

DECLARATION OF DANIELLA BURGI-PALOMINO

I, Daniella Burgi-Palomino, declare pursuant to 28 U.S.C. § 1746 and subject to the penalty of perjury, that the following is true and correct:

1. I am the Senior Associate on Mexico, Migrant Rights and Border Issues at the Latin America Working Group (LAWG). I am over 18 and have personal knowledge of the facts described herein.

2. Prior to joining LAWG, I worked for six years on the protection of migrant rights in the U.S.-Mexico-Central America corridor with a variety of civil society organizations and foundations. I was the first coordinator of the Central America and Mexico Migration Alliance (CAMMINA) from 2011-2013, a Fulbright García Robles Fellow in Mexico from 2010-2011, and a Program Associate at Oxfam America from 2007-2010. I earned a Bachelor of Arts from Tufts University in International Relations and History with a focus in Latin American studies and a Master of Arts in Law and Diplomacy from the Fletcher School of Law and Diplomacy, where I focused on human security and migration.

3. In my capacity as the Senior Associate on Mexico, Migrant Rights and Border Issues at LAWG, I lead our advocacy on the protection of migrant and refugee rights, and U.S. immigration and foreign policy affecting the region. I conduct advocacy with both U.S. policymakers and foreign governments, and lead transnational civil society campaigns, documentation, and research on various human rights issues.

4. Since the Trump administration announced its intention to adopt a new policy that has misleadingly been called the “Migrant Protection Protocols” (MPP), I have been working closely with numerous other civil society organizations to monitor its implementation.

Risks for Asylum-seekers in Mexico

5. The MPP assumes that conditions in Mexico, and particularly along Mexico's northern border, are safe for asylum seekers while they wait for their immigration proceedings. However, there is substantial evidence documented by civil society organizations, the U.S. State Department, and the Mexican government to refute this assumption and to point to a situation of extreme violence and insecurity along Mexico's northern border.¹

6. Tijuana, the city where asylum seekers are being sent to wait for their proceedings in the first phase of the MPP, has seen a dramatic increase in homicides for the last five years, reaching record levels in 2018 and making it one of the deadliest cities in the world currently.² Mexico's northern border states, such as Tamaulipas, Coahuila, Nuevo Leon, and Chihuahua, also continue to rank among the states with the highest number of registered disappearances in the country.³ The U.S. State Department currently has travel warnings on all six of Mexico's northern border states, urging citizens not to travel to Tamaulipas; to reconsider travel to Coahuila, Chihuahua, Nuevo Leon, and Sonora; and to exercise increased caution in travel to Baja California, all due to high levels of violent crime.⁴ The violence perpetuated in these cities comes not only from organized crime but also from systemic corruption and abuses within Mexican law and migration enforcement agencies who at times work in collusion with criminal

¹ Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública, Acciones y Programas: Incidencia delictiva, January 24, 2019, https://www.google.com/url?q=https://www.gob.mx/sesnsp/acciones-y-programas/incidencia-delictiva-87005?idiom%3Des&sa=D&ust=1549570783790000&usg=AFQjCNEwXZkafcsQtFIoh-oZNuK_1GU_gQ.

² Kate Linthicum, "Meth and murder: A new kind of drug has made Tijuana one of the deadliest cities on Earth", January 30, 2019, <https://www.latimes.com/world/mexico-americas/la-fg-mexico-tijuana-drug-violence-20190130-htmstory.html>.

³ Lily Folkerts, Annie Gallivan, Latin America Working Group, Trouble for Turn Backs: Risks for Migrants in Mexico's Northern Border States, 2018, <https://www.lawg.org/trouble-for-turn-backs-risks-for-migrants-in-mexicos-northern-border-states/>.

⁴ U.S. Department of State, Mexico International Travel Information, November 15, 2018, <https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/Mexico.html>.

groups. Over thirty disappearances were attributed to the Mexican Navy, for example, in Nuevo Laredo, Tamaulipas in 2018.⁵ In addition, the 2017 U.S. State Department human rights country report on Mexico highlighted collusion between the state government of Coahuila and organized crime in carrying out disappearances.⁶

7. While the information above demonstrates a broader situation of violence, corruption, and impunity along some of Mexico's northern border states and cities, asylum seekers and migrants in particular have long faced human rights violations and crimes in their transit through Mexico. Civil society organizations and migrant shelters have documented multiple cases of torture, murder, disappearances, kidnappings, robbery, extortion, and sexual and gender-based violence that migrants and asylum seekers suffer at the hands of criminal groups in Mexico. The perpetrators of this persecution often act in collusion with Mexican migration and law enforcement. Multiple reports, issued by U.S. and Mexican organizations and migrant shelters in Mexico, illustrate that, while many crimes against migrants occur in the southern part of Mexico, migrants are victims of abuse throughout the country, including in northern border states.⁷ The Inter-American Commission on Human Rights (IACHR) has previously noted crimes against migrants in its reports, and NGOs have noted the specific risks migrants face in each of Mexico's border states in documents submitted to the IACHR.⁸ As the

⁵ Office of the UN High Commissioner for Human Rights, Zeid urges Mexico to act to end wave of disappearance in Nuevo Laredo, May 30, 2018,

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23157&LangID=E>.

