

December 18, 2023

**Ms. Alicia Bárcena Ibarra**  
*Secretary of Foreign Affairs*  
**Government of Mexico**

We, the undersigned, are civil society organizations and experts who defend and promote the human rights of migrants, asylum seekers, and refugees. We write to express our deep concern about recent U.S. Congress' negotiations that could severely curtail the rights of people on the move in Mexico.

The U.S. Congress is currently discussing the federal budget for fiscal year 2024 and a supplemental budget request for military aid for Ukraine, Israel, and the U.S.-Mexico border. In exchange for approval of this supplemental budget, the Republican Party is demanding tightened immigration policies for individuals arriving at the U.S. border with Mexico, as well as greater restrictions towards migrants who have been living in the country for years.

Some members of Congress have proposed heightening eligibility standards to pass a credible fear interview, limiting the number of people who can apply for asylum, increasing fast-track deportations, increasing the use of immigration detention, instituting a Safe Third Country policy to restrict access to asylum for people at the U.S-Mexico border without entering into a formal bilateral agreement, and reducing the use of humanitarian parole, among others. Many of these proposals would require the collaboration of the Mexican government. We are alarmed that one measure being considered is an extreme Title 42-like authority, which would allow President Biden to announce an emergency at any time to close the border and conduct expulsions to Mexico without due process.

We are deeply concerned that these proposals are raised in a context in which national and international asylum laws are already being violated in Mexico and the U.S. Pursuant to a series of non-transparent negotiations, Mexico has already agreed to receive up to one thousand Cuban, Nicaraguan, Venezuelan, and Haitian nationals, per day, who are returned or removed from the U.S. under Title 8, the U.S. migration law. Previously, Mexico received individuals unable to pursue their asylum claims in the United States due to the implementation of Title 42 and the Migrant Protection Protocols (MPP). We urge you to take into account the past and current effects of the adoption of restrictive U.S. asylum measures and the devastating consequences such measures have had on migrants and people in need of international protection in Mexico. To summarize, we call on you to consider the following:

1. **MPP exposed migrant and asylum seekers to great danger.** From 2019 to 2020, 71,068 asylum seekers from third countries were forced to await their U.S. immigration court dates in Mexico. Most of the people returned to Mexico were victims of crimes and human rights violations while awaiting the resolution of their asylum claims. Human Rights First documented accounts of at least 1,500 asylum seekers who suffered violent attacks, including extortion, torture, and death, after being made to remain in Mexico. And according to a survey conducted by the Ibero-American University, 92% of people who were returned to Mexico under MPP experienced some type of violence during their transit through Mexico and their stay in Tijuana.
2. **The use of the Title 42 public health authority to close the U.S. border, implemented with Mexico's acquiescence, increased expulsions without due process or opportunity to seek**

**asylum.** According to official data, during the three years in which the Title 42 policy was in effect, more than 2 million expulsions were recorded at the northern border of Mexico, making it impossible to guarantee the right to seek and receive asylum and exposing thousands of people to greater risk. From January 20, 2021, until April 27, 2022, research by civil society groups identified more than 10,250 reports of rape, kidnapping, torture, murder, and other violent attacks against asylum seekers and other migrants expelled to Mexico under Title 42. In December 2022, that number increased to over 13,480 violent incidents.

- 3. Mexico has not issued any protection program for third country nationals returned from the U.S. to Mexico.** The Supreme Court of Justice of the Nation (SCJN) determined, in case 302/2020, that "the Mexican State permitted human rights violations of populations returned to Mexico under MPP by not establishing a clear protection policy, not publishing such policy in the Official Gazette of the Federation, and not incorporating a gender-sensitive approach, resulting in violent acts towards this population and a failure to provide for access to justice." Despite this ruling from the SCJN, the Mexican government has not made public their plan to receive individuals returned or removed from the United States. Now that Title 8 is back in force, we still do not know how the government plans to guarantee the right to migratory regularization; how the the government will attend to the basic needs of health, education, housing, and work; whether civil society shelters that have have sustained the needs of returned persons will receive governmental support; and what actions or measures— based on the principle of the "best interest of the child"— have been implemented to guarantee family unity.

