

U.S. deportations during global pandemic risk spreading COVID-19, returning migrants and asylum seekers to danger and instability

April 8, 2020

Our organizations strongly denounce the Trump Administration's total ban on asylum seekers at the U.S.-Mexico border and its continuation of deportations during the global pandemic. We call on the Trump Administration to immediately rescind its policy of shutting the border to individuals seeking asylum, halt all deportations, and release immigrants currently in detention. The United States, which currently has the [highest number](#) of COVID-19 cases in the world, is putting the globe at risk by continuing to deport migrants during this pandemic.

At a time when travel is restricted worldwide and cities and states are implementing strict shelter-in-place orders, it is inhumane and dangerous to continue to deport individuals, families, and children from the United States. Many deportees are being denied access to a fair asylum process, are detained in overcrowded, unsanitary conditions prior to deportation, and are not being adequately screened for health concerns or COVID-19 symptoms prior to their return. There have already been reports of deported migrants, including unaccompanied children, demonstrating [symptoms](#) in line with COVID-19 upon landing in Central America and at least three [confirmed cases](#) of Guatemalan migrants who tested positive for COVID-19 following the return to their communities, raising the possibility of having infected others who joined them on the deportation flights.

We are deeply concerned by the administration's effort to utilize a global public health crisis to abdicate U.S. responsibility under domestic and international law and turn away individuals seeking protections at our border. According to legal [guidance](#) issued by the UN High Commissioner for Refugees (UNHCR), even during the COVID-19 pandemic, states may not "impose a blanket measure to preclude the admission of refugees or asylum-seekers, or of those of a particular nationality or nationalities, without evidence of a health risk and without measures to protect against refoulement." The [Subcommittee of Prevention of Torture](#) also states that "[t]he prohibition of torture, cruel inhuman or degrading treatment or punishment cannot be derogated from, even during exceptional circumstances and emergencies which threaten the life of the nation." The World Health Organization, International Organization for Migration, Office of the UN High Commissioner for Human Rights, and UNHCR have also [called](#) on countries "to manage border restrictions in a manner which respects international human rights and refugee protection standards, including the principle of non-refoulement, through quarantine and health checks."

Situation of forced turnbacks at the U.S.-Mexico border and deportations to the region

Since the Trump Administration issued a [rule](#) on March 20th suspending the entry of individuals to the United States, migrants from Mexico, Guatemala, El Salvador, and Honduras and other countries who are apprehended at the southern border by Customs and Border Protection (CBP) have been summarily returned to the Mexican side of the border or placed into expedited deportation to their home countries without being screened for international protection needs or [provided any medical testing](#). CBP is [not](#) conducting adequate medical screenings for underlying conditions or risk factors which heighten migrants' risk of severe harm from COVID-19.

Forced turnbacks of migrants apprehended at the U.S.-Mexico border to Mexico leaves migrants exposed to organized crime or abusive Mexican migration and law enforcement. Those returned to Mexico join the tens of thousands asylum seekers currently waiting in precarious conditions, denied due process and access to asylum under policies such as "metering" and MPP/ Remain in Mexico. Recently, NGOs have [documented](#) cases of some migrants along Mexico's northern border being detained and sent to Mexico's southern border by Mexican migration enforcement, who are then dropped off in Guatemala. Those migrants, if they are not from Guatemala, then face the risk of apprehension and detention within Guatemala due to transiting during curfew hours or must try to cross back into Mexico on their own. We are deeply concerned by the way in which the U.S. asylum ban is leaving migrants in situations of extreme vulnerability amidst border closings and tightened enforcement across the region due to the pandemic.

Deportations of Mexicans to the Mexican side of the border are also ongoing, though interior repatriation flights have been suspended temporarily. The United States and Mexico have [expanded the hours](#) in which deportations to Mexico can take place, curtailing the Local Repatriation Agreements, which had prohibitions on nighttime deportations to limit risks faced by deportees. Because of the border shutdown and social distancing practices, humanitarian organizations face increasing difficulties in reaching and providing services to asylum seekers, leaving them even more exposed to organized crime and human rights violations. Some migrant shelters on the Mexican side of the border have had to curtail their services or close their doors to new migrants to prevent the spread of COVID-19 due to the challenges in maintaining social distancing and hygiene practices within their facilities.

