



THE ADVOCATE

ACTION AT HOME FOR JUST POLICIES ABROAD

Opposing Efforts to Shut the Door on Asylum Seekers

Daniella Burgi-Palomino

We've raised our voices with you to denounce the Trump Administration's anti-immigrant and xenophobic policies before. But now the administration is just plain **shutting the door on asylum seekers** at our border and throughout the region. To oppose this, we've been alerting Congress to the impact of these cruel policies, bringing migrant rights advocates from Central America and Mexico to tell their stories, and working with you to say no, that's not who we are as a country.

But to do this, we need to understand what's going on. Here are a few of the ways the White House has been slamming the door shut.

A Wall of Policies at the Border

Remain in Mexico

Since January 2019, the Department of Homeland Security (DHS) has implemented a "**Remain in Mexico**" (MPP) policy under which asylum seekers arriving at ports of entry on the U.S.-Mexico border are sent back to Mexico to wait for the duration of their U.S. immigration proceedings. So far, over 50,000 asylum seekers including pregnant women, children, LGBTQ+ people, and disabled individuals have been returned to Mexico as a result of this policy, including to places such as Nuevo Laredo, Tamaulipas, and Ciudad Juarez—cities for which the U.S. State Department has issued the highest travel warnings for U.S. citizens. Asylum seekers are returned to Mexico with a simple slip of paper with their court hearing date on it and are left to figure out what to do in Mexico while they wait months for their hearings. Some have dates for well into 2020.

The results have been devastating. Asylum seekers face extortion, family separation, sexual and gender-based violence, kidnapping, torture from Mexican law enforcement or organized crime, and even death. Few to none have access to legal counsel or know where to turn for support and shelter. Many have been forced to cross the border in dangerous conditions—a Salvadoran father and his daughter who were waiting under MPP died as they were trying to cross the Rio Grande this past June. There have been over 340 reports of these types of human rights violations being committed against asylum seekers as a result of MPP.

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The Latin America Working Group (LAWG) and its sister organization, the Latin America Working Group Education Fund (LAWGEF), mobilize concerned citizens, organizations, and networks to call for just U.S. policies towards Latin America and the Caribbean. We educate the public about the impact of U.S. foreign and immigration policy and advocate before the U.S. Congress and the executive branch. We coordinate a coalition of over 60 U.S. organizations and work closely with civil society partners in Latin America to support their human rights campaigns and make sure their voices are heard in the policy debates that take place in Washington, D.C.

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Immigration judges are now hearing the claims of asylum seekers via videoconferencing in secret tent courts along the border, where organizations and the press have been barred from observing, unlike in other immigration courts. What's more, asylum seekers have to arrive to the tent courts at pre-dawn hours, making their journey to get there even more dangerous. Thousands will ultimately end up being deported without ever having their day in court. A lawsuit was brought against the policy and the most recent hearing was held on October 1, 2019 by a federal district court, but no decision has yet been made. Until the courts make their decision, the policy will continue to be implemented and thousands will continue suffering in Mexico.

We cannot turn our backs on these families, women, men, and children and must ask Congress to make sure no funding is used to implement or expand the **Migrant Protection Protocols**. We must also call on our members of Congress to go and visit the Mexican side of the border to see the inhumane treatment of those seeking refuge for themselves and then challenge the implementation of the tent courts and Remain in Mexico as a whole.

Metering

The actual numbers of asylum seekers waiting on the Mexican side of the border is **even higher than 50,000** because of another policy the Trump Administration has used to keep migrants out: **metering**. Customs and Border Protection (CBP) have been illegally placing individuals on waitlists and arbitrarily taking only a certain number of people to be processed every day. This has meant that thousands more are waiting on the Mexican side of the border for their number to be called. On some days, fewer than a handful of asylum seekers are called to be processed. Between metering and the Remain in Mexico policy, desperation has grown among migrants along the border who already come fleeing violence and trauma. Far beyond a physical border wall, with Remain in Mexico and metering the Trump Administration has set up a **wall of policies** that make it impossible for those seeking refuge in the United States to make their case heard in the first place.

Reducing Who Is Eligible for Asylum

For those who do make it to their court hearing, the Trump Administration has also taken a number of steps to limit who is eligible to receive protection.

Reversing Decades of Legal Precedents

Former Attorney General Jeff Sessions decided over a year ago that victims of domestic and gang violence are no longer eligible for asylum. The Matter of A-B ruling has made it much harder for women and youth from Central America and also other countries, whose chances were already slim, to receive asylum. What's more, earlier this year, current Attorney General Barr issued a ruling in Matter of L-E-A stating that persecution based on an individual's membership in a family group no longer qualifies the applicant for asylum.

