

“If I went back, I would not survive.”

Asylum Seekers Fleeing Violence in Mexico and Central America

Executive Summary

October 2019

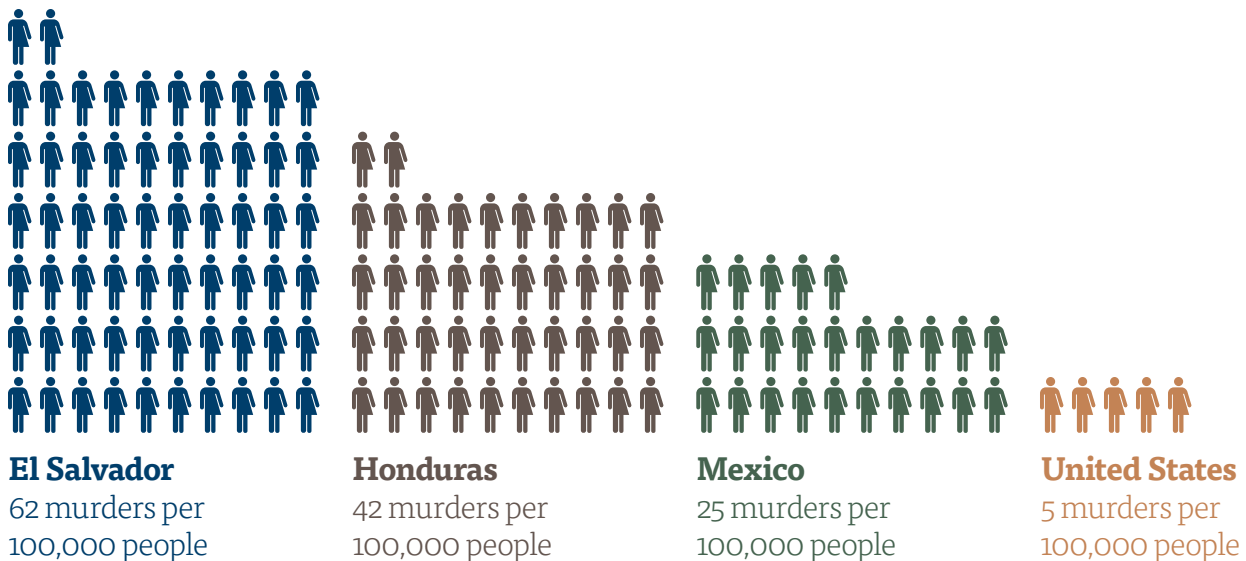


Mexican and Central American Asylum Seekers are Fleeing Extreme Violence

Survivor Statistics from PHR Evaluations

No.	Age	Gender	Pseudonym	Country of Origin	Perpetrator of Violence		Type of Violence Involved						Psychological Impact		
					Gangs and Organized Crime	State Authorities	Targeting of Witnesses	Beatings and Other Physical Attacks	Threats and Extortion	Forcible Gang Recruitment	Sexual Violence	Domestic Violence	LGBTI Discrimination	PTSD	Depression
1	16	Female	Adriana	El Salvador	●	—	—	●	●	—	—	●	—	●	*
2	36	Female	Josefina	El Salvador	●	—	—	—	●	—	—	—	—	—	—
3	18	Male	Benjamin	El Salvador	—	●	—	●	●	—	—	—	—	●	●
4	18	Male	David	Honduras	●	—	—	—	●	●	—	—	—	●	●
5	35	Female	Hortensia	Mexico	●	—	●	—	●	—	—	—	—	●	●
6	36	Male	Javier	El Salvador	●	—	—	●	●	—	—	—	—	●	●
7	25	Female	Rosa	El Salvador	●	—	—	—	●	—	—	—	—	●	●
8	21	Female	Jimena	Honduras	●	—	—	—	●	●	●	—	—	●	●
9	60	Male	Jorge	Honduras	●	—	—	●	●	●	—	—	—	—	●
10	27	Female	Juana	El Salvador	—	●	—	—	●	—	●	—	●	●	—
11	18	Male	Manuel	El Salvador	●	—	●	●	●	●	—	—	●	●	●
12	56	Female	Marta	Nicaragua	—	●	—	—	●	—	—	—	—	●	●
13	20s	Female	Natalia	Mexico	●	—	—	—	●	—	●	●	—	●	—
14	35	Female	Romina	Honduras	●	—	—	●	●	—	—	—	—	●	●
15	29	Male	Sergio	Honduras	●	—	●	—	●	—	—	—	—	*	*
16	9	Male	Miguel	Honduras	●	—	—	●	●	—	—	—	—	—	*
17	8	Male	Antonio	Honduras	●	—	—	●	●	—	—	—	—	●	*
18	43	Female	Silvia	Mexico	●	—	●	—	●	—	—	—	—	●	●

