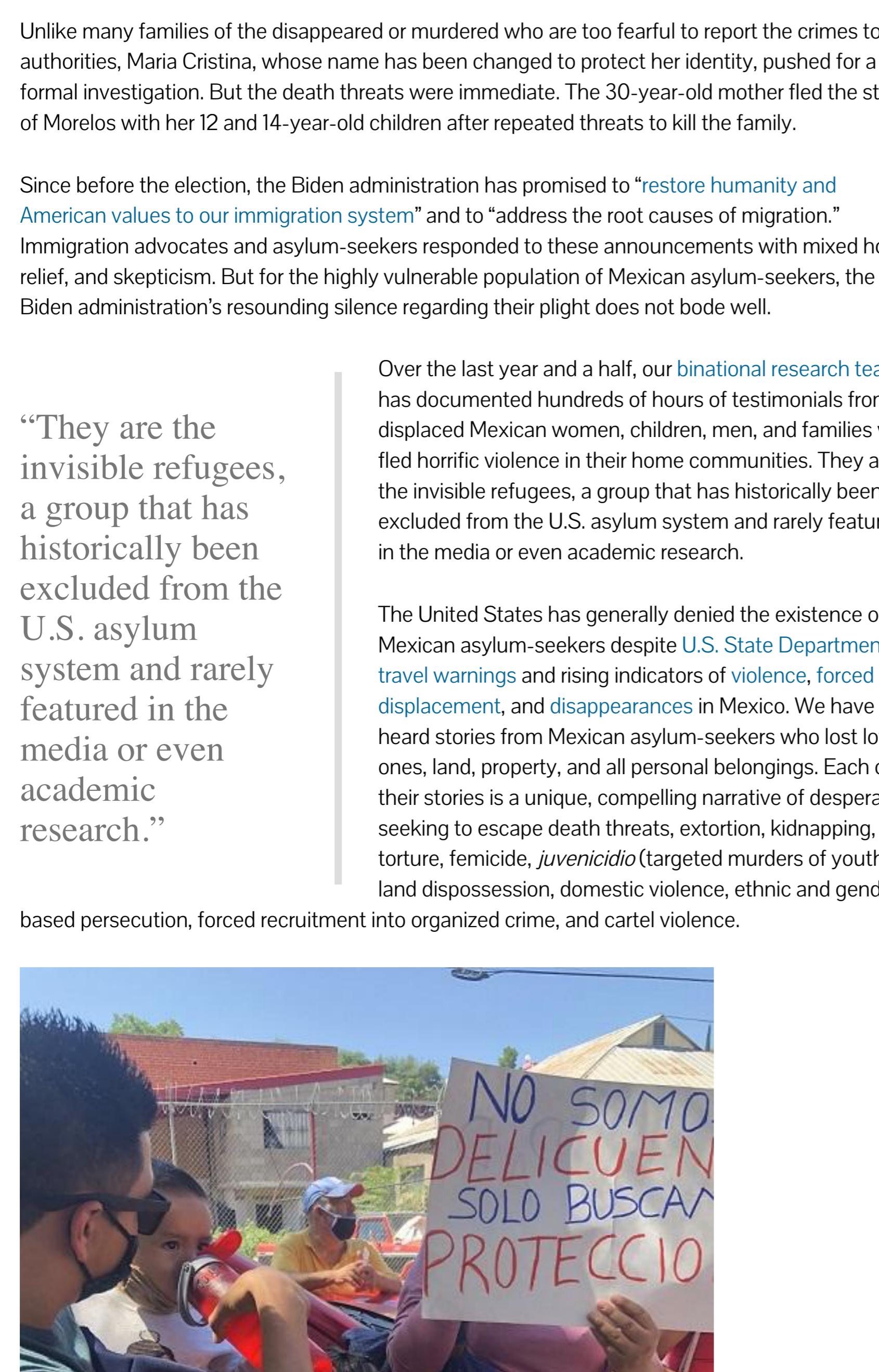


## Biden's New Immigration System Overlooks Mexican Refugees

Thousands of Mexican asylum seekers fleeing violence, forced disappearances, and internal displacement remain in limbo.

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Gabriela García, and Caroline Faria

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A mother and child peer through the border wall at the *otro lado* (*the other side*) in the U.S. with crosses memorializing migrants who lost their lives crossing in August 2020.

