

Testimony of Nana Gyamfi
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A Congressional Field Hearing on Humanitarian Aspects of the United States Migratory
Crisis

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Global Health, Global Human Rights, and International Organizations

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Good morning Chairwoman Bass and Ranking Member Smith. My name is Nana Gyamfi, and I am the Executive Director of the Black Alliance for Just Immigration (BAJI). We are a racial justice and migrant rights organization which engages in education, advocacy, and cross-cultural alliance-building in order to strengthen a national movement to end racism, criminalization, and economic disenfranchisement in Black immigrant, refugee and African American communities.

Thank you for the opportunity to testify before the subcommittee to discuss a critical and urgent matter: the plight of the approximately 15,000 Black immigrants on the Mexican side of the border - most of them right across the border from where we are in San Ysidro - attempting to exercise their international human right to asylum in the United States.

I dedicate my testimony to the memory of Nebane Abientwi, a 37-year old Cameroonian man who presented himself at the San Ysidro port of entry on September 5th seeking asylum in the United States and a month later, on October 1st, died while in ICE custody. Like most of his compatriots stuck in Tijuana today as a direct result of US foreign policy, Nebane flew from Cameroon to Ecuador, and made the long trek through Colombia and Panama, several other Central American countries and Mexico before finally reaching the California border where upon presenting himself for asylum he was detained in Otay Mesa Detention Center (OMDC) right here in San Diego. I dedicate my testimony to Mr. Abienwi and all those Black migrants who have lost their lives on that perilous journey to this country that represented for them life, liberty, and the pursuit of happiness. Over the past decade, we have seen the humanitarian crisis at the border between Mexico and the US deepen. Invisible to this narrative, in both the media and policy, has been the growing number of Black immigrants who are approaching the US southern border to seek asylum. I appreciate the opportunity to testify today because our family at the border is facing untold horrors. Today, I bring with me their stories so that you recognize that this is a humanitarian crisis that needs to be addressed with urgency. Lives are at stake.

On September 2nd, with colleagues and other advocates, I traveled on an emergency trip to Tapachula, Mexico. What we saw was shocking. Every single interview we conducted was gut wrenching. There are at least five thousand Black asylum seekers trapped in Tapachula - part of the fifteen thousand Black migrants being held captive in cities throughout Mexico. Most of them are from Cameroon, the Congo, Ethiopia, Eritrea and Haiti. Others hail from all over the Black Diaspora- the Caribbean and Africa.

I want us to take a moment to think about why someone would risk their lives and travel thousands of miles from home to a strange land? They have experienced physical harm, sexual assault, death of their family and friends, loss of personal items including documentation, family heirlooms, life's savings and whatever little personal safety that they had. The individual and collective trauma that they hold is unimaginable.

We have seen firsthand how U.S. foreign policies - including the failed wars on terror and drugs, and Trump's trade war - have exacerbated tenuous conditions abroad, spurring Black migration across the globe.

The Black migrants currently languishing in Mexico have fled for their lives from their countries to the US because of terrifying and deadly persecution that they have endured as a result of their political opinion, their sexual orientation or gender identity, their religion, and/or their ethnicity. Far too often, the governments that engage in or condone this violent and targeted persecution perpetrate severe human rights violations, including extrajudicial killings and disappearings, rape and sexual violence, theft of lands/property, denial of free speech, violent crackdowns of protest, illegal disenfranchisement, and even civil war. These persecuting governments and government officials that Black migrants have fled are almost always supported by the United States is supporting with military aid, technical assistance, and even protection from prosecution.

Black migrants are fleeing the countries of our birth, the only homes we've known, to escape the deadly conditions that US foreign policy helped create in our countries.

The escape to the US through the US Southern border is a deadly journey made even more perilous by the ways in which this Administration is currently using US foreign policy as an extension of US domestic immigration policy. It's folly at this point to think that there is a clear delineation between the two. Before this Administration, Black migrants traveling through South and Central America could travel freely across oceans, countries, and borders to request asylum at the Mexico/US border. When the Trump Administration realized it wasn't getting the physical border wall it wanted, it set out to build an invisible wall through its foreign policy. President Trump's invisible wall extends the US border

south to Guatemala. Without Congressional intervention, that unlawful Administration goal of a glorious Trump Wall will be achieved.