National Homicide Rates

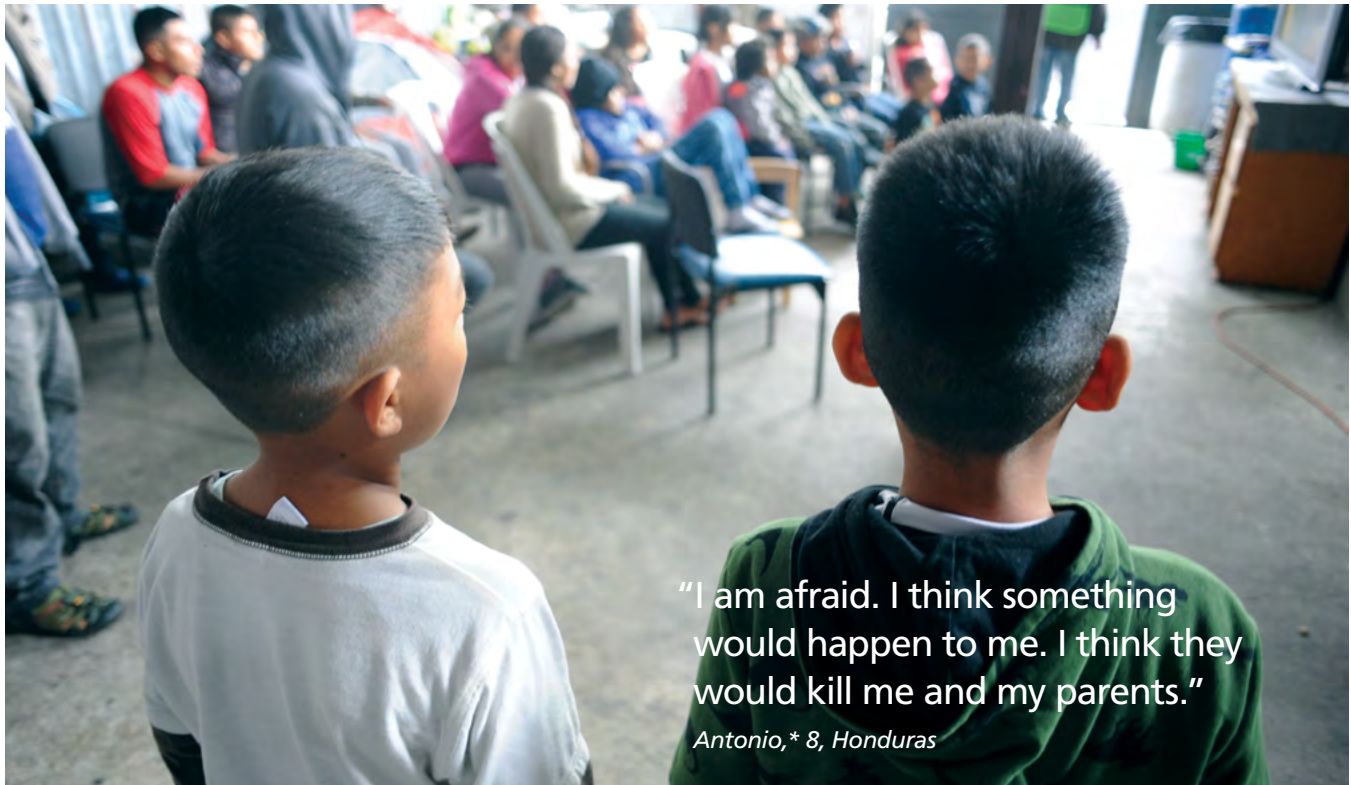


Source: United Nations Office on Drugs and Crime (2017)

Above: All names changed for security reasons.

