2119-DMS (S.D. Cal. January 14, 2020), <https://www.aclusandiego.org/wp-content/uploads/2020/01/ORDER-GRANTING-MOTION-FOR-CLASSWIDE-PRELIMINARY-INJUNCTION.pdf> (viewed March 16, 2020).

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[18] *Ibid.*

[19] Dara Lind, “Exclusive: Civil Servants Say They’re Being Used as Pawns in a Dangerous Asylum Program,” *Vox*, May 2, 2019, <https://www.vox.com/2019/5/2/18522386/asylum-trump-mpp-remain-mexico-lawsuit> (accessed February 20, 2020); Debbie Nathan, “An Asylum Officer Speaks Out Against the Trump Administration’s ‘Supervillian’ Attacks On Immigrants,” *Intercept*, September 13, 2019, <https://theintercept.com/2019/09/13/asylum-interview-immigration-trump/> (accessed February 20, 2020).

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[22] Memorandum from US Department of Homeland Security to US Citizenship and Immigration Services, “MPP Guiding Principles,” January 28, 2019, <https://www.cbp.gov/sites/default/files/assets/documents/2019-Jan/MPP%20Guiding%20Principles%201-28-19.pdf> (accessed February 17, 2019); Dara Lind, “Exclusive: Civil Servants Say They’re Being Used as Pawns in a Dangerous Asylum Program,” *Vox*, May 2, 2019, <https://www.vox.com/2019/5/2/18522386/asylum-trump-mpp-remain-mexico-lawsuit> (accessed February 20, 2020).

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[24] Human Rights Watch interviews with asylum seekers (names withheld), Monterrey, Mexico, December 9-13, 2019. When Human Rights Watch asked asylum seekers in Monterrey whether they’d requested or been given an interview to discuss potential fear of return to or harms in Mexico, they consistently responded with confusion, and many followed up with questions about the purpose of such interviews and how they could be accessed.

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[27] Dara Lind, “Exclusive: Civil Servants Say They’re Being Used as Pawns in a Dangerous Asylum Program,” *Vox*, May 2, 2019, <https://www.vox.com/2019/5/2/18522386/asylum-trump-mpp-remain-mexico-lawsuit>(accessed June 5, 2019).

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[32] Sworn declaration by Daniel G., (name withheld), taken by Jennifer Harbury, Monterrey, Mexico, August 4, 2019 (on file with Human Rights Watch).

[33] Attorney notes from nonrefoulement interview (names and date withheld), Laredo, Texas, (on file with Human Rights Watch).

[34] Human Rights Watch, *US: Mexican Asylum Seekers Ordered to Wait*, December 23, 2019, <https://www.hrw.org/news/2019/12/23/us-mexican-asylum-seekers-ordered-wait>.

[35] Sworn declaration by Yago R., (name withheld), taken by Jennifer Harbury, Monterrey, Mexico, August 4, 2019, (on file with Human Rights Watch).

[36] *Constanza Lemus et al v. Wolf et al. US District Court*, No. 20-cv-10009 (D. Mass. filed January 3, 2020), available at https://www.aclum.org/sites/default/files/field_documents/1_complaint.pdf.

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[38] Mallory Falk, “Asylum Seekers In Mexico Worry About Waiting Longer In Dangerous Conditions Due To COVID-19,” *KERA News*, April 28, 2020, <https://www.keranews.org/post/asylum-seekers-mexico-worry-about-waiting-longer-dangerous-conditions-due-covid-19> (accessed May 27, 2020).

[39] Human Rights Watch interview with Fabiola B., (name withheld), Reynosa, Mexico, November 6, 2019.

[40] Human Rights Watch interview with Walter P., (name withheld), San Luis Potosi, Mexico, January 17, 2020.

[41] Memorandum from US Department of Homeland Security to US Citizenship and Immigration Services, “MPP Guiding Principles,” January 28, 2019, <https://www.cbp.gov/sites/default/files/assets/documents/2019-Jan/MPP%20Guiding%20Principles%201-28-19.pdf> (accessed June 10, 2019).

[42] Dara Lind, “Exclusive: Civil Servants Say They’re Being Used as Pawns in a Dangerous Asylum Program,” *Vox*, May 2, 2019, <https://www.vox.com/2019/5/2/18522386/asylum-trump-mpp-remain-mexico-lawsuit>(accessed June 5, 2019).

[43] Brief of Amicus Curiae Local 1924, pp. 21-22, *Innovation Law Lab v. McAleenan*, No. 19-15716 (9th Cir. June 26, 2019).

[44] *Ibid.* p. 21.

[45] *Ibid.* pp. 18-20.

[46] *Ibid.*

[47] UN Committee against Torture, General Comment No. 4, U.N. Doc. CAT/C/GC/4 (September 4, 2018), para. 13.

[48] *Ibid.*

[49] *Ibid.* para. 18(b).

[50] *Ibid.* para. 18(c).

[51] *Ibid.* para. 14.

[52] *Ibid.* para. 28.

[53] Ibid. para. 29(c).

[54] Ibid. para. 30.

[55] “Level 4: Do Not Travel” advisory for the state of Tamaulipas warning that “Organized crime activity – including gun battles, murder, armed robbery, carjacking, kidnapping, forced disappearances, extortion, and sexual assault – is common along the northern border,” that criminal groups “operate with impunity particularly along the border region from Reynosa northwest to Nuevo Laredo,” and that “local law enforcement has limited capability to respond to crime incidents,” US Department of State, Mexico Travel Advisory, December 17, 2019, <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/mexico-travel-advisory.html> (accessed February 17, 2020).

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[57] Human Rights Watch interview with Julio L., (name withheld), Matamoros, Mexico, November 6, 2019.

[58] Nonrefoulement interview decision notice reviewed by Human Rights Watch, Monterrey, Mexico, December 11, 2019.

[59] Human Rights Watch interview with Yohan P., (name withheld), Monterrey, Mexico, December 11, 2019.

[60] Attorney notes from nonrefoulement interview, (name withheld), on file with Human Rights Watch, Brownsville, Texas, December 16, 2019.

[61] Attorney notes from nonrefoulement interview, (names withheld), on file with Human Rights Watch, Brownsville, Texas.

[62] Attorney notes from nonrefoulement interview, (names withheld), on file with Human Rights Watch, Brownsville, Texas, December 11, 2019.

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