For these reasons, we call on the Mexican government to take a stand against these arbitrary immigration measures. Mexico's foreign policy should promote shared responsibility in migration management. This means, among other things, maintaining fluid communication with the U.S. government, ensuring the transit of people across the shared border is done safely, and preventing the unilateral decisions of the U.S. from determining Mexico's policy. The government of Mexico should ensure that its migration policy is defined independently and protects the human rights of migrants.

Mexico and the U.S. have both adopted the Los Angeles Declaration on Migration and Protection. Both countries committed to "improve regional cooperation mechanisms for law enforcement cooperation, information sharing, protection-sensitive border management, visa regimes, and regularization processes, as appropriate and in accordance with national legislation." Mexico should not again accept agreements that increase the number of people returned from the U.S. to Mexico in a manner that violates the right to seek and receive asylum.

We are available to discuss this matter at any time, and would appreciate you sharing information on any agreements made with the U.S. on the above-mentioned issues.

Kindly,

#### **Civil society Organizations**

Alianza Americas

Bloque Latinoamericano sobre Migración: Centro de Estudios Legales y Sociales (CELS), Comisión Argentina para los Refugiados y Migrantes (CAREF), Red Nacional de Líderes Migrantes en Argentina, Cáritas Brasileira, Centro de Direitos Humanos e Cidadania do Imigrante - CDHIC – Brasil, Instituto Migrações e Direitos Humanos, Clínica Jurídica de Migrantes

y Refugiados de la Universidad Diego Portales-Chile, Fundación de Ayuda Social de las Iglesias Cristianas (FASIC), Secretariado Nacional de Pastoral Social-Caritas Colombia, Servicio Jesuita a Refugiados Ecuador (SJR-Ecuador), Asociación Comité de Familiares de Migrantes Fallecidos y Desaparecidos de El Salvador (COFAMIDE) – El Salvador, Cristosal, Advancing Human Rights in Central America - El Salvador, Asociación RUMIÑAHUI. Red de Ecuatorianos en Europa, Centro de Atención y Desarrollo Integral Migrante (CADIM), Federación Zacatecana de Migrantes, Latinas en el Poder, National Network for Immigrant and Refugee Rights (NNIRR), South Texas Human Rights Center (El Centro de Derechos Humanos Del Sur de Texas), Coalición de Derechos Humanos, Tucson, Arizona, Asociación Coordinadora Comunitaria de Servicios para la Salud (ACSS), Asociación de Familiares de Migrantes Desaparecidos de Guatemala (AFAMIDEG), Asociación Pop No'j – Guatemala, Equipo de Estudios Comunitarios y Acción Psicosocial (ECAP), Grupo Articulador de la Sociedad Civil en Materia Migratoria para Guatemala, Mesa de Coordinación Transfronteriza Migraciones y Género (MTMG), Action Secours Ambulance (ASA), Asociación Hermanas Scalabrinianas/Pastoral de Movilidad Humana, Plateforme des Organisations Nationales et Territoriales de la Societe Civile Haitienne (PONT-SCH) – Haití, Comisión de Acción Social Menonita (CASM)- Honduras, Comité de Familiares de Migrantes Desaparecidos del Centro de Honduras (COFAMICENH)-Honduras, Comité de Familiares de Migrantes Desaparecidos del Progreso (COFAMIPRO)- Honduras, Foro Nacional para las Migraciones en Honduras (FONAMIH)- Honduras, Organismo Cristiano de Desarrollo Integral de Honduras (OCDIH)- Honduras, Asylum Access México. (AAMX) – México, Casa del Migrante de Saltillo (CDMS)- México, Casa Monarca Ayuda Humanitaria al Migrante- México, Centro de Atención a la Familia Migrante Indígena (CAFAMI)- México, Centro de Derechos Humanos de la Montaña-Tlachinollan (CDHM)- México, Estancia del Migrante González y Martínez- México, FM4 Paso Libre-México, Formación y Capacitación (FOCA)-México, Iniciativa Ciudadana para la Promoción de la Cultura del Diálogo (ICPCD)- México, Iniciativa Kino A. C, Instituto para las Mujeres en la Migración (IMUMI)- México, Proyecto de Derechos Humanos, Económicos, Sociales y Culturales A.C (Prodesc)-México, Red Pedro Pantoja Zona Norte- México, Red de Documentación de las Organizaciones Defensoras de Migrantes (REDODEM)- México, Red de Mujeres del Bajío AC-México, Unión Nacional de Organizaciones Regionales Campesinas Autónomas. A.C. (UNORCA A.C.), Red Nacional de Jornaleros y Jornaleras Agrícolas, Servicio Ecuaménico para la Dignidad Humana (SEDHU), CTA de Trabajadores, Fundación para la Justicia y el Estado Democrático de Derecho (FJEDD), Red de las Américas sobre Nacionalidad y Apatridia (Red ANA), Red Mesoamericana Mujer Salud y Migración (RMMSYM)- México y Centroamérica, Living Water Community, Red Jesuita con Migrantes Latinoamérica y el Caribe (RJM LAC)-Regional, Red Sudamericana para las Migraciones Ambientales (RESAMA)- Regional, International Detention Coalition (IDC)- Regional/Global, Red Internacional de Migración y Desarrollo (RIMD). Center for Gender & Refugee Studies (CGRS)