**M**aria Cristina's husband Ángel disappeared in June 2018, along with three other construction workers on the way to a job in Guerrero when they unwittingly passed through a "cartel-controlled" town.

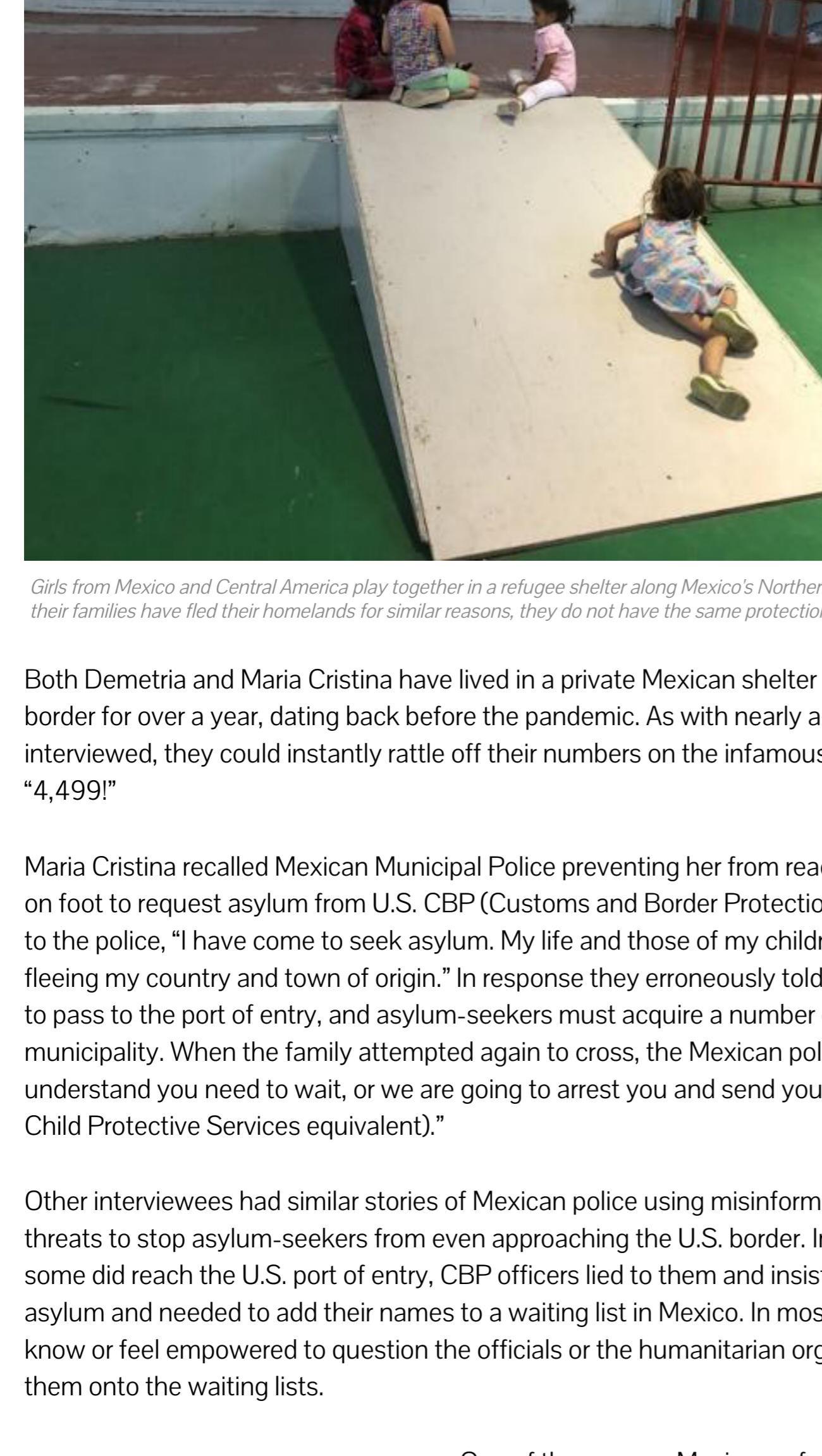
Unlike many families of the disappeared or murdered who are too fearful to report the crimes to authorities, María Cristina, whose name has been changed to protect her identity, pushed for a formal investigation. But the death threats were immediate. The 30-year-old mother fled the state of Morelos with her 12 and 14-year-old children after repeated threats to kill the family.