* PTSD and/or depression screenings not available.

Executive Summary



"I am afraid. I think something would happen to me. I think they would kill me and my parents."

Antonio, 8, Honduras*

Honduran brothers Miguel, 9, (left) and Antonio, 8, (right) at a shelter for migrants in Tijuana. Antonio narrowly missed being killed by two men connected to organized crime who attacked his family with a machete in Honduras.

A cornerstone of President Donald Trump's campaign in 2016 was to portray immigrants, refugees, and asylum seekers as a danger to the United States. Since taking office in January 2017, President Trump has continued such inflammatory rhetoric, deriding the U.S. asylum system as a "big fat con job" and accusing asylum seekers of exaggerating the violence they are fleeing. President Trump's administration has matched that rhetoric with a hardline immigration policy agenda that targets people seeking asylum in the United States and obstructs the internationally and domestically recognized right of all people to seek asylum protection.

"They said that this was a warning but next time they would kill all of us. That is why we left in the middle of the night. We do not feel safe. They are not playing games."

Javier, 36, El Salvador

Read the full report at :
phr.org/fleeing-violence

In the face of an array of restrictions, as of August 2019, an estimated 60,000 asylum seekers were waiting along the southern border for the opportunity to exercise their right to seek asylum. Roughly one third of them were in Tijuana, Mexico. Drawing upon its experience providing forensic evaluations for thousands of asylum seekers in the United States over the past 30 years, PHR documented the cases of 18 asylum seekers waiting in Tijuana to assess the degree to which physical and psychological findings corroborate their allegations of abuse and persecution. This report is a compilation and analysis of those evaluations.

The report examines the cases of 18 asylum seekers (15 adults, three minors) from El Salvador (7), Honduras (7), Mexico (3), and Nicaragua (1). While not meant to be a representative sample, these cases provide a snapshot of these asylum seekers' lives and histories, why they undertook treacherous journeys to seek protection in the United States, and the physical and psychological impact that their experiences have had on them. All of the evaluated asylum seekers provided credible accounts and corroborating evidence that they fled persecution resulting in significant trauma. Several of these asylum seekers endured multiple forms of persecution and trauma, reflecting the compounding violence in several countries that drives so many from this region to seek asylum.

Out of the 18 asylum seekers PHR medical experts interviewed and clinically evaluated, three faced violence perpetrated by state actors, such as police and security forces. The remaining 15 were targeted by non-state actors, such as gangs who pursue specific groups of people. For example, every young male whom PHR interviewed in Tijuana reported experiencing pressure to join a gang. These gangs routinely forcibly recruit youth to carry drugs or collect “protection money” in neighborhoods where they have a stronghold. Those who do not comply face violence in the form of beatings, kidnappings, and killings. Women risk sexual violence if their partner does not comply with a gang, or they do not agree to become a “girlfriend” to one of its members. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals also face threats, arbitrary arrests, killings, and other violence by state and non-state actors. Because governments in the countries of origin lack the will or ability to protect people from these abuses, a bid for asylum often becomes the sole means for people to escape the possibility of deadly violence.

PHR further found that U.S. policies have stranded asylum seekers in Tijuana, where they are vulnerable to violence, theft, and extortion by cartels, gangs, and police authorities. Current U.S. asylum policies that restrict asylum seekers’ right to enter the United States inflict further trauma on them every day they must wait. Many of those interviewed by PHR reported feeling under imminent threat both during their journey to the U.S.-Mexico border and while they waited in Tijuana. Twelve out of the 15 adults interviewed screened positive for post-traumatic stress disorder (PTSD), and many who screened positive for depression also experienced fear and hypervigilance. Two out of the three children interviewed reported symptoms of PTSD, and one boy also showed signs of anxiety disorder and somatization, whereby psychological distress manifests as physical ailments and attention problems.

“We do not trust the police.
They are part of the gangs.
They get a percentage from
the drugs they sell.”

