



Kino Border Initiative
Iniciativa Kino para la Frontera

Congressional Updates: Year in Review

2021

Introduction

The Kino Border Initiative offers humanitarian aid at our center in Nogales, Sonora, Mexico to people deported by ICE or CBP as well as individuals fleeing violence who arrive at the border to seek asylum. We at KBI conduct an intake survey with every individual who receives our services, and that intake survey is the source of the data included here. Other information comes from our legal representation partnership with the Florence Project or communication with other partner groups.

One year into the course of the Biden Administration, we look back on 2021 and the migration policies and patterns we saw throughout the year. The following is a collection of all the trends, stats, and stories we reported to congressional offices during 2021 to inform them of the dynamics at the border affecting the lives of the thousands of people transiting through Nogales and other border cities during that timeframe. We reflect on 2021 with disappointment in the Biden Administration's broken promises to create a more humane U.S. immigration system and to restore asylum access. Instead, *the on-the-ground reality of the past year elaborated below paints a picture of ongoing abuse, mistreatment and mismanagement.*

This review will begin with an overview of demographic trends and statistics that create a broad picture of migration in Nogales in the last year. Following the demographic overview is a series of topics which we reported throughout the year in our congressional updates, each accompanied by a collection of relevant testimonies and examples we have shared in these updates throughout 2021. Finally, we have included a summary of important recommendations we made to congressional offices throughout the year, along with a brief update on the legislative actions included in the recommendations.

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Demographic Overview

- More than two-thirds (67.6%) of the migrants who arrived at KBI in 2021, including 83% of Mexicans, reported violence or persecution as the primary reason they decided to migrate. The overwhelming majority of these individuals expressed the intention to access the U.S. asylum process when they arrived at the border. The Biden Administration's continued enforcement of Title 42, however, effectively eliminated this possibility. As a result, they were either forced to wait in Mexico, expelled back to Mexico after attempting an unauthorized crossing, or even returned to dangerous situations in their hometowns.
- In 2021, 56.5% of new arrivals to KBI were Mexican and 43.5% were non-Mexican. Of the non-Mexican population, 92% were Central American, most of whom (59%) were from Guatemala. In 2020, Central Americans made up only 64% of the non-Mexican population arriving at KBI. Migrants arriving in Nogales also report increasingly diverse nationalities: in 2020, we received migrants from 13 countries, while in 2021 migrants reported 20 different countries of origin.
- In 2021, 26% of arriving individuals reported experiencing some form of abuse while migrating. This is consistent with Trump era abuse levels: 24% of migrants reported experiencing abuse in 2020.

Abuse by U.S. Officials

Overview

- Of the migrants arriving at KBI in 2021 who had been expelled or deported, nearly half (49%) reported some form of abuse by a U.S. official. Dozens of asylum seekers shared anecdotally that they approached the port of entry after their initial intake interview with KBI and faced due process violations and verbal abuse that are not recorded in our dataset, meaning the true proportion is even higher.
- Of the 1,667 reported abuses by U.S. authorities in 2021, 94% were committed by Border Patrol Agents.
- Of the nearly 1,600 reports of abuse by Border Patrol agents, 431 people reported that they were denied a credible fear screening when they mentioned fleeing violence or seeking asylum. Two hundred seventy-seven people reported poor detention conditions, including unsanitary conditions and lack of food and water. There were 266 reported incidents of verbal abuse, including racist and humiliating language, and 165 incidents of physical abuse, including beatings or other excessive force. On August 25, 2021, KBI and NETWORK Lobby for Catholic Social Justice published the report “[Due Process Denied](#)” detailing 35 CRCL complaints KBI filed on behalf of migrants that further illustrate these patterns of abuse.

Context

February 4

- Twenty-nine individuals subject to Title 42 expulsion over the last two weeks reported abuses at the hands of Border Patrol Agents, including verbal and physical abuse, nighttime expulsion, not returning belongings, denial of access to due process for asylum and refusal of medical attention while in BP custody.

February 18

- On February 11, 2021 KBI sent a [letter](#) and report to Secretary Mayorkas detailing the 73 complaints that KBI has filed since the beginning of the Trump Administration, including 6 during the Biden Administration. We have received no communication from DHS for 10 of those complaints. In response to 18 of the complaints, CRCL has only indicated that they noted the information in their records but will take no action to open an investigation.
- While we appreciate DHS’s recent re-orientation towards meeting with NGOs, such action ought to be coupled with substantive change, including policy reform and enhanced oversight of CBP. In this process, it is especially critical for DHS to engage with migrants at the border as they weigh policy shifts.
- Secretary Mayorkas, in his comments to NGOs yesterday, claimed that the issues at the border were largely due to policy and not a culture of abuse within CBP. This claim ignores the [legacy of racism](#) in the agency and communicates a lack of willingness to take reform and accountability seriously.

