

TRUMP'S "REMAIN IN MEXICO" POLICY EXPOSES MIGRANTS TO RAPE, KIDNAPPING, AND MURDER IN DANGEROUS BORDER CITIES

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Women staying at Iglesia Metodista "El Buen Pastor," a church-run migrant shelter, take a walk in Juárez, Mexico, on June 16, 2019. Photo: Paul Ratje/AFP/Getty Images

The big man with a little mustache sat slumped in his chair at an immigrant aid office in Ciudad Juárez. The Mexican city sits a block and a half from El Paso, Texas, across the shallow trickle of the Rio Grande. But proximity to the U.S. meant nothing in his case; the office might as well have been on another

continent. The man was sobbing. “*Soy un muerto. Un muerto vivo,*” he kept saying. “I’m a dead man. The walking dead.”

The man, whom I will call Franklin to protect him from retaliation, said he was being pursued by assassins. Back in his home country months earlier, covered from head to toe to conceal his identity, he had given testimony against cartel bosses who had extorted his and his common-law wife’s businesses. The extortionists were convicted and imprisoned, but the witness’s disguise had fooled no one. Post-trial, two of the bosses’ armed underlings pursued Franklin, first in his home country in Central America. Then, after he fled, they threatened his niece back home with death if she did not say where he had gone. “Juárez, Mexico,” the terrified woman told the hit men.



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The War on Immigrants

Franklin should have been able to cross the Rio Grande to the U.S. side long ago and make his asylum claim where the thugs couldn’t get him. Last year, he could have done so. He could have walked over an international bridge to a port of entry in El Paso, and Customs and Border Protection agents would have sent him to a detention center administered by Immigration and Customs Enforcement. There, an asylum officer would have interviewed him about his fears. He almost certainly would have passed the interview and been released on bond to join friends or family in the interior. He would have gotten a lawyer and begun gathering evidence to show an immigration judge why he needed safety in America.

But Franklin had arrived too late. By the time he got to the border in March, the Trump administration had months earlier [enacted a policy](#) at southern border bridges called “metering.”

The policy posted guards at the exact middle of international bridges, where the U.S. legally begins, along with its civil rights. Instead of letting Franklin cross, the guards told him to take a number and go back to Mexico until the number came up.

In Juárez, Franklin joined thousands of other migrants waiting for their own numbers to come up. His finally did, almost three months later, in early June. He eagerly went back to the bridge. But when he got there, he was devastated to learn that he still would not be allowed into the U.S. Instead, he was enrolled in a new Trump scheme for asylum-seekers. By the end of June, almost 17,000 asylum-seekers up and down the border had joined him. They have been booted out of San Diego, Calexico, and El Paso and sent to nearby Mexican border cities to wait. Juárez, across from El Paso, has received the largest number: almost 8,000 people. The new program, commonly referred to as “Remain in Mexico,” is called MPP, short for the [Migrant Protection Protocols](#).



At the Iglesia Metodista “El Buen Pastor” shelter, migrants are allowed to stay while they either wait for their number to be called on the metered system or for their second asylum hearing. Photo: Paul Ratje/AFP/Getty Images

Remain in Danger

To call that phrase Orwellian is a gross understatement. The MPP, rather than protect migrants, puts them in grave danger. It mandates that they remain in crime-ridden Mexican border cities for months, even years, waiting for U.S. courts to decide their asylum claims. Every few weeks, refugees enrolled in the MPP are brought into U.S. border cities such as El Paso to see an immigration judge. But after their hearings, they are sent back to Mexico, to cities so violent that the U.S. State Department recommends that Americans limit travel to them, or avoid travel entirely.

Juárez, for instance, is one of the [50 most violent cities in the world](#), and the State Department [forbids](#) its employees from traveling through the poverty-stricken northern and western parts of the city. Those are areas where many rented rooms and cheap hotels are located, housing migrants expelled from El Paso under the MPP. There are also charity shelters, though according to a [report](#) published this month by Human Rights Watch, they have room for only 1,000 people. An unknown number of others are living on the streets, including in the city's most dangerous sectors.

Migrants in these situations face far more danger than Americans do in Juárez, according to Jeremy Slack, a University of Texas at El Paso anthropologist. His newly released book "[Deported to Death](#)" analyzes data he has been collecting for years about what happens to immigrants, mostly Mexicans, who have been expelled from the U.S. to Mexican cities like Juárez. Because most migrants are transient, poor, and without local ties, few if any residents of the border cities will know, much less protest, if they are hurt or killed. Slack says that Central Americans and other non-Mexicans may have it even worse. They are at severe risk of being robbed, kidnapped for ransom, beaten, raped, murdered – or at the very least, traumatized by violence they witness.