⁶ U.S. Department of State, Country Reports on Human Rights Practices for 2017, 2017,

<https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

⁷ Red Migrante Sonora (RMS), Y la impunidad continúa. Segundo informe de la Red Migrante Sonora, June 2017,

<https://www.kinoborderinitiative.org/wp-content/uploads/2017/12/Informe-RMS.pdf>, and

José Knippen, Clay Boggs, and Maureen Meyer, An Uncertain Path, November 2015,

https://www.wola.org/sites/default/files/An%20Uncertain%20Path_Nov2015.pdf.

⁸ Daniella Burgi-Palomino, Latin America Working Group (LAWG), Maureen Meyer, Washington Office on Latin America (WOLA), Joanna Williams, Kino Border Initiative, Situation of Impunity and Violence in Mexico's Northern Border Region, March 2017, <https://www.wola.org/wp-content/uploads/2017/04/Situation-of-Impunity-and-Violence-in-Mexicos-northern-border-LAWG-WOLA-KBI.pdf> and Inter-American Commission on Human

MPP will force asylum seekers to wait in Mexico for prolonged periods of time, it is likely that more migrants would be exposed to such risks and violence, or would turn to smugglers to cross the border between ports of entry and under more precarious conditions.

8. The murders of two unaccompanied Honduran children in Tijuana in December 2018 demonstrate the vulnerability of asylum seekers trapped in border cities and towns.⁹ Many asylum seekers are fleeing extreme sexual and gender-based violence or threats from gangs in their home countries. By the time they arrive in northern Mexico, they are severely traumatized. The vulnerability of asylum seekers forced to wait in Mexico is compounded by the Mexican government's consistent failure to investigate and prosecute crimes against asylum seekers and migrants. According to one NGO report, the perpetrators of 99 percent of the crimes migrants face in Mexico are never held accountable.¹⁰ Civil society shelters operating along Mexico's northern border have limited capacity to assist migrants who have been victims of crime or offer them shelter for extended periods of time, and often are also directly threatened for their work protecting migrants.¹¹

9. Asylum seekers fleeing to the U.S. who are forced to remain in Mexico will be unable to access their support networks, thereby intensifying their trauma. One of the most valuable resources survivors of violence have to help in their recovery is the support of friends, family, and fellow countrymen. Many of the individuals who choose to flee to the United States do so because they have connections through friends or family. These contacts can prove

Rights (IACHR), Organization of American States (OAS), The Human Rights Situation in Mexico, December 31, 2015, <http://www.oas.org/en/iachr/reports/pdfs/Mexico2016-en.pdf>.

⁹ Wendy Fry, "Two migrant caravan teens slain in Tijuana", December 18, 2018, <https://www.latimes.com/local/lanow/la-me-ln-migrant-caravan-teens-killed-tijuana-20181218-story.html>.

¹⁰ Ximena Suárez, Andrés Díaz, José Knippen, and Maureen Meyer, Access to Justice For Migrants in Mexico, July 2017, https://www.wola.org/wp-content/uploads/2017/07/Access-to-Justice-for-Migrants_July-2017.pdf.

¹¹ Red Zona Norte, Postura de la Red Zona Norte sobre los Protocolos de Protección a Migrantes, January 24, 2019, <https://www.kinoborderinitiative.org/wp-content/uploads/2019/02/Red-Zona-Norte-Statement-on-MPP.pdf>.

invaluable for asylum seekers and survivors of torture or other trauma, as their contacts help them navigate within a new culture and language.

10. Asylum seekers returned under the MPP would also face challenges in accessing broader services while waiting in Mexico. This has been made evident by civil society reports documenting the lack of access to services and shelter faced by migrants in the city of Tijuana since November 2018.¹² These risks are compounded for women, unaccompanied children, and the LGBTI community. Even with the issuing of humanitarian visas, migrants face difficulty in accessing employment and housing.

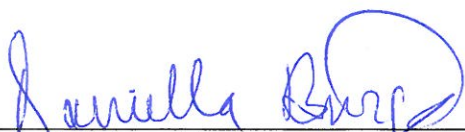
11. Initial reports from the media¹³ and civil society representatives who interviewed asylum seekers returned under the MPP indicate that the information provided to them by U.S. immigration officials on how to seek legal counsel for their immigration cases was wholly insufficient and that they were not questioned regarding their potential fear to return to Mexico, leading to potential violations of the principle of non-refoulement. This is compounded by the obstacles in seeking legal counsel for U.S. immigration proceedings from Mexico to begin with, asylum seekers' limited resources, and their ability to navigate removal proceedings in a foreign language.

12. The MPP will not address the "security and humanitarian crisis" on the U.S.-Mexico border as the Department of Homeland Security asserts. Rather, the program will cause great harm and unnecessarily expose asylum seekers to human rights violations and violence.

¹² American Friends Service Committee, *Latinoamérica Y el Caribe*, Universidad Iberoamericana de México - Tijuana, Misión de Observación, November 2018, <http://tijuana.ibero.mx/?doc=/quienessomos/observacion.html>.

¹³ Sarah Kinosian, "'They're playing with our lives' say the first migrants returned under new Mexico policy", February 5, 2019, <https://www.pri.org/stories/2019-02-05/they-re-playing-our-lives-say-first-migrants-returned-under-new-mexico-policy>.

Executed on this 13 day of February 2019.



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Latin America Working Group