March 4

- Of the 200 individuals returned under Title 42 in the last 2 weeks, 40% reported having experienced some form of abuse. ***One in three of those returned under Title 42 in the last 2 weeks reported abuse at the hands of Border Patrol***, including belongings not being returned, physical or verbal abuse, being denied access to present their fear claim for asylum, or being expelled at night. These reports amount to 1 BP abuse reported for every 4 new arrivals in the last 2 weeks, compared to average 1 reported BP abuse for every 14 new arrivals last year.

July 6

- Because of the lack of body-worn cameras or other techniques to document DHS employees' behavior and current immunities for federal officers from civil lawsuits, **the agents responsible for these egregious abuses enjoy near-total impunity, shielded both from investigations by oversight bodies in their respective agencies and from public knowledge of their behavior.**

Due Process Violations

March 4

- Last weekend the Florence Project was alerted to a pregnant woman at a local hospital who was in Border Patrol custody. Fearing she would be removed without due process and concerned about the vulnerability of pregnant women at the border, the Florence Project requested she be released to the community rather than sent to Mexico. Border Patrol never responded. Two days later the woman reached out from Nogales, Sonora seeking aid.
- Last week 2 unaccompanied minors were returned to Nogales, Sonora under Title 42, despite guidance that these individuals should not be subject to expulsion. One of these minors was a 17-year-old Guatemalan girl who a Border Patrol agent accused of lying about her age. BP returned her to Mexico at 8PM, and she was forced to stay the night outside, until she found help in the morning.

March 18

- Unaccompanied minors expelled to Nogales have reported to us and our partners at FIRRP that Border Patrol either did not believe they were minors, even in the face of evidence, or that they ignored minors' self-identification, refused to diligence their age, and performed no fear or human trafficking assessment. These minors often reported traveling long days in the desert and issues finding safe housing after they were expelled.

April 1

- Twenty-one individuals who were expelled to Nogales under Title 42 during the last 2 weeks reported that they were denied access to the asylum process, despite expressing their fear of persecution to Border Patrol agents
- A young Honduran man who was previously a member of the military in his country took video when he witnessed government officials participating in illegal acts. Later these

officials realized what he had done, tracked him down and attacked him, attempting to remove his eye. He fled Honduras in January, and last month tried to present his fear claim at a port of entry in Mexicali. ***Port officials would not listen to him. Soon after that he was kidnapped in Mexicali*** and robbed of the savings he had intended to use to pay for a lawyer to help with his asylum case. He tried again to cross into the US to seek asylum near Nogales mid-March and was detained by Border Patrol. He tried to explain to a Border Patrol agent in Tucson the danger he was fleeing, but ***the agent took the evidence he provided and threw it in the trash. The man was then expelled to Nogales, Sonora at 2AM.***

- A Cuban man who arrived at the comedor last week had tried to cross into the US with his wife to assert his asylum claim. Border Patrol agents detained them and separated him from his wife. He asked multiple times if he and his wife would be reunited, and BP agents told him yes. He asked if he could present his asylum claim to the BP agent who took down his biographical data, but that agent said no, that he would have to wait to share that information with a judge. After a few days in CBP custody, they took him out in the middle of the night. He asked again about where his wife was, and BP agents told him not to worry, that she would be going with him. ***The man was expelled to Mexico around 3AM, without his wife, and suffered armed robbery a week after his expulsion.*** As of his arrival at our migrant aid center two weeks after he was expelled under Title 42, he had not heard from her and thought she may still be in CBP custody.
- A young Honduran woman arrived with her 2-year-old son after they fled threats from organized crime, who were trying to recruit young people in her town. After they crossed into the US through the desert, their guide abandoned them, and they were detained within a few hours. They expressed their desire to seek asylum to the Border Patrol agent who detained them. ***The agent's response was that there was no access to asylum right now, and that if they tried to cross again, they would be imprisoned for 6 months.***

April 15

- A Guatemalan man who entered the US to seek asylum earlier this month got lost while walking in the desert. As he and the man he was traveling with tried to find their way in the desert in southern Arizona, a group of three armed men dressed in black began firing shots at them. The armed men threw the men to the ground, tied their hands, covered their eyes with blindfolds, and took them to a house where they beat him, took his clothes off, tied him up, and left him outside for an entire day and night. The following day, the kidnappers left him on the side of the road, where he sought help and eventually laid down to await Border Patrol agents. The man attempted to assert his fear of traffickers in Mexico with Border Patrol Agents at the field station and later at the processing center in Tucson, but ***all officials with whom he spoke ignored his fear-based claims.*** BP agents returned him to Nogales, Mexico, where he is at risk of further attack by his traffickers.