Centro de Apoyo a las Identidades Trans

Centro de Atención a la Familia Migrante Indígena

Coalición de Derechos Humanos

Colectivo Michoacán es Diversidad

Derechos Humanos Integrales en Acción A.C.

Formación y Capacitación AC

Fundación Arcoíris por el respeto a la Diversidad Sexual

Fundación para la Justicia y el Estado Democrático

Grupo de Identidad y Educación (GIE): Colectivo de Federaciones y Organizaciones Migrantes Mexicanas (COLEFOM), 1 de 7 migrando, Apoyo a Migrantes Venezolanos, Casa del Migrante Saltillo, Centro Comunitario de Atención al Migrante y Necesitado- (CCAMYN), Centro de Atención a la Familia Migrante Indígena (CAFAMI), Clínica Jurídica IBERO, Comunidad en Retorno, Deportados Unidos en la Lucha (DUL), Instituto Para las Mujeres en la Migración, AC (IMUMI), Dra. Leticia Calderón Chelius, Otros Dreams en Acción (ODA), Red de Mujeres del Bajío, Sin Fronteras IAP y Migrantólogos.

Grupo de Trabajo Sobre Política Migratoria-GTPM: Aldeas Infantiles SOS México, I.A.P.; Alianza Américas; American Friends Services Committee; Asylum Access México (AAMX) A.C.; Casa del Migrante Saltillo (Frontera con Justicia A.C.); Centro de Derechos Humanos Fray Matías de Córdova, A.C.; Coalición Pro Defensa del Migrante de Baja California; Comisión Mexicana de Defensa y Promoción de los Derechos Humanos; Fundación Appleseed México, A.C.; DHIA. Derechos Humanos Integrales en Acción, A.C.; IMUMI Instituto para las Mujeres en la Migración; Iniciativa Ciudadana para la Promoción de la Cultura del Diálogo, A.C.; INSYDE Instituto para la Seguridad y la Democracia; M3 Movimiento Migrante Mesoamericano; Paso de Esperanza A.C.; REDIM Red por los Derechos de la Infancia en México; Save the Children México, Sin Fronteras, IAP; Servicio Jesuita a Refugiados; SMR Scalabrinianas: Misión con Migrantes y Refugiados; Leticia Calderón, Analista en temas migratorios; Brenda Valdés; Elba Coria; Manuel Ángel Castillo, Investigador; Gloria Ciria Valdéz Gardea, fundadora y coordinadora del Seminario Niñez Migrante; IDC International Detention Coalition (Observadoras). Melissa Vertiz Hernández, Secretaria Técnica.

Instituto para las Mujeres en la Migración AC (IMUMI)

Oficina en Washington para Asuntos Latinoamericanos (WOLA)

Pastoral de Migración Iglesia Luterana Mexicana.

Red Franciscana para Migrantes Colombia

Red Nacional de apoyo a personas migrantes y refugiadas LGBT México (REDAPM)

Sin Fronteras I.A.P.

Witness at the Border EEUU

**Individuals**

Alexandra Hunt

Ana Hurtado

Eduardo

Luciano Tadeo

Lucia Luengas

Marco Vinicio

Mercedes Pérez

Moisés Pérez Espino

Patricia Zamudio

Rebecca N Eichler

Thomas H Cartwright

Xóchitl Rodríguez Quintero