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NGOs Urge U.S. & Mexican Authorities to Respect Right to Seek Asylum, Ensure Due Process & Uphold Family Unity at the U.S.-Mexico Border

April 27, 2018

The undersigned organizations strongly urge U.S. and Mexican authorities, including Customs and Border Protection (CBP) and the Mexican National Migration Institute (*Instituto Nacional de Migración*), to uphold the right to seek asylum and ensure due process and family unity at the U.S.-Mexico border at all times, including with the participants of the Viacrucis Refugee Caravan.

This caravan is a reflection of the [violence, corruption and impunity](#) fueling forced displacement from the Northern Triangle countries of Central America. In 2016, the three NTCA countries had a [combined total](#) of 14,870 homicides, and individually were still well above the minimum number of homicides identified by the United Nations to constitute an epidemic of violence—with El Salvador at 81 murders, Honduras at 58, and Guatemala at 27 per every 100,000 inhabitants. Children, youth, women and members of the LGBTI community in particular face increasing rates of homicides and threats to their life. In Central America, sexual and gender based violence rates are extremely high. In El Salvador in 2017, a woman was murdered every 18 hours and 46 minutes, and in Guatemala an average of 62 women are murdered every month. Lack of access to justice and high impunity rates foster widespread violence and distrust in government. Contested elections in Honduras last year have exacerbated a situation of militarization and repression against citizens, increasing out-migration and forced displacement.

According to U.S., Mexican and international law, all individuals have the right to pursue asylum and for due process to be upheld in the processing of their claims. Returning individuals who have expressed fear of return to the aforementioned conditions in their home countries is a violation of the internationally recognized norm of *non-refoulement*. It is not illegal to seek asylum. U.S. and Mexican authorities should refrain from cooperating with each other to deter the right of individuals to seek asylum.

No law forces individuals to seek asylum in Mexico or justifies the rejection of asylum protection in the United States based on the possibility to seek asylum in Mexico. The [increase](#) in the number of asylum applications in Mexico, as in other countries in the region for the past few years is simply further evidence of the root causes of this migration fueling displacement. Mexico's asylum system remains weak and underfunded, and access to asylum is far from the norm for individuals. Instead, the Mexican government has maintained a consistent level of apprehensions and deportations of migrants under its Southern Border Program, with U.S. support. Migrants who enter Mexican territory are subject to crimes by corrupt migration enforcement agents, often working in collusion with organized crime, criminal networks that target migrants, and other dangerous actors.

Family unity should also be respected in all cases and separation should not be used as a deterrence mechanism to prevent access to seek protection. U.S. CBP officials should ensure screening and processing instead of resorting to prolonged detention and criminal prosecution of



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asylum seekers. Threatening asylum seekers with prosecution seeks to portray these individuals as criminals instead of individuals in need of protection.

The caravan does not represent a massive influx of individuals to the U.S.-Mexico border. Border crossings remain at historic lows. As CBP data demonstrates, southwest border crossings for FY18 are [lower](#) than FY17 and FY16 for the same period to date. Total border crossings for FY17 represented a [record low](#) since the 1970s.

We urge U.S. and Mexican authorities to abide by international and national law in their processing of asylum seekers at the U.S-Mexico border at all times, to uphold due process and ensure family unity. Doing otherwise would imply a violation of U.S. and international law and authorities enforcing such violations should be held accountable, investigated and prosecuted.

Signed

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