April 29

- A Guatemalan mother arrived at KBI earlier this month after her husband and daughter were kidnapped last fall and they were forced to flee threats in their hometown. The woman sold her house and left with her other two children. She paid \$4,000 USD to cross through the desert to assert her asylum claim multiple times, but was returned under Title 42 twice, at which point she had no more money to try again. When she encountered the

Border Patrol and asserted her fear of returning to Guatemala, the agent said that asylum cases are not being processed right now. The family stayed for a time in Juárez, but also received threats there when an organized crime group tried to convince them to cross drugs and they refused.

- Honduran mother traveling with her 4-year-old daughter crossed into the US to assert her fear claim with US officials last week. She reported to KBI that although she expressed to Border Patrol agents her fear of returning to Honduras, they responded that there was nothing they could do.
- A Guatemalan father who had been expelled from the US four months ago was selling food in the street with his family one day when an armed man arrived and killed him in front of his wife and seven-year-old daughter. His wife and daughter fled their hometown to seek protection in the US and crossed between ports of entry to assert their asylum claim. The woman carried her husband's death certificate and showed it to Border Patrol agents, who accused them of purchasing the document at a pharmacy and refused to hear their fear claim.

May 27

- Last week KBI received a Guatemalan child who had traveled north with the hope of attending school in the US. Although CBP officials have repeatedly told KBI that Border Patrol agents are directed not to expel unaccompanied children, this 16-year-old was expelled to Nogales, Sonora. The Border Patrol agent that interviewed him took away his birth certificate, told him it was fake, and accused him of lying about his age, before expelling him to Nogales, Sonora.

June 10

Nearly two thirds of the migrants who arrived at KBI in the past two weeks and attempted to ask for asylum from a U.S. official reported being denied access to a credible fear interview, including migrants who asked Border Patrol agents for protection and migrants who requested access to asylum at the port of entry. Every one of these people named fear of violence as their primary motive for migrating.

July 6

- Having heard that asylum was being denied to anyone except single women traveling with children, a woman from Guatemala decided to cross the desert with her one-year-old baby in hopes that Border Patrol would listen to her asylum claim. When she was apprehended by Border Patrol, they refused to give her access to a credible fear hearing and instead removed her and her child to Nogales, Sonora, where she met up with her husband. The family is fleeing death threats in Guatemala because they can no longer pay extortion fees given the expenses required to support their baby. Once reunited in Nogales, they attempted crossing twice more through the desert with their baby, only to be returned both times without being screened for credible fear.

December 2

- An 18-year old man from Nicaragua who was fleeing political persecution was kidnapped by a criminal group in the state of Sonora on his way to the border, and his family had to pay a \$2,500 ransom for his release. When he reached Nogales, he was kidnapped a

second time and charged a \$10,000 ransom. His family did not have enough money, but he managed to escape the kidnappers and flee to the port of entry to ask for protection. He ran along the railroad tracks right by the port of entry to enter the United States and turned himself in to the CBP officers nearby. He told them he had just been kidnapped and that he was seeking asylum. The officers ignored him, took his fingerprints, and expelled him back to Nogales, Sonora an hour later where he would have to hide to avoid the people who had already kidnapped him.

December 16

- None of the expelled migrants arriving at KBI who had fled political violence in Nicaragua were offered a screening for protection under the Convention Against Torture, even though [credible claims of fear of torture are supposed to exempt a person from expulsion under Title 42](#). The fact that they were not screened properly is a result of Border Patrol's normalized practice of not allowing migrants to speak at all while in CBP custody, a trend KBI has documented for months.

Physical Abuse

February 4

- Last week a 23-year-old Salvadoran woman who was 36 weeks pregnant arrived at our migrant aid center after BP agents expelled her under Title 42. When she was detained, she began to have strong headaches and was concerned that the stress was causing her to go into premature labor, something that had happened to her in a previous pregnancy. Border Patrol agents denied her medical attention three times, but she felt very ill and insisted on seeing a doctor. A Border Patrol agent responded by accusing her of lying, and threatened that she would face federal criminal charges if she kept causing problems. She continued insisting, and was finally taken to the hospital, where they discovered she was 2 cm dilated. After her headaches ceased, they expelled her to Nogales, Sonora, MX.