The Administration's efforts to build this invisible wall began with the Third Safe Country Agreement with Guatemala, publicly announced on July 26th, 2019. These Third Safe Country Agreements require migrants to apply for asylum in other countries before migrants can apply for asylum in the US. This requirement that migrants apply for asylum in a country they have no desire to live in is a violation of both Guatemalan and international law. People have the right to apply for asylum in the country of their choice. This Administration tries to justify this unlawful policy under the false pretense that these countries are safe havens for migrants needing refuge. But we know that these so-called safe third countries are not even safe for the indigenous and Black people who are citizens of these countries, let alone indigenous and Black migrants. These agreements that have been foisted on countries by the US create a foreign policy border wall that blocks the flow of migrants to the US border by creating stop gaps along the migratory route between South America, and Mexico and providing a ready excuse for application denial to migrants seeking US asylum. It is more difficult to get asylum in the United States if you already have asylum or residency in another country, especially when the Trump Administration has improperly deemed that other country to be safe for you. In exchange for signing on the dotted line, these countries receive US military aid, funding for detention centers and immigration enforcement, and impunity for corrupt government officials.

As part of a delegation sponsored by Refuge for Families, as invited by the Fair Immigration Rights Movement Network (FIRM), I heard directly from Guatemalan human rights lawyers, human rights activists, and high level officials with the Guatemalan Human Rights Commission that the human rights of migrants are severely violated on a routine basis. I listened with horror as they described the over-crowding and unsanitary conditions of the country's single detention center - meant to hold 100, but at the time of my visit was holding 900 people. Migrants are caged in for weeks when they first enter the country as part of the then-new US-influenced immigration policy. We had several meetings over two days and at each meeting, these human rights defenders made sure we knew that Black migrants suffer the most of all migrants and are disproportionately negatively impacted by this Guatemalan immigration policy which is the direct result of US foreign policy in Guatemala.

Since then, the US has entered into Third Safe Country Agreements with El Salvador and Honduras on September 20th, 2019 and September 25th respectively. By entering these additional agreements, the US used its foreign policy to further violate the human rights of migrants to asylum in the country of their choosing and creating a humanitarian crisis for migrants in each of these countries.

The crisis at the Mexican border is a direct consequence of the Trump administration's threats of tariffs and other punitive measures to Central American countries. While all migrants traveling through Mexico to the U.S. face violence, robbery, extortion, and harsh physical conditions, Black immigrants face anti-Black racism and xenophobia making their situation worse. Frighteningly, what is happening to Black migrants as a result of the US' cruel foreign policy in the Northern Triangle (Guatemala, Honduras and El Salvador) is kid's play compared to what is happening to Black migrants as a result of US policy in Mexico.

If migrants can leave the Northern Triangle and continue their journey to the US, they can then cross the border into Mexico. Most come through Tapachula, Chiapas at the border between Guatemala and Mexico. When the region first saw an increase in Black migrants around March of this year, Mexico honored migrants' right to asylum and allowed migrants to get transit/exit visas and travel to its northern border to apply for asylum in the US, the country of their choosing. However, after President Trump threatened to impose harsh tariffs on Mexico if it didn't stem the flow of migrants to the border, Mexico changed its immigration policy to require migrants to apply for asylum and residency in Mexico. Again, this asylum application requirement is a violation of Mexican and international law. The asylum process at Tapachula requires migrants to be taken into custody and held in the largest detention center in Latin America Siglio XXI (Century 21). The conditions in Siglio XXI are as bad or worse as those in the detention center in Guatemala.

BAJI has consistently been going to Tapachula since August of this year. Black migrants complain of racist maltreatment in the detention center, including being fed maggot-filled food, being denied health care and sanitary conditions, being forced to sign paperwork written in a language they do not understand, and being stripped of their nationality and declared 'stateless'.

The first time I went to Siglio XXI was on that early August Refuge for Families trip in early August of this year. A Haitian man had died in custody that morning. We were told that he had been taken into custody 20 days earlier and had been ill for the last 15 of those days. Black migrants who were in detention with him reported that he had been denied medical care despite repeated requests for medical attention. They say he spent the last 24 hours of his life screaming in agony. This is what US foreign policy has meant for Black migrants in Mexico.