There have been regular ICE deportation [flights](#) returning adults and unaccompanied children to Guatemala, Honduras, and El Salvador, countries that otherwise have their borders closed. Immigration and Customs Enforcement (ICE) is reportedly only taking migrants' [temperature](#) prior to boarding deportation flights-- a wholly insufficient measure according to COVID-19 testing [guidelines](#) issued by the Centers for Disease Control and Prevention (CDC). The turnback or deportation of unaccompanied children from the border, without giving them access to an immigration judge and an attorney, without screening for protection needs, and without placing them in the custody of the Office of Refugee Resettlement (ORR), [violates](#) their rights under the Trafficking Victim Protection Reauthorization Act (TVPRA). Reports of turnbacks of

Mexican unaccompanied children without any screening for risk of human trafficking or persecution also violate the TVPRA and fly in the face of child welfare principles, leaving children vulnerable to human trafficking, persecution, and other harm.

We are also deeply concerned by efforts to expand deportation flights to other countries during this pandemic. ICE has reported deportation flights to [Haiti](#), [Colombia](#) and [Nicaragua](#) on planes that were subsequently utilized to transport U.S. citizens home. Deportations to other countries would only risk spreading the virus and returning migrants to already precarious conditions.

Concerns for deported migrants upon arrival in Central America under COVID-19

Migrants deported back to Guatemala, Honduras, or El Salvador during the global pandemic have been facing inadequate quarantine measures and fragile healthcare systems, deepening poverty, severe food insecurity, repressive policing of public health measures, and restrictions on public transportation, impacting the ability of families from meeting their relatives upon arrival, as well the ability to move to their communities before curfew.

Across the three countries, governments have taken ad hoc and insufficient measures to provide medical screening for deported migrants upon their arrival at reception centers in airports. In Guatemala, for example, there are [reports](#) that deported migrants were told to undertake “voluntary” quarantine in their homes after arrival without any sort of medical screening. While there have been several [cases](#) of deported migrants including [children](#) taken to the hospital to receive COVID-19 testing, testing only occurred after they demonstrated possible symptoms upon arrival, and not as a part of any comprehensive or systematic medical screening provided by the government. In Honduras, some deported migrants were reportedly transferred from the reception center at the airport to a makeshift quarantine center by the military and police, where the adequacy of conditions and screenings are unknown. In El Salvador, individuals held in quarantine facilities [raised concerns](#) about the lack of information and [testing](#) being provided. Guatemalan, Honduran, and Salvadoran governments have also not provided public information on measures being taken to provide medical screening to deported migrants upon their arrival from the United States, much less information to migrants on specific measures they can take with their communities or families to prevent the spread of COVID-19. NGOs have faced difficulty in accessing reception centers where deported migrants arrive due to governmental measures restricting the movement of the population. This poses serious challenges to monitor the conditions and the risks deported migrants are exposed to upon their return.

Strict government curfews, business closings, and a lack of public transportation across the three countries also means that deported migrants will mostly have to find how to get to their home communities on their own and could be at risk for arrests due to transiting during curfew hours. These risks are exacerbated for unaccompanied children, whose families will face enormous difficulty in picking them up from airport reception centers, especially when coming

from distant, rural communities. Deported women and girls are also at risk as public health crises often [deepen](#) existing gender inequalities and sexual and gender-based violence. Some deported migrants may not have anywhere to turn, especially if they were fleeing persecution in their homes in the first place. Civil society shelters, frequently the only organizations providing access to protection and basic services to deported migrants, have had to close to avoid spreading the risk of the virus within their facilities. NGOs have also reported that some deported migrants face [violence](#) upon return to their communities due to fear that they will infect community members with COVID-19, exacerbated by the broader uncertainty and fear that communities have amidst the pandemic.

For those who do make it back to their communities, food shortage is a severe problem. Local markets are either closed or do not have enough food, and food that is available is being sold for higher than normal prices. NGOs working with families in the region have reported that families are contacting them reporting that they are hungry and do not have access to food. In the Guatemalan highlands, families are unable to travel to markets that may have more food available because of the lack of public transportation. In countries where much of the population lives in poverty and works in the informal sector, households have no [reserves of cash](#) or food to survive even a short-term quarantine.

We are also deeply concerned that deported migrants may be returning to face increasingly repressive measures being taken by already corrupt governments in the region. In Honduras, for example, the government declared a state of exception and deployed the military on the streets. Members of the Military Police of Public Order (PMOP) patrolled and even entered houses in certain [neighborhoods](#) where some cases of COVID-19 were reported. The Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights [criticized](#) the Honduran government's suspension of freedom of expression as "disproportionate" and limiting the rights of the citizenry to accurate information about COVID-19. Across all three countries, hundreds of people have been arrested for violating curfew or protesting the lack of food and water. Individuals, including deported migrants, face additional risks from non-state actors such as gangs, some of which have [imposed](#) their own curfews and threatened communities due to the pandemic in El Salvador.

