



CATHOLIC LEGAL  
IMMIGRATION  
NETWORK, INC.

**Asylum at the Border – Continuing Crises**  
**May 12, 2020**

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### Presenters

- Victor Flores, Volunteer Coordinator –  
Estamos Unidos
- Tania Guerrero, Project Attorney, Estamos  
Unidos
- Reena Arya, Senior Attorney, TLS

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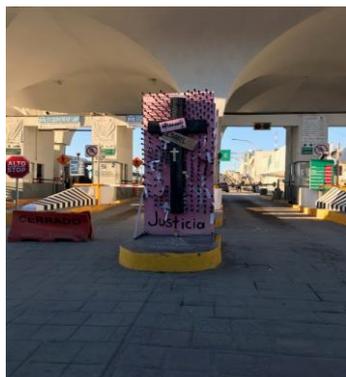
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### Agenda

- Asylum  
Procedures –  
old and new
- Estamos  
Unidos  
Response
- How you can  
help!



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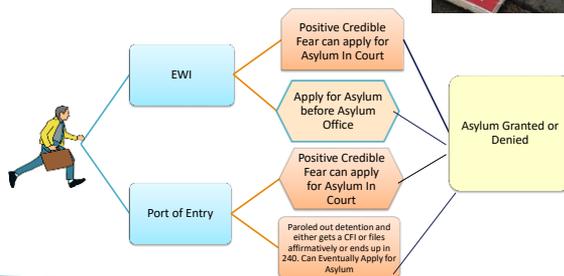
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## Asylum then...




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## Metering (Turn Backs)

- Metering was used as early as February 2016.
- Wait times varied from a low of one to three days to up to six months or more.
- At POEs in Reynosa, Tamaulipas and McAllen, Texas, Ciudad Juárez, Chihuahua and El Paso, Texas.
- CBP has said that Mexicans and unaccompanied children are not subject to metering. (not true)
- Lawsuit filed: *Al Otro Lado, Inc. v. Wolf* (turn back policy)




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## Asylum Bans

**Asylum Ban 1** – Bar to Those Who Enter the United States Without Inspection. Litigation, *East Bay Covenant Sanctuary v. Trump* (Nationwide injunction in place).

**Asylum Ban 2** – Third Country Transit Ban

Applies those who arrive **on or after July 16, 2019**, and who traveled through a **third country (mostly non-Mexicans)** did not apply for asylum in at least one of the countries transited. Can apply for **WOR and/or CAT**. Exceptions apply to those who are subject to **severe form of trafficking**.

Litigation: *East Bay v. Barr*. Asylum Ban currently in effect.

*Al Otro Lado v. Wolf*. if arrived to POE before July 16 and metered, not subject to Asylum ban 2 in 9<sup>th</sup> Cir.




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## Migrant Protection Protocols

On January 25, 2019, DHS initiates (MPP)

- San Ysidro, CA
  - Calexico, AZ \
  - Nogales, AZ \
  - El Paso, TX
  - Eagle Pass, TX
  - Laredo, TX
  - Brownsville, TX
- Through December 2019, over 59,000 asylum seekers placed in MPP.




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## Migrant Protection Protocols

- Exempts unaccompanied minors and those considered 'vulnerable.'
- Can Request Nonrefoulement Interview with USCIS.
- Litigation pending: *Innovation Law Lab v. Wolf*.




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## Challenges

- As of November 2019 only 4% of asylum applicants in MPP gained representation and .02% Asylum grant rate. (TRAC)
- Asylum seekers in Mexico regularly face danger, discrimination, victimization and death.
- Non-refoulement Interviews with Asylum Officers lack transparency, fairness and due process.
- CBP officers not referring people for fear screenings
- Tent Courts with limited to no due process.

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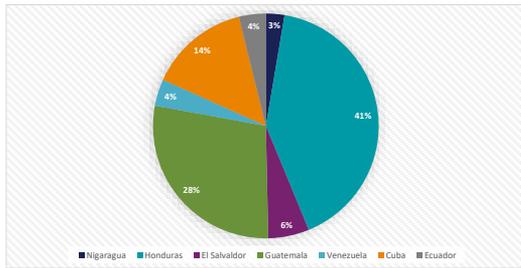
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### The top seven national origins of those in MPP according TRAC:




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### Credible Fear Changes



- Prompt Asylum Claim Review (PACR) applies non Mexican asylum seekers
- Humanitarian Asylum Review Process (HARP) applies to Mexican asylum seekers
- Requires asylum seekers to wait in “hieleras” (iceboxes) with no access to counsel to prepare for CFIs.
- Must undergo CFIs in CBP custody.
- Litigation: *Las Americas v. Wolf*.
- Also CBP conducting interviews; new heightened standard CFI.




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### Asylum Cooperative Agreements

- El Salvador, Honduras, Guatemala
- Asylum Officers must determine, before doing a CFI, if the ACA applies to the asylum officer, or if the exception (in the national public interest) applies.
- AOs must also determine if the asylum seeker would “more likely than not” suffer persecution on account of a protected ground or tortured in the ACA country.
- Litigation: *UT et al v. Barr*. Pending.