March 4

- Last week, a young Guatemalan woman who crossed the border through the desert was approached by Border Patrol agents traveling on four wheelers. When she tried to run, **one agent hit her with his four wheeler**. The impact threw her into a cluster of thorny bushes. When she arrived at KBI, she was in a great deal of pain. Her legs were throbbing, and she had thorns embedded in the skin on her legs and back.
- A young Guatemalan mother arrived at KBI with her 3-year-old daughter this week after Border Patrol expelled them to Mexico under Title 42. Her daughter suffers from stomach issues, and although the mother pleaded with a Border Patrol agent to keep her yogurt and medicine, the agent threw it in the trash. They were detained around 9PM and expelled the next day around 3PM. During those 18 hours, BP only provided them with a few crackers and juice. The mother said she felt dizzy when they were expelled to Mexico because they had not eaten. They also suffered cold during the time they were detained because BP agents confiscated all their sweatshirts and coats. By the time they were expelled, the 3-year-old had soiled her diaper, but BP agents had confiscated the

diapers the mother brought with her. *They refused to give her a diaper despite the fact that the girl's pants were soaked through.* One BP agent repeatedly yelled at them and said, "I don't know what you're doing in this country."

- On several occasions, rather than transport migrants to other locations where they can access services, CBP has simply dropped off migrants in parking lots in Yuma. Since many of these migrants have traveled distances in the desert, they are often being abandoned with injuries, including a young man who Border Patrol left alone at a bus station with a recently amputated foot.

June 10

- A man arriving at our center reported watching from a distance as Border Patrol agents emptied the water bottles belonging to the apprehended members of his group. Dehydrated, he continued walking in the desert alone until he encountered another group of Border Patrol agents who physically assaulted him and mocked his dehydrated state, refusing to give him water until they arrived at a Border Patrol station.
- A Guatemalan man fled to the U.S. after receiving death threats from extortionists because the medical care for his sick mother left him without enough money to pay them. While attempting to cross into the U.S., he called 911 repeatedly for help after spending 10 days in the desert and being abandoned by his group because of his extremely blistered feet. When nobody came for him, he made it to the highway around midnight and encountered a Border Patrol agent, who made him sleep in the bed of the patrol truck overnight in the cold.

July 6

- A young man from Guatemala whose family has suffered violence and extreme poverty decided to migrate to the United States for refuge from the violence. He attempted two desert crossings and was caught by Border Patrol both times and physically abused by an agent on the second attempt. **When advised that the first available legal orientation with the Florence Project to access asylum through the Consortium process was not until August, he said he could not wait that long for asylum, and decided to try to cross the desert a third time despite his intense fear of doing so.**
- Several people who arrived at our Migrant Aid Center in Nogales reported brutal treatment by Border Patrol agents encountered in the desert. Two different people reported that agents slammed them to the ground after lifting them by the neck, one person was dragged through thorns, and one was handcuffed, tied to a horse, and forced to walk behind the horse for two hours.
- One teenager arrived with her sister after Border Patrol denied them a credible fear screening. She explained to border officials that she was fleeing the man who raped her, beat her sister, and was pursuing her as she left. On one occasion, a US official reached into her blouse and bra, despite her protests, to take documents relating to her sexual abuse and laughed at her while reading her papers.

July 22

- Recently, one of our legal service partners spoke with Maily Martínez, who attempted to cross the border with her husband and son near the Yuma port of entry in early July. Maily was eight months pregnant with twins at the time. When BP agents encountered the family,

the woman expressed that she urgently needed medical attention, but the agents ignored her and expelled her back to Mexico. **She realized shortly after that the twins had died, likely right around the time that Border Patrol denied her medical aid.** Maily's story was covered by Telemundo and is available [here](#).