Examples abound. In June, Juárez media outlets reported that a 20-year-old woman from Honduras was taken by force from a house in Juárez and sexually assaulted by men dressed as federal police officers, driving a car with federal insignia. They handed her over to three men in another house, who put tape

over her eyes and raped her repeatedly over several days. She [was rescued](#) after suspicious neighbors notified local Mexican law enforcement authorities that something seemed amiss in the house.

Also in June, two young Cuban women, and the husband of one of them, were hailing a taxi when a van drove up and men with assault rifles forced them inside. The group was taken to a house and told they could choose to carry drugs across the border in backpacks or pay \$500 a piece to be freed. The women told me, during an interview at a migrant assistance office in Juárez, that they declined both options and the husband was taken to a separate room. The women were then raped repeatedly until the victims paid their ransoms.

Some 5,000 children up and down the border are in the MPP, and they are not spared from assaults. In July, I learned from an immigration lawyer in California that a distraught client had called to report that her sister, a Salvadoran woman, with a 14-year-old, 10-year-old, and 3-year-old, were kidnapped in Juárez. The California family scraped together \$4,000 for a ransom payment, and after several days, the family was freed near a church in downtown Juárez. The mother said that she and her children had been captured after the kidnappers had spotted them wandering into Juárez disoriented, after being dumped there following their enrollment into MPP. When I met them by the church, the family told me that during their captivity they'd had almost nothing to eat, and they barely slept. After being freed, they made it to a migrant assistance organization that operates behind locked doors. A psychologist there told me that the family was suffering from shock, including the kids.

Not everyone in the MPP is assaulted, but even those who avoid such treatment are traumatized. A couple with two daughters, ages 5 and 3, told me that they are trying to live in Juárez for as long as it takes to pursue their asylum claim, but the family is freaked out by the city. "We went downtown one day to enjoy ourselves, and we passed a garbage can with a smell," the father said. "I looked inside and there was a corpse covered in blood. My kids asked what I'd seen. 'Oh, nothing,' I said."

Franklin wondered when he would end up in the garbage. He said he'd twice ridden city buses to job interviews and spotted the two hit men in the street.

“They will torture me,” he said through tears as he spoke to pro bono El Paso legal workers who had traveled to the immigrant aid office in Juárez. “They will put my body parts in bags and dump them.”

The first time I met him in the migrant assistance office, Franklin explained how he tried to stay alive. He said he moved around Juárez with his shoulders hunched and his baseball cap pulled low. His nights at the church shelter were sleepless. His stomach was so tightly wound that in place of meals, he ate antacid pills. He wanted to go to court in El Paso and ask for a non-refoulement interview, in which an asylum officer listens to a migrant’s story about fear of being sent to a dangerous third country – in this case Mexico – and decides if the person should be removed from the MPP program and allowed to stay in the U.S.

But Franklin’s first MPP court date in El Paso was over four months away. Meanwhile, he’d seen the hit men near a monument to Benito Juárez, staring intently. They’d seen Franklin, too, even though he was on a bus, and they yelled, “Get him! Kill him!” The bus driver sped away. Franklin was certain his pursuers would not give up.



People walk past a sign reading “last number entered” in Juárez on May 20, 2019. Photo: Paul Ratje/AFP/Getty Images

The Polite Judge

The MPP court in El Paso dismays first-time visitors. The children are the biggest shock. Refugee mothers and fathers cram the spectator benches, waiting to be called to a table before the immigration judge. They are almost always accompanied by sons and daughters: teenagers, 10-year-olds, toddlers, babies. Adolescents sit stonily. Infants lie supine. Two-year-olds wriggle under the benches, calling “Mamá!” and flapping their fingers into airplanes and singing Spanish nursery songs. There is coughing from people of all ages. The din sometimes grows so loud that the judge must call a break.

And then there are the adults crying – as when Katy, a Guatemalan woman, tells Judge Nathan Herbert what happened after she was returned to Juárez from her first MPP hearing with him a few weeks ago. (The Intercept has changed the names of migrants mentioned in this article to protect them from

retaliation.) Katy describes being kidnapped by a taxi driver and his accomplices, who demanded \$1,000 from her family in the U.S. They paid most of the ransom, and she was freed. But the kidnappers said they knew where she was staying, and they gave her a warning: “If you file a report, you know how people die in Juárez.” Later, Katy tells Herbert that she was trying to sleep and saw a knife being inserted into the doorjamb of her room. She chokes up at the memory. Two other women in the courtroom, who were also kidnapped, begin to wail.