We sent our first BAJI delegation to Tapachula after hearing about large protests by African migrants demanding that the Mexican government honor their human dignity and human rights. These Africans created the Assembly of African Migrants to represent approximately

3500 (three thousand five hundred) Africans, representing 15 African countries, being held against their will in Tapachula, Mexico. These migrants hail from Cameroon, Congo, Angola, Ghana, Guinea, Ethiopia, Eritrea - from all over the Black diaspora. We learned from them that Black migrants are living in deplorable conditions as they await the results of their forced asylum applications in Mexico. They are sleeping on the streets or in dilapidated motels. They have run out of money. They have no employment opportunities. They have no food. They have no money. They have no access to medical care. They have no consular assistance. They have no counsel. There are children, including babies, everywhere, and mothers complain that they are harassed by police. We heard reports that the police batter even pregnant Black women. One woman, an Angolan gender justice advocate, shared her fear and anxiety over the future of her husband and seven children. With no shelter, access to food and clean drinking water, education and healthcare, her situation is perilous. Every day she cries in anguish for the families, mothers and children that they lost along the way and the uncertainty of their future. This what US foreign policy has meant for Black migrants in Mexico.

As described by the African Assembly in their public statement, Black migrants in Tapachula have only one demand - to be allowed to leave Tapachula to head to Mexico's northern border and apply for asylum in the US. They describe that they have traveled thousands of miles, including crossing the infamous menacing Darién Gap, have risked their lives to seek asylum in the US only to be held hostage in Tapachula and denied recognition of their human rights and dignity. And they were and are clear that their suffering and the suffering of their children is the direct result of US foreign policy and the pressure that the Trump Administration put on Mexico.

In spite of their heroic protests, Black migrants still cannot safely leave Tapachula without a document that indicates that they have been granted asylum or permanent residence. If you leave Tapachula without the required documentation and are caught, you are detained again and face further punishment. In the beginning of the new process, most Black migrants were denied asylum and permanent residency, often after months of waiting. Once denied, they were instructed to self-deport southward in Guatemala. Black migrants whose applications are denied are not permitted to continue northward. As African protests and mass efforts to leave Tapachula have gotten more media coverage in Mexico and the international press, Mexico has started to reverse course and grant some Black migrants asylum or residency in Mexico that Black migrants never wanted. Those whose applications are granted usually use the opportunity to continue their treacherous journey north to apply for asylum in the US at the border, not fully understanding that the unlawful grant of asylum or permanent residence in Mexico will create serious and challenges for their asylum requests in the US. This is what US foreign policy has meant for Black migrants in Mexico.

Even though there are thousands of Black migrants across the border with Mexico, and there have been for years now, they have largely been rendered invisible by the lack of media and attention from international human rights organizations. Black migrants are not actually invisible, of course. When you walk and drive in Tijuana, you see us. Many of the Black migrants who are in Tijuana now experienced the trauma of Tapachula and are now experiencing trauma in Tijuana due to US foreign policy.

Conditions for most Black migrants in Tijuana are very similar to the conditions they endured in Tapachula. Black migrants complain of being subjected to anti-Black racism on a consistent basis in ways that make them feel fearful and unsafe. They continue to lack consistent access to food, water, health care, sanitation, housing, children's education, and legal support. They continue to suffer from a lack of language access. Again, the humanitarian crisis Black migrants are experiencing in Tijuana is what US foreign policy has meant for Black migrants in Mexico.

While many of the stories that we hear from Black migrants at the border are horrific, we are also inspired by their resilience and their courage to fight and to defend international human rights.

It is our hope that this Committee has that same conviction and fighting spirit when it comes to defending the human dignity and human rights of Black migrants trapped in Mexico by US foreign policy. We have a few basic policy recommendations in that regard:

- In order to prevent the mass exodus of Black immigrants from their home countries, Congress should promote and support progressive foreign policies that uplift human rights and invest in humanitarian aid that includes non-military assistance.
- Congress should support and reward governments that honor human rights, including the rights of migrants. Congress should offer and support a non-imperialistic foreign policy that does not impose economic and militaristic domination on other countries.
- Congress should play a more active and constructive role in addressing the immediate protections of Black asylum seekers including LGBTQ folks, women, ethnic minorities facing persecution in their home countries and on their journeys to see asylum in the US.
- Congress should withhold funds that would support the Third Safe Country Agreements. Congress should not fund the militarization, surveillance, and other

carceral terms of these agreements. Instead, Congress should invest in humanitarian aid and legal support for migrants journeying to seek asylum in the US.

Immigrants risk their lives when they make the treacherous journey across jungles and borders. Sometimes they make it to the US border and seek asylum. It is at this point that many Black immigrants like 37-year-old Cameroonian, Nebane Abienwi are arrested and caged by US immigration enforcement. Nebane's tragedy demonstrates the very peculiar ways in which Black immigrants interact with global immigration systems and geopolitical border crises.

Thank you for the opportunity to speak on the humanitarian crisis affecting thousands of Black immigrants in Mexico seeking asylum and refuge in the United States. We look forward to working with you to address and resolve this humanitarian crisis.