- At least five different migrants arriving at our Migrant Aid Center in the last two weeks shared that BP agents have adopted a manipulative strategy to avoid providing medical attention to migrants in their custody. **Officers tell migrants at one processing center that they will receive medical attention at the next processing center. When migrants arrive at the next center, agents there tell them the same thing, and the migrants are instead expelled to Mexico without ever having received medical attention.**

August 6

- A woman who had severely injured her leg in the desert required emergency medical attention. Border Patrol took her to a hospital where she could be treated, but took her out of the hospital after a day and a half, despite the doctor's recommendation that she stay for two weeks. Since her clothes were cut to treat her injury, she did not have anything left to wear. BP agents provided her with oversized disposable scrub pants and shirt, and no underwear. They then took her to their processing center, without any consideration for her or her injury. **She was expelled into Mexico without proper clothing nor her prescribed medications.**

October 14

- Having heard that there was no access to asylum at ports of entry along the US-Mexico border, a family with two children decided to attempt entering the U.S. through the desert. They were picked up by Border Patrol after having walked for three days. The agents threw the father to the ground and began kicking him in front of his children. They then loaded the family into a truck with very little air for several hours and drove them to Tucson to be processed before being expelled. The family arrived at KBI after being expelled to Nogales, Sonora.

December 2

- Antelmo,* a man from Guatemala, had been walking in the desert for five days with a group of other migrants when they encountered Border Patrol. Some members of the group began to run while Antelmo surrendered and watched what happened to the others. **The Border Patrol agent chasing another member of his group decided to drive into the man with his four-wheeler to capture him, running over his shoulder and injuring him.** This excessive use of force demonstrates the dehumanization that defines the act of chasing or "rounding up" people crossing the desert to enter the United States.

Verbal Abuse and Humiliation

January 21

- A Mexican migrant who was deported to Nogales, Mexico in the first week of January said that while being processed by Border Patrol he overheard a Salvadoran mother and children at the station ask for asylum. He heard the Border Patrol agent tell the family "if

I was the President, I would kill you or put you in jail and just keep your children." When it was his turn to be processed, he told the agent that he should not say such things. The agent responded that those families take his taxpayer dollars and they should not come to the US.

- Last week, a young Honduran man fleeing gang recruitment reported that he presented himself at the Mariposa Port of Entry in Nogales to ask for asylum. He says that CBP officers told him to "get out of here you M ___ F ___ er."
- A Guatemalan woman with her 5-year-old daughter were detained by Border Patrol at the end of 2020. When they tried to ask for asylum the agents interrupted them, telling them that because they were illegal they didn't have the right to anything in the US.

April 15

- A young Guatemalan man expelled to Nogales, Sonora under Title 42 last week reported that Border Patrol agents ***threatened to run him over with their four wheeler***. They also intimidated him and said things like, "Why are you even here?"
- Another young Guatemalan migrant reported that before Border Patrol agents expelled him to Nogales, Sonora, they threw away all the water and supplies they had brought with them. The ***BP agents took the apples the group brought for food and fed them to their horses***. When they asked for water since they had walked days in the desert, the BP agents refused until several hours later.
- A young man who came north from Guatemala to work and provide for his ill father's medical needs reported that Border Patrol agents avoided rescuing them in the desert. They tried waving down 3 different BP helicopters that passed overhead, with no success. Then they found a road and tried to get the attention of a BP vehicle that drove by without stopping. Finally they nearly walked in front of another Border Patrol vehicle that stopped and detained them. When he stopped to detain the group, the BP agent said, "Congratulations, you won a cookie."

May 27

- A Guatemalan woman who arrived at the KBI migrant aid center this week shared that after losing her job during the pandemic, and with no economic recovery in sight in her town, she migrated north to find a way to support her family. She crossed the border with a group, including several minors, and was apprehended after walking about 25 hours in the desert. The Border Patrol agents who apprehended them threatened that if the group tried to run, he would release his dogs to chase them, and if they were bitten or injured as a result, it was their fault.
- A young Salvadoran woman who crossed the border to seek asylum expressed her fear of returning to her country of origin to the Border Patrol agents that apprehended her. The agents responded by laughing in her face.

June 10

- Border Patrol's harsh attempts at deterrence and the lack of asylum access caused by Title 42 have [forced migrants to travel multiple times through the desert](#) when initial entry attempts are unsuccessful, which puts them at extreme risk of exposure. Migrants have told KBI that Border Patrol agents joke about the migrants' repeated entry attempts

as they are immediately expelled under Title 42, indicating that this hostility accompanies a sense of power afforded by the policy.

- One woman who traveled with her son and nephews said that the Border Patrol agent who found them yelled at them aggressively, refused to let them speak at all, and threatened to hand them over to the police when they tried to speak after she told them to “shut up.” They were also denied food while in custody.

June 24

- A woman fleeing with her children from domestic violence reported that Border Patrol agents laughed at one of her daughters when she told them she was crying because of the abuse she’d suffered. Once the family was taken to a Border Patrol station, another agent reportedly