This is extremely concerning given what we know about the ways in which gangs and other criminal actors threaten entire families for extortion or in order to control territory.

Asylum Transit Ban

In September 2019, the White House issued a new “interim final rule,” effective immediately, banning all individuals who have traveled through another country first to reach the United States from applying for asylum. While it’s still unclear how immigration judges or asylum officers are going to implement the **asylum transit ban** rule, one thing is clear: it’s one more way the White House is trying to block asylum seekers from applying for protections at our border. **This ban basically means that any migrant except for Mexicans would not be eligible for asylum in the United States because all migrants pass through another country first to get to our border.** This ban also goes against the basic principle that individuals can seek asylum where they feel safe and that they shouldn’t be forced to request protections in a specific country. The reality is that many migrants do often end up requesting asylum in Mexico but because of Mexico’s weak refugee system or lack of safety, they don’t often end up staying there. Other asylum seekers also may want to seek asylum in the United States because of family networks.

There will be lawsuits contesting the legality of this rule but until then, we must make sure that we ask our members of Congress to stand strong and speak out against the asylum transit ban.

Extending the Border Further South

If all that wasn’t enough, the Trump Administration is now pressuring countries in the region to stop migrants from coming to the U.S.-Mexico border. It has arm-twisted Guatemala, Honduras, and El Salvador into signing “**safe third country agreements**,” with threats to cut foreign assistance if they don’t deter migration. So far, DHS has signed agreements with each of the three governments that include sending migrants who arrive to the U.S.-Mexico border to be processed in any one of these countries, even if it is not their home country to begin with. The media leaks of these secretive agreements show that the U.S. government will provide support to step up migration enforcement between Central American borders and will establish temporary guestworker programs between the United States and at least Guatemala and Honduras.

To think that Guatemala, Honduras, and El Salvador could process asylum seekers from other countries or keep them safe when thousands of their own citizens are fleeing violence and lack of access to justice and suffer the impact of government corruption is just fantasy. And sending migrants back to danger or trapping them in the region will only **fuel the refugee crisis further.**

We will keep opposing these agreements and all of the ways that the Trump Administration is shutting the door on asylum seekers at our border and throughout the region and hope you will join us. It’s a long fight ahead but we must raise our voices to highlight the inhumane impact on refugees from Central America and Mexico. **Turning vulnerable families and children away is not who we are as a country.**



Art on the U.S.-Mexico border. Photo by Daniella Burgi-Palomino.

New Hope for Cuba Travel in Congress

Antonio Saadipour & Mavis Anderson

It's no secret that the Trump Administration has undermined decades-long efforts to re-establish diplomatic ties with Cuba through aggressive rhetoric and rollbacks, unnecessary travel restrictions, and harsh sanctions. These measures have failed for over 50 years to affect any real change, hurting only ordinary Cubans caught in the middle of this policy mess.

But hope is not lost. There's new energy around travel legislation in both the Senate and the House. The potential for progress is real.

Senator Patrick Leahy (D-VT) introduced the Freedom for Americans to Travel to Cuba Act of 2019 (S. 2303). The bill, which had 46 Democratic and Republican co-sponsors as of October 2019, would allow Americans to travel to Cuba "in the same way that they can travel to every other country in the world except North Korea, to which President Trump banned travel by executive order."

Representatives Jim McGovern (D-MA-2) and Tom Emmer (R-MN-6) introduced an identical bill in the House, H.R. 3960. "It's time for us to listen to the majority of Americans, Cuban-Americans, and Cubans who do not support the travel ban, and get rid of it once and for all," said Rep. McGovern.

We were on the brink of ushering in a new era of progressive Cuba policies, even ending the travel ban and gearing up to remove the trade embargo once and for all. That progress has been threatened. We cannot leave positive changes up to chance. We must act quickly and decisively. In other words, Congress needs to hear **your** voice.

How can you help?

We need you to make three quick and easy phone calls: one to each of the offices of your two senators and one to the office of your representative. ([Find them here: govtrack.us](http://govtrack.us))



People walk down a busy street in Havana. Photo by Paul Anderson.