Jorge, 60, Honduras

PHR’s findings provide a compelling argument for the U.S. government to allow asylum seekers to apply for asylum in a prompt and fair manner and demonstrate how restrictive policies are likely to compound the stressors and harms suffered by this already traumatized group of people. PHR asserts that the U.S. government should immediately stop impeding the internationally recognized right to seek asylum. Specifically, the U.S. government should: 1) abolish the “metering” system which limits the number of people allowed to enter the United States each day to make their case for asylum; 2) ensure that the asylum application process is safe, predictable, and transparent; 3) end all practices, such as the Migrant Protection Protocols (which require applicants to return to Mexico to await their court date), intended to bar or deter asylum seekers from seeking protection in the United States; 4) cooperate with regional and international monitoring mechanisms from the Inter-American Commission on Human Rights and the United Nations; and 5) guarantee that human rights defenders, medical personnel, and legal and humanitarian organizations serving asylum seekers do not face arbitrary restrictions for their work.

“Fear, terror, dread, panic.
I wake up from nightmares
and start to pray, asking
God to help and protect
me.... I have dreams where
they kill my kids.”

Silvia, 43, Mexico

Silvia and her family fled their town in Mexico after her husband, who had been repeatedly pressured to work for organized crime, witnessed killings. She said many friends, neighbors, and relatives had been murdered by members of organized crime.



“If I went back, I would not survive.”

Asylum Seekers Fleeing Violence in Mexico and Central America

Recommendations

To the U.S. Government:

- Ensure the right to seek asylum is safeguarded, including when states are unwilling or unable to protect people from persecution by non-state actors, such as gang violence and domestic violence.
- End all practices that bar asylum seekers from adequate and effective physical and legal protection inside the United States, including the Migrant Protection Protocols (MPP) and “metering” policies.
- Prioritize resources to ensure that ports of entry across the U.S.-Mexico border can process and consider asylum claims in a fair and timely fashion.
- Integrate trauma-informed standards and practices that are culturally and linguistically sensitive into every stage of the asylum-seeking process, from Customs and Border Protection processing through final adjudication.
- Uphold current United States Citizenship and Immigration Services (USCIS) standards for non-adversarial questioning to ensure fair processes, and end any programs intended to authorize law enforcement officials other than trained USCIS asylum officers to conduct credible fear interviews (CFIs).
- Provide the USCIS with adequate resources, staff, training, and supervision to appropriately conduct CFIs.
- Limit detention of asylum seekers and increase access to and availability of community-based alternatives to detention to better facilitate access to essential services such as legal counsel and physical and mental health care.
- Abolish family detention and refer family units to case managers who can connect families with nonprofit resources and representation.
- Apply a presumption in favor of release on bond or parole for asylum seekers who have passed CFIs, which in turn can relieve detention centers and end “metering.”
- Refrain from criminalizing or creating arbitrary restrictions on individuals and organizations working to defend migrant rights on the U.S. or Mexican side of the border.
- Cease to use tariffs, trade sanctions, foreign aid, or other measures to pressure other countries to enter into “third country” agreements, especially if these countries are unable to provide effective legal or physical protection to asylum seekers.
- Immediately grant outstanding requests by the United Nations Special Procedures and the Inter-American Commission on Human Rights to visit the U.S.-Mexico border for independent reporting and monitoring of policies and practices that affect the internationally recognized right to seek asylum.

To the U.S. Congress:

- Exercise oversight of the Department of Homeland Security (DHS), Department of Justice, and the Department of Health and Human Services by holding oversight hearings, monitoring through congressional delegation visits, and requesting documentation from government officials involved in the asylum process.

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When Rape Is a Weapon



Honduran gang members raped Jimena (left) – speaking to PHR’s Sural Shah, MD (right) and an interpreter (center) – in order to pressure her husband to join the gang.

Jimena lived with her two-year-old son and her husband, Julio, and was pregnant with her second child. Julio worked in a private security firm; because he knew how to handle firearms, the gangs repeatedly pressured him to join them – but he always refused. One day, gang members severely beat Julio. If he did not join the gang, they warned, they would kill him.

A week later, two armed men came to Jimena’s home when she was alone. They threw her on the kitchen floor, held her face down, and raped her. Before leaving, the men told her that unless Julio joined the gang, they would kill the whole family.