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All of 2019 – 276 femicides  
Up to April 23, 2020 – 85 femicides  
(Source: Fiscalía de Genero)



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### What we were doing Pre-COVID-19?

- Operations in Juarez started Aug 19, 2019
- Rotation of shelters and Cathedral
- KYRs, Consultations, 589 pro se assistance, translation services, NRI prep, Hearing On the Merits prep
- Placement of case with Pro Bono Counsel (when possible: asylum case, BIA appeal, and Mtn to Reopen)
- Assistance in obtaining evidence for NRI



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## Effects on asylum seekers




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## What are we doing **during** COVID-19?

- Remote consultations, 589 pro se assistance, translations, prep for NRI
- Whatsapp group (229 in group)
- Welfare calls
- Coordination with government, health and local humanitarian aid, and international org.




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## Who have we helped?

Individuals Served			
Total	Gender	Age (yrs. old)	By Countries
1829	Female (940) Male (889)	0-17 (743) 18-30 (407) 31-50 (459) 51+ (34) Unknown (186)	Honduras (580) Guatemala (551) El Salvador (247) Cuba (135) Mexico (96) Nicaragua (59) Ecuador (42) Venezuela (35) USA (13) Brazil (12) Peru (11) Colombia (4) Panama (1)




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## Services

Service		Individuals Served
Know Your Rights (KYR) events	79	1762
Consultations	595	1829
Accompaniments	9	115
<b>Total</b>	<b>683</b>	




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## Psychological Toll

According to the World Health Organization (WHO): Mental Health-Related Problems:

- Victim of crime
- Victim of terrorism or torture
- Imprisonment and other incarceration
- Target of (Perceived) Adverse Discrimination or Persecution.




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## Problems related to other legal circumstances

MPP and its implications:

- Stressful/poor conditions (crime, medical assistance, institutional violence, etc)
- No full legal representation for most of cases
- Poor access to legal orientation (high demand)




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### Common mental health issues for those in MPP

- Post-Traumatic Stress Disorder
- Depression
- Anxiety

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### Implications

- Asylum seekers returning to the countries where they fear harm
- Asylum Seekers/Migrants exposed to human traffickers
- Administration using procedural obstacles as deterrent to asylum seekers

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### Border Closed due to COVID 19

- Expulsions (Coronaretornos)
- 20,000 adults, children and families returned to their home country.
- Historically new procedure to "close" the border, including people requesting asylum and minors. **Only exception: if you express fear of being tortured.**




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## COVID 19 – US Side

- MPP hearings postponed until June 22.
- As of May 10 to June 7th, individuals no longer must go to borders for a 'tear sheet'
- Individuals with a hearing date prior to June 22, should present themselves one month later than the date indicated.
- El Paso and San Diego Courts open for filings
- Can file documents electronically




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### Covid 19 in Mexico

- On April 21, the Mexican government announced the start of Phase 3 of the pandemic response
- On April 16, the Mexican government extended nationwide restrictions through May 30
- May 8 – imposed curfew. Stricter prevention measures.




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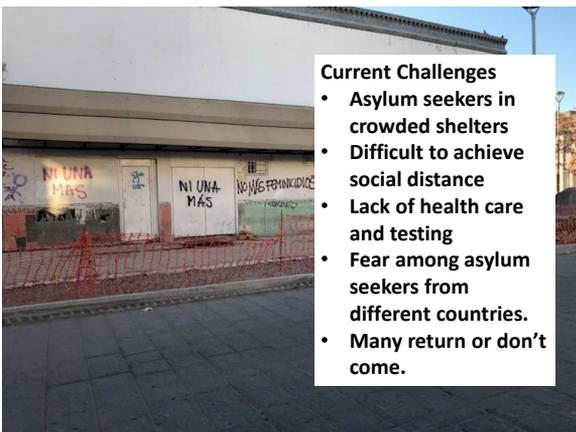
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- Current Challenges**
- Asylum seekers in crowded shelters
  - Difficult to achieve social distance
  - Lack of health care and testing
  - Fear among asylum seekers from different countries.
  - Many return or don't come.

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### How you can help?

- Data Entry
- I589 completions/declarations
- NRI preparations
- Translations (SP to ENG, PR to ENG)
- Supporting doc for asylum packages
- Preparing a person for an individual hearing.
- All work is by phone only.
- Ways to volunteer: Whatsapp, facetime and email.




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### Find our volunteer application in

<https://airtable.com/shrX8s4IcoLDaGLmW>




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### Representation Matters

- Pro bono cases
- Pro bono BIA appeals
- Pro bono Motions to Reopen




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## Come and See Us Again!

**Webinar Series:**

- Citizenship and Naturalization, June 6 – 30
- Refugee and Asylee Issues, July 16-30

**E-Learning Courses:**

- Comprehensive Overview of Immigration Law, May 25 – July 9
- Case Management Techniques and Strategies, May 27 – June 24



## And Again!

- Writing a Compelling Declaration. May 18, 2020.
- Analyzing Family-Based Asylum Claims After Matter of L-E-A- and Matter of E-R-A-L-. June 11, 2020.
- Immigration Legal Services in Rural America. August 26, 2020.




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GRACIAS  
**THANK YOU**  
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