Here's a sample script:

"My name is _____, and I am a constituent from _____. I urge Senator _____ to co-sponsor S. 2303./I urge Representative _____ to co-sponsor H.R. 3960. An overwhelming majority of Americans favor unrestricted travel to Cuba. This administration's attempts to reverse advances made in engagement with Cuba, a country that poses no threat to our national security, are unwarranted. Cuba is progressing, and right now, we can help best by allowing U.S. citizens to travel there freely."

Calls are the most effective way of getting your senators' and representative's attention, so we can't stress enough how important it is for you to pick up a phone right now to voice your emphatic support for this new legislation.

Restricting or in any way discouraging American travel to Cuba threatens the livelihood of countless ordinary Cubans for whom expanded visits of Americans to the island has been a positive factor in their country's economy. The Obama Administration began to forge a path toward the normalization of U.S.-Cuba diplomacy, and for a moment, the future felt optimistic. We've strayed from that path, but with a united front, we can find our way back.

What we need now is the committed outreach of Cuba activists around the country in contacting their senators and representatives to get them on board. If yours are already on the legislation, it still helps to call their office to thank them and to ask them to be active in promoting the travel bill. **Make sure they are on the right side of history!**

Check out the Second Edition of our Cuba Advocacy Toolkit to see a detailed overview of U.S. policy in Cuba, learn more about the Cuba bills currently before Congress, and explore ideas and resources for action at www.lawg.org/cubatoolkit2019

Voces from *El Testigo*: Forgiveness, Peace, and Hope in Colombia

Alyson Woolley

Forgiveness, peace, and hope are words not commonly associated with the past 50 years of conflict in Colombia. However, these themes shine through in the new documentary *El Testigo* (“The Witness”).

El Testigo, produced by Caracol TV, tells the story of Colombia’s horrific internal war through the lens of Colombian photo-journalist Jesús Abad Colorado’s camera. Years after documenting this conflict with photographs and powerful reflections, Abad sets off to find his photographed subjects to learn about where their lives have led them since taking their photo many years before.



Lisa with Jesús at the Cannon House Building for the *El Testigo* screening. Photo by Antonio Saadipour.

leaders have come under constant attack. Human rights defenders, community organizers, Afro-descendent and indigenous leaders and demobilized guerrillas are being killed systematically.”

When the lights came on abruptly after the film, it was clear that *El Testigo* had moved the audience, which included congressional staffers, interns, and members of the media.

In September, LAWG had the opportunity to welcome Abad to the D.C. area for two unique screenings of *El Testigo*. The film’s first screening at the E Street Cinema was hosted by the Alliance for Peacebuilding, along with LAWG, the Washington Office on Latin America, and the Colombia Human Rights Committee.

Guests, including a member of the National Afro-Colombian Peace Council and a leader of women whose family members were killed by the military—the Madres de los Falsos Positivos (MAFAPO), talked to the audience afterwards. Many members of the D.C. Colombian community were in attendance, sharing personal anecdotes of the conflict and contributing to the conversation towards peace and reconciliation.

Later that week, we helped *El Testigo* premiere on Capitol Hill, where it was sponsored by the Tom Lantos Human Rights Commission. Commission co-chair Representative James P. McGovern (D-MA-2) stated:

“Those conversations reveal the strength of Colombians, their capacity for resistance and their openness to the possibility of forgiveness and reconciliation. They are conversations that make peace seem within reach. Yet the official peace process—the formal peace accord reached in 2016 between the Colombian government and the FARC guerrillas—is fragile. Implementation has been slow and uneven. Key components like the transitional justice system and political participation by former guerrilla

See it for yourself! *El Testigo* is now available for streaming on Netflix.

Migrant Rights Defenders in the District

Lauri Álvarez

LAWG opened doors in Washington, D.C. along with Kids In Need of Defense (KIND) for Central American and Mexican migrant rights activists in September 2019 to explain how the conditions in Central America are forcing families, children, men, and women to flee their homes and the impacts of the recent U.S. policy changes on migrant rights.

Seven representatives from our partner organizations in the region participated: Centro de los Derechos Humanos Fray Matías de Córdoba and Voces Mesoamericanas from southern Mexico, Comisión de Acción Social Menonita (CASM) and Casa Alianza from Honduras, Asociación Pop No'j from Guatemala, and Grupo de Monitoreo Independiente de El Salvador (GMIES) from El Salvador.



Lauri and Daniella with the Mexican and Central American delegation in front of the Capitol building. Photo by Antonio Saadipour.