A 3-year-old boy on a bench whines that he’s hungry. A toddler sucks her thumb, while a 4-year-old treats her mother like a pony, furiously flipping and stroking her hair.

“Ma’am, I’m sorry to hear that,” says Herbert to the sobbing Katy.

Judge Herbert is always punctiliously pleasant and respectful to the refugees, calling them “sir” and “ma’am,” and asking after their children’s health before testimony begins. His politesse only underscores the Alice-in-Wonderland absurdity and cruelty of the MPP.

“Ma’am, since the last time we were together, did you use the Legal Aid list I gave you then to find a lawyer?” he asks one Central American after another as the hearing drones on.

He already knows the answer.

“I made 30 calls,” the woman says. “Half of them didn’t answer. The other half said they wouldn’t take my case.”

Representatives from Human Rights Watch observed multiple MPP hearings in El Paso in May, for a total of 54 persons. Only three had lawyers. Of the almost 8,000 people who have been kicked back into Juárez under the MPP, and most are destitute. Meanwhile, the number of pro bono lawyers in El Paso who are willing to travel to Juárez and do MPP representation for these thousands of people is well known among local immigration rights activists: three, possibly four.

Even so, Judge Herbert tells the refugees he will give them one additional continuance to “Keep calling. Maybe they’ll answer.”

At one hearing in Herbert’s court, a very young Guatemalan man named Marlon has given up on getting a lawyer and says he wants to go pro se – to represent himself – for his asylum claim. Herbert gives him a packet of papers to complete back in Juárez. He admonishes Marlon that each form and document in the filing, from Central American birth certificates and police reports to Spanish-language crime-page news clips, must be submitted with copies and in English translation, with a declaration for each document attesting to the translation’s accuracy. All this, though translators in Juárez are very expensive and very hard to come by.

Another refugee, also going pro se, protests to the judge that the translation requirement is impossible.

“People do it all the time,” Herbert says. “So can you.”

People tell him that they have been ripped from the children they are related to. Arlys talks about her 13-year-old nephew, Edgar, who was taken from her when she was put into MPP. “I know nothing about him since.”

Marlon testifies that he took legal custody of his little brother, a minor, after their dad was murdered in Guatemala. Now the murderer is about to be released from prison, “and that is why we decided to come. I have my certificate making me responsible for my brother, and my father’s death certificate.” The siblings were separated anyway, the younger one to parts unknown.

“I have raised her since she was little,” says Samuel about his stepdaughter, Nicole. She and Samuel’s common-law wife were kept in El Paso after the family was apprehended. Samuel was put into MPP and sent back to Juárez.

“My 16-year-old brother, Derik,” says Donald.

“My daughter, aged two,” says a man sitting next to Donald.

The judge tells these people to ask the government lawyers in the courtroom about their loved ones’ whereabouts, or perhaps to inquire with a CBP officer.

The judge in his black robe is unerringly kindhearted when he dispenses this counsel, but also unerringly chirpy. He might as well be a uniformed parking attendant, advising people about how to find their cars after they left them too long in the lot and were victims of the tow truck.

Nowhere, however, is the fracture between reality and rhetoric more chilling than when the migrants plead to be allowed to stay in the U.S.

When they are first interviewed by Border Patrol or CBP officers, migrants are supposed to be asked if they are afraid to return to their home countries. But nothing is asked about Mexico, and very few refugees would think to bring it up. Most have just arrived in the border cities and know nothing about life there – much less that they’re about to be sent back. Their first real chance to talk about fear does not come until they walk into court in the United States, weeks or months later.

“You are afraid to go back to Mexico: Is that correct?” Herbert asks person after person.

“Very afraid.”

“Totally afraid.”

“My case is really serious!”

Again, there are tears, to which the judge responds nonchalantly. “Ma’am,” he says (or “Sir”), “the decision on whether or not you’re going to go back to Mexico is not mine to make.” He assures the migrants that Christopher Chaffee, Jaime Diaz, Juan Carlos Brucelas-Vazquez, or whichever other Department of Homeland Security attorney is in court that day, has “made a note, and you and your children will all be referred for an interview with an asylum officer before any decision is made about whether or not you go back to Mexico. Do you understand that?”

“Sí,” the migrants say.

Reuters recently reported that only about one in 100 migrants in the MPP receive non-refoulement interviews that get them out of Mexico. To pass the

interview, according to the rules, one must show that it is “[more likely than not](#)” that they will be subjected to violence. For the government, the fact that a migrant has already been victimized in a third country does not mean they will be hurt in the future.