Since before the election, the Biden administration has promised to "restore humanity and American values to our immigration system" and to "address the root causes of migration." Immigration advocates and asylum-seekers responded to these announcements with mixed hope, relief, and skepticism. But for the highly vulnerable population of Mexican asylum-seekers, the Biden administration's resounding silence regarding their plight does not bode well.

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Over the last year and a half, our *binational* research team has documented hundreds of hours of testimonies from displaced Mexican women, children, men, and families who fled horrific violence in their home communities. They are the invisible refugees, a group that has historically been excluded from the U.S. asylum system and rarely featured in the media or even academic research.

The United States has generally denied the existence of Mexican asylum-seekers despite U.S. *State Department travel warnings* and rising indicators of *violence, forced displacement, and disappearances* in Mexico. We have heard stories from Mexican asylum-seekers who lost loved ones, land, property, and all personal belongings. Each of their stories is a unique, compelling narrative of desperately seeking to escape death threats, extortion, kidnapping, torture, femicide, *juventicidio* (targeted murders of youth), land dispossession, domestic violence, ethnic and gender-based persecution, forced recruitment into organized crime, and cartel violence.

Mexican and Central American asylum-seekers trapped in Sonoran border town protesting U.S. closure to refugees in August 2020.

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Maria Cristina detailed frustrating attempts to navigate inept and corrupt government institutions. The agency charged with investigating kidnapping and extortion cases erased the cell phone containing evidence of threats she had submitted to them. This included grisly photos of dismembered bodies sent by her tormentors. After fleeing to a new town, the day after filing a change of address for her national ID—required to enroll her children in school—the cartel found her.

A man wielding a gun showed up at her home threatening "What wasn't clear to you about leaving the investigation alone? Do you want to happen to you the same that happened to them? You are very young to die, and you have two very beautiful children . . . and with them your whole family will be gone. You have been warned."

Maria Cristina and the children left for the border that day, hoping to request asylum and accept an offer of assistance from a family member in Chicago.

Even before the pandemic, thousands of Mexican asylum-seekers like María Cristina and her children have lived in a protracted state of limbo. They are forced to hide

anonymously in shelters and remain in a country that fails to protect them, and where officials actively collude with the cartels that they are desperately fleeing. Draconian

Trump administration policies such as "metering," and the *Migrant Protection Protocols* (MPP) designed to force non-Mexicans to "Remain in Mexico," *unlawfully blocked*

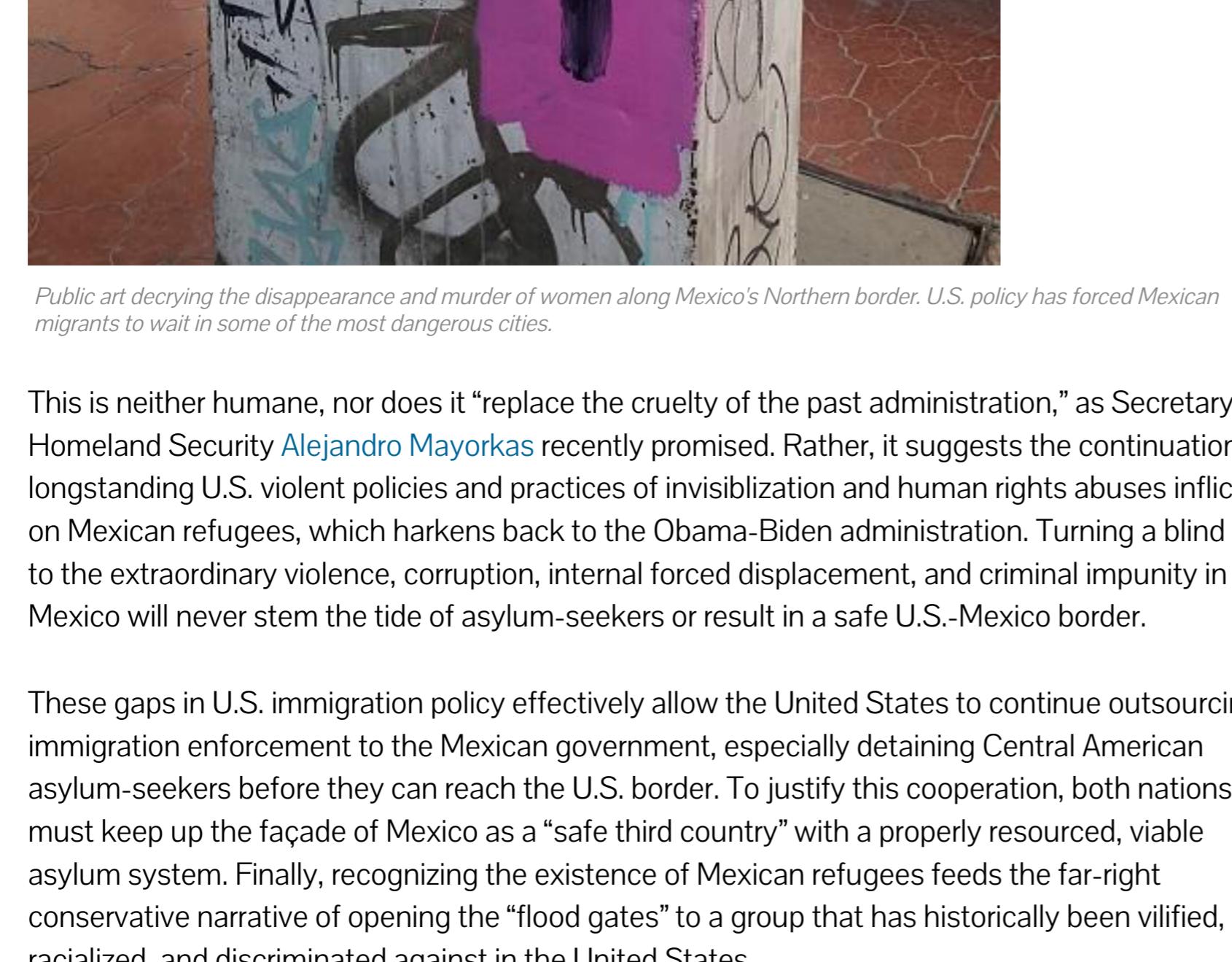
*Mexicans* from seeking asylum in the U.S.