Jimena, Julio, and their son immediately fled to a different town. But two months later, while Jimena’s cousin stood on their porch, two men drove by on a motorcycle and shot him nine times, killing him instantly.

Terrified, Jimena and her family left that day for Tijuana.

**“If I step on Honduran soil,
they will kill us. And they will
not care that I have a child.”**

Jimena, 21, Honduras

Recommendations

continued

To the U.S. Congress, continued:

- Direct DHS to immediately abolish the MPP and “metering” as well as defund any policies that may negatively impact the right to seek asylum, such as any programs intended to authorize law enforcement officials other than trained USCIS asylum officers to conduct CFIs.
- Propose and pass new legislation to affirm the full range of rights guaranteed to asylum seekers to counteract any executive or departmental policies or directives that effectively restrict individuals’ access to asylum protection.
- Provide adequate funding to ensure USCIS has sufficient resources to appropriately conduct CFIs.
- Publicly support the work of individuals and organizations working to defend the rights of asylum seekers on the U.S. and Mexican sides of the border and monitor any threats to their ability to carry out this work.

To UN Member States:

- Deliver statements under relevant items that address violations of international law pertaining to the situation of asylum seekers on the U.S.-Mexico border.
- Pressure the United States, Mexico, and the pertinent Central American countries, such as El Salvador and Honduras, to accept visit requests from relevant Special Procedures, including the UN Special Rapporteur on the human rights of migrants, Special Rapporteur on the right to health, Special Rapporteur on racism and xenophobia, and the Special Rapporteur on extrajudicial, summary or arbitrary executions.
- Issue a joint statement at the UN Human Rights Council reiterating the recommendations made to the U.S. government in this report, and on the rights of asylum seekers on the U.S. border, especially in relation to the UN Resolution on Migration A/HRC/41/L.7.
- Include recommendations about the situation of asylum seekers in the United States’ Universal Periodic Review in May 2020.
- Condemn any measures that criminalize or create arbitrary restrictions on individuals and organizations working to defend migrant rights and provide a safe and enabling environment for their work around the globe.

To the Governments of El Salvador, Honduras, Mexico, and Nicaragua:

- Address the factors that drive asylum seekers toward the U.S. border, especially violence by state and non-state actors and endemic impunity for human rights violations.
- Monitor the cases of asylum seekers returned through the MPP and ensure that the principle of *non-refoulement* is respected, as well as provide adequate essential services while asylum seekers wait in Mexico, including access to physical and mental health services.
- Condemn the MPP and any other policy or measure that does not uphold the principle of non-refoulement, closely monitoring cases that DHS has publicly stated would be exempt from the MPP.
- Create mechanisms to identify any asylum seekers who could face risks if returned to their country of origin and provide them effective and immediate protection.
- Cease to militarize borders and preserve the right to freedom of movement by keeping borders open for those who wish to seek the right to asylum in another country.
- Provide a safe and enabling environment for individuals and organizations working to defend the rights of asylum seekers.

To the Inter-American Commission on Human Rights:

- Conduct a formal investigation along both sides of the U.S.-Mexico border to document actions and policies by Mexico, Central American countries, and the United States that negatively impact the human rights of migrants, particularly asylum-seeking Central Americans who transit through Mexico to reach the United States.
- Hold hearings before the Inter-American Commission aimed at exposing the root causes of mass migration from Central America to the United States and developing standards relating to the treatment of migrants, particularly in connection with policies such as “safe country” that negatively impact or in any way limit the right to seek asylum.
- Publicly support the work of individuals and organizations working to defend the rights of asylum seekers on the U.S. and Mexican sides of the border, including civil society organizations, lawyers, and journalists, and monitor any threats to their ability to carry out this work.

Cover: A Central American man waiting in Tijuana for his chance to request asylum in the United States.



Physicians for
Human Rights

For more than 30 years, Physicians for Human Rights (PHR) has used science and the uniquely credible voices of medical professionals to document and call attention to severe human rights violations around the world. PHR, which shared in the Nobel Peace Prize for its work to end the scourge of land mines, uses its investigations and expertise to advocate for persecuted health workers and facilities under attack, prevent torture, document mass atrocities, and hold those who violate human rights accountable.



Shared in the 1997
Nobel Peace Prize