We joined a congressional briefing and press conference with Alianzas Americas to highlight what terminating Temporary Protected Status (TPS) would mean for **approximately 300,000 Hondurans and Salvadorans** and then knocked on the doors of the halls of Congress, meeting with congressional offices and committees, the State Department, and advocates. Our partners spoke about their concerns with the “safe third country” agreements the Department of Homeland Security (DHS) signed with Guatemala, Honduras, and El Salvador. They explained how U.S. pressure has led Mexico to increasingly commit migrant rights violations in the last few months, fueling a humanitarian crisis at Mexico’s southern border.

All of our partners expressed concern with the safe third country agreements, arguing that their own citizens are fleeing due to violence and instability within their countries, **so how could the U.S. government claim that these countries are safe?** Suyapa Ucles from CASM went as far as to say, “It is without a doubt forced migration. They talk about safe countries but it’s not safe for those living there or people passing through. They’ve cut funding for civil society groups but not for the military.” They noted that their countries lacked capacity to process asylum seekers. Finally, they said that the agreements were secretive and as civil society organizations concerned with migration, they found it hard to find detailed information about the agreements.



Suyapa Ucles, Jaime Flores, Juan José Hurtado, and Silvia Raquec meet with civil society leaders to discuss pressing issues in the region. Photo by Lauri Álvarez.

The migrant rights groups also spoke about how a major driver of migration is corruption and impunity, which leads to a continued cycle of violence. Some of the organizations noted that this will only be aggravated by the cuts in U.S. foreign aid to Central America. This slashes funds for NGOs in the region that provide public health and community-based violence prevention programs, increasing the chance for youth to be exposed to violence. The delegation stressed the importance of the U.S. government reevaluating its approach to foreign policy in Latin America and the negative impacts of current U.S. foreign and migration policies. Ultimately, they stressed that people will continue to flee if they do not feel safe—**so it is essential that their rights are respected within their own country and on their search to access protection.**

Protect Brazilian Human Rights Defenders — and the Amazon

Antonio Saadipour

In his first year in office, Brazil's President Bolsonaro and his administration have wasted no time carrying out massive attacks on human rights, espousing racist and homophobic rhetoric, leveling threats against indigenous and Afro-Brazilian communities, and overseeing one of the most heinous climate disasters humanity has ever witnessed.

Fortunately for us, Congress has not shied away from this fight. **And neither should you.**

Two different resolutions were introduced in Congress—one in the House of Representatives and the other in the Senate.

In the House: H. Res. 594 was introduced by Representatives Raúl M. Grijalva (D-AZ-3), Ro Khanna (D-CA-17), and Deb Haaland (D-NM-1). This strong resolution aims to protect the Amazon from further deforestation, condemns Bolsonaro's attacks on human rights and support for extrajudicial killings, rejects U.S. support for environmentally detrimental projects, and raises the threats indigenous leaders and environmental defenders continue to face.

In the Senate: Senators Brian Schatz (D-HI) and Richard Shelby (R-AL) introduced S. Res. 337. Their bipartisan resolution calls for the Brazilian government's immediate action to put out the fires that are still laying waste to the Amazon and to stop its illegal deforestation. S. Res. 337 attempts to address this environmental catastrophe by urging the country to protect indigenous communities and adopt sustainable development practices and offering assistance to mitigate the fires and curb illegal deforestation.

Background: Brazil had made some progress in reducing the rate of deforestation in the last 15 years—although the tragic loss of rainforests continued. But with the green light given by Bolsonaro, the rate of deforestation shot up in 2019. And attacks and threats against indigenous communities and environmental activists have risen. We need to encourage Brazil's government—and our own—to conserve the only planet we will ever call home.

How can you help?

By making three short and sweet phone calls—one to your representative in Congress and one to each of your senators—you can make all the difference. ([Find them here: govtrack.us](https://govtrack.us))

Here's a sample script:

"My name is _____, and I am a constituent from _____. I urge Representative _____ to co-sponsor H. Res. 594./I urge Senator _____ to co-sponsor S. Res. _____. So far, Bolsonaro's term as president has been nothing short of disastrous for the people of Brazil and the environment. Swift and strong action must be taken to demand Bolsonaro respect the sanctity of the Amazon, the integrity of democracy, the rights of Brazilian people, and the rule of law."

Calling Congress to demand immediate action on these issues **will help shift the tide in the right direction.** We owe it to our Brazilian brothers and sisters to fight for a future where they can live freely and sustainably.



LAWG staff join protestors in Washington, D.C. for the Global Day of Action for the Amazon. Photo by Antonio Saadipour.



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