In response to these "orchestrated bottlenecks" (Human Rights Watch) in an egregious violation of U.S. and international refugee law, Mexican authorities and U.S. border agents cooperated in funneling would-be Mexican asylum-seekers onto informal "waiting lists," along with

thousands of MMP enrollees and other deportees. According to the *Strauss Center for Security and Law*, this patchwork of informal waiting lists, managed haphazardly by Mexican municipalities, humanitarian organizations, and migrants themselves in over 14 cities, grew to approximately 26,000 people by August 2019. Over half (52 percent) of those on the lists were Mexican nationals.

These lists have no juridical foundation, and their maintenance has been riddled with allegations of corruption and extortion. Among the many study participants who experienced this corruption was Demetria, a member of the Amuzgo Indigenous group. She fled her home in highland Guerrero with her three children due to persistent extortion, assassinations of family members, and death threats.

Still living in a shelter nearly a year and a half after arriving to the border community, Demetria was dismayed to learn that an acquaintance who was behind her on the list made it across the border by paying Mexican police \$1,500 for herself and \$3,000 for her child. The friend explained "the police have contact with [the municipal list administrator] and they can change the numbers so those who pay go next when border patrol calls with openings."

Girls from Mexico and Central America play together in a refugee shelter along Mexico's Northern border in February 2021. Though their families have fled their homelands for similar reasons, they do not have the same protection under U.S. law.

Both Demetria and María Cristina have lived in a private Mexican shelter along the Sonora-Arizona border for over a year, dating back before the pandemic. As with nearly all asylum-seekers we interviewed, they could instantly rattle off their numbers on the infamous waiting list: 3,807 and 4,499!

Maria Cristina recalled Mexican Municipal Police preventing her from reaching the U.S. port of entry on foot to request asylum from U.S. CBP (Customs and Border Protection) officials. She explained to the police, "I have come to seek asylum. My life and those of my children are in danger. I am fleeing my country and town of origin." In response they erroneously told her she was not permitted to pass to the port of entry, and asylum-seekers must acquire a number on a waiting list run by the municipality. When the family attempted to cross, the Mexican police threatened DIF (Mexican Child Protective Services equivalent)."

Other interviewees had similar stories of Mexican police using misinformation, intimidation, and threats to stop asylum-seekers from approaching the U.S. border. In the rare instances when asylum-seekers did approach the border, CBP officers lied to the U.S. border. In most cases, people did not request asylum and instead applied for a "returning list" (a list of people who had been deported and did not know or feel empowered to contact the officials or the humanitarian organizations that channeled them onto the waiting lists).