All of these situations compound already fragile and ill-prepared health systems in many Central American countries. In Honduras, where a weak health care system has been undermined by massive governmental [corruption](#), health services are already [struggling](#) to address the current dengue epidemic in which some 200 people have died. Lack of clean water in poor neighborhoods throughout the region makes the admonition to wash hands impossible to follow. For communities controlled by gangs, individuals may face severe obstacles in accessing the few health clinics that do exist, should they become ill from the virus.

Recommendations

The COVID-19 pandemic is a global health crisis that requires public health responses. There is no [evidence](#) that a border shutdown will improve public health. On the contrary, there is already evidence that deportations of migrants to the region could be seriously detrimental in spreading the virus to areas which had previously not had cases, and where the health effects and death toll will be catastrophic.

We urge the Trump Administration to immediately take the following actions:

- Halt deportations of women, men, children and families back to their home countries;
- Release immigrants from detention maximizing use of humanitarian parole, release on recognizance, and where necessary, community-based alternatives to detention, following medical screening and in a manner consistent with public health protocols on COVID-19;
- Process unaccompanied children according to the safeguards that the TVPRA provides and that child welfare standards compel;
- Apply the same health screening processes currently used by CBP for other individuals crossing the land border to asylum seekers -- including referral to health officials for additional testing of any individuals with symptoms of illness and those who have recently traveled to high-prevalence areas -- and provide them health information (in their own language) on prevention, isolation and treatment measures;
- Parole arriving asylum seekers at ports of entry as expeditiously as possible, release other asylum seekers using other community-based alternatives to detention;
- Coordinate with local groups to ensure housing and transportation upon release, and avoid holding asylum seekers in enclosed or densely populated spaces;
- Ensure the passage of humanitarian assistance and staff from the United States to reach asylum seekers on the Mexican side of the border;
- Urge Western Hemisphere governments not to take advantage of the pandemic to unduly restrict human rights, freedom of the press, and civil liberties, including access to information about COVID-19; and
- Release humanitarian funding that was previously withheld for Central America and provide substantial additional resources to support the work of international and local humanitarian organizations to assist with public health needs, food insecurity, access to sustainable livelihoods and water, and efforts to combat the virus.

Signatories

Alianzas Americas
American Friends Service Committee (AFSC)
America's Voice
Area Executive, Latin America and Caribbean Office, Global Ministries
Asylum Seeker Advocacy Project (ASAP)
Black Alliance for Just Immigration (BAJI)
Cameroon American Council
Capital Area Immigrants' Rights (CAIR) Coalition
Catholic Legal Immigration Network, Inc.
Center for Gender & Refugee Studies
Center for Victims of Torture
Center Global
Central American Resource Center (CARECEN)
Church World Service
Coalition for Humane Immigrant Rights (CHIRLA)
Congregation of Our Lady of the Good Shepherd, U.S. Provinces
Committee in Solidarity with the People of El Salvador (CISPES)
Detention Watch Network
Disciples Refugee & Immigration Ministries
Evangelical Lutheran Church in America
Formerly Incarcerated Group Healing Together (F.I.G.H.T)
Freedom for Immigrants
Freedom to Thrive
Haitian Bridge Alliance
HIAS
Human Rights Initiative of North Texas
Human Rights First
Institute for Justice & Democracy in Haiti
International Refugee Assistance Project
Khmer Anti-deportation Advocacy Group (KhAAG)
Kids in Need of Defense (KIND)
Kino Border Initiative
Latin America Working Group (LAWG)
Lawyer's Committee for Civil Rights of the San Francisco Bay Area
League of United Latin American Citizens
Lutheran Immigration and Refugee Service
Mennonite Central Committee U.S. Washington Office
MomsRising
National Advocacy Center of the Sisters of the Good Shepherd
National Immigrant Justice Center
National Network for Immigrant & Refugee Rights

Network in Solidarity with the People of Guatemala (NISGUA)
NETWORK Lobby for Catholic Social Justice
New Hampshire/Vermont Guatemala Accompaniment Project (NH/VT GAP)
Nicaragua Center for Community Action
Ohio Immigrant Alliance
Oxfam America
Pax Christi USA
Physicians for Human Rights (PHR)
Poder Latinx
Quixote Center
RAICES
Rian Immigration Center
Save the Children Action Network
Sisters of Mercy of the Americas- Leadership Team
Sojourners
Southeast Asia Resource Action Center (SEARAC)
Texas Civil Rights Project
The Santa Elena Project of Accompaniment
T'ruah: The Rabbinic Call for Human Rights
Union for Reform Judaism (the URJ)
Unitarian Universalist Service Committee
United African Organization
United We Dream
Washington Office on Latin America (WOLA)
Women's Refugee Commission
Young Center for Immigrant Children's Rights