Katy, for example – the woman who was kidnapped in the taxi and later saw the knife pushing through her door – described those experiences during a non-refoulement interview. She was sent back to Juárez anyway.

And after the three young Cubans were kidnapped and the two women in the group were raped for days, they got free of their kidnappers. All three went to the international bridge. The man in the group was admitted to the U.S. The women rape victims were put into the MPP and sent back to Juárez.

An asylum officer recently [told Vox](#) that the standard for prevailing on a non-refoulement claim regarding Mexico is “all but impossible for applicants to meet.” Another officer, speaking on condition of anonymity, told me that they think the standard violates the law.

It seems that the only victimized migrants who are guaranteed under the MPP to achieve relief from future harm are those who no longer need relief from anything, because they are dead.

Back in February, a few weeks after the MPP was first rolled out, the ACLU, the Southern Poverty Law Center, and other civil rights groups sued the government, arguing that the MPP violates U.S. immigration and administrative law, as well as U.S. obligations under international law not to send people back to countries where they are threatened. The plaintiffs at first won a preliminary injunction, but the government appealed. In May, the U.S. Court of Appeals for the Ninth Circuit held that the MPP could continue pending resolution of the appeal. Today the MPP [remains in effect](#) indefinitely.



El Paso Bishop Mark Seitz, right, escorts 9-year-old Celsia Palma, from Honduras, as they cross the Paso Del Norte Port of Entry bridge toward the U.S. on June 27, 2019, in Juárez. Photo: Photo by Mario Tama/Getty Images

Political Theater

Last month, Bishop Mark Seitz of the Roman Catholic diocese of El Paso donned his black cassock with the scarlet piping, and a zucchetto – his purple-pink skullcap – and went to Juárez. There, surrounded by a crush of media, he [walked several endangered migrants](#) over an international bridge.

A week later, on July 3, New Jersey Senator and presidential candidate Cory Booker did the same thing. Fresh from his [Spanish competition](#) during the debates with El Paso native Beto O'Rourke, Booker shepherded [endangered MPP migrants](#) into the U.S., including the two Cuban women who had been kidnapped and raped.

Both attempts were successful. But at bottom, the crossings were little more than political theater. Most of the successful non-refoulement efforts have been assisted by a team of lawyers from Las Americas Immigration Advocacy Center. But according to Las Americas director Linda Rivas her agency has been able to handle only 100 cases, and has won exceptions from MPP for 29 individuals, with a few more cases pending. The successful exemptions were mostly for migrants who were ill or were in their last weeks of pregnancy. Only 10 had suffered from extreme violence.

Those 10 did not include the kidnapped and ransomed Salvadoran mother and her three psychologically traumatized children. On July 9, Rivas crossed that family into El Paso. But they did not pass their non-refoulement interviews, and on July 11 they were dumped into Juárez for a second time.

The government is now planning to vastly expand MPP. According to the new Human Rights Watch report, Mexico expects to receive 60,000 migrants by August. To ramp up hearings on the U.S. side, massive tents are slated for installation in at least [three locations](#) on the border – Yuma, Arizona, as well as Laredo and Brownsville, Texas.

Each tent will contain multiple MPP courts. Migrants will have their hearings in these tents, but judges will not be there. Instead, they will preside by video from hundreds or thousands of miles away. If a migrant manages to get a lawyer, the attorney might not be allowed in the tent, either, but instead will have to travel to the distant judge's court. Rumors among immigrant rights activists are that community observers and reporters will also be banned from the tents. The courts will run for [14 hours a day](#), to take advantage of judges' differing time zones across the country.

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A week after my first interview with Franklin, he was back at the immigration aid office; he'd been accepted into the entourage Bishop Seitz would be accompanying that afternoon across the bridge. I tried to speak with Franklin a

second time, but it was hard to start the conversation. He was slumped in a chair, utterly still, with his eyes shut. I called his name; no response. I tapped him – nothing. I shook his face.

Suddenly, he was back. “Oh! Sorry,” he said, and explained that he’d been awake all night, just like every night, staring at the ceiling. But at the office, knowing he was finally headed to safety, as part of Bishop Seitz’s entourage, he’d finally relaxed and fallen asleep.

A few minutes later, he started to feel scared again, and he scurried out into the street and covered his face with a lime-green bandanna. But then he joined the group of migrants with the bishop. At the middle of the bridge, CBP allowed Franklin to walk into the United States. He was soon given a non-refoulement interview. He passed, was removed from the MPP, and was sent to an ICE detention center, where he passed his credible fear interview. A Las Americas-affiliated immigration lawyer has vowed to bond Franklin out, pending resolution of his asylum claim.

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