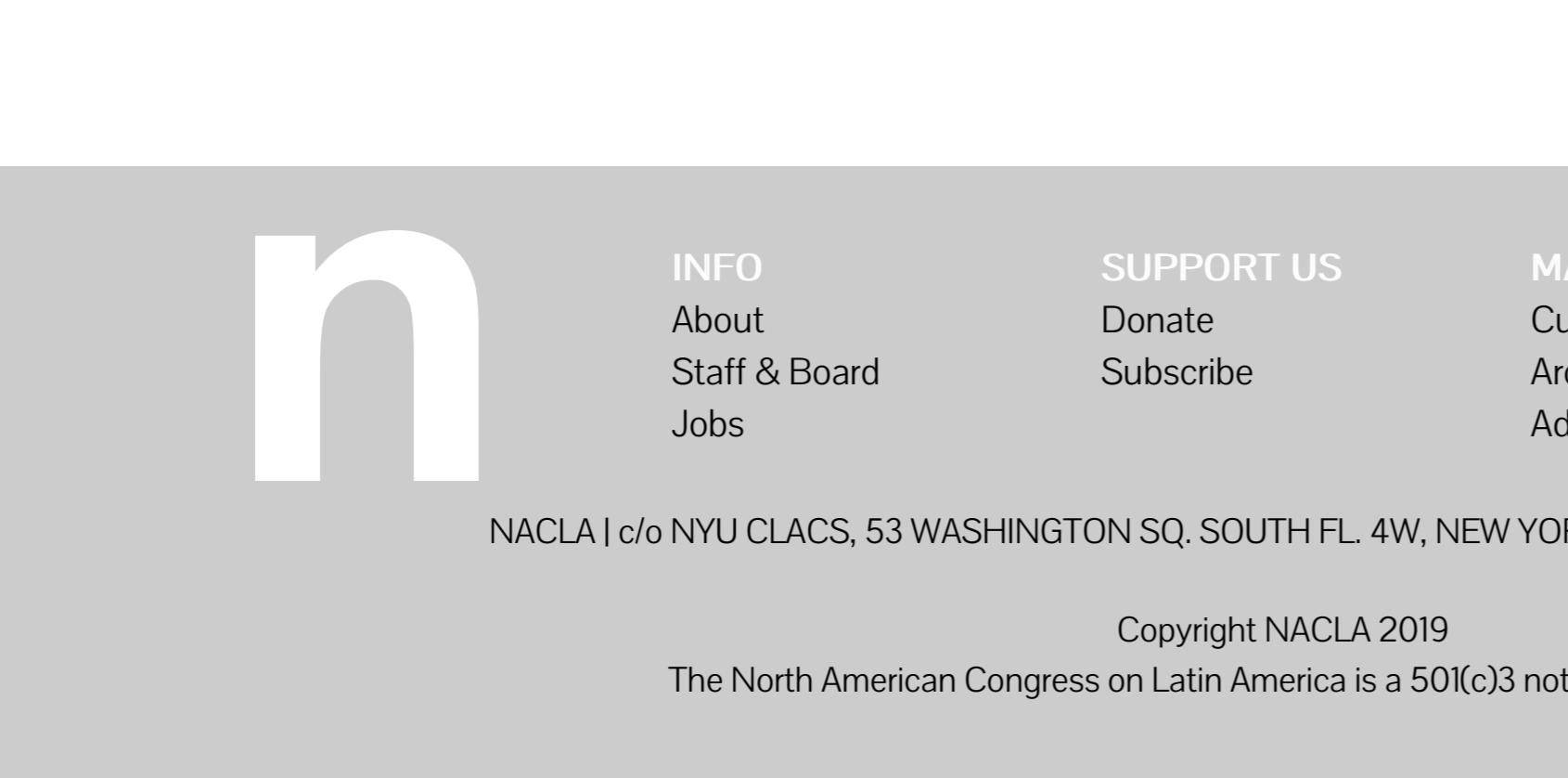
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This is neither humane, nor does it "replace the cruelty of the past administration," as Secretary of Homeland Security Alejandro Mayorkas recently promised. Rather, it suggests the continuation of long-standing U.S. violence, which harkens back to the Obama-Biden administration and human rights abuses inflicted on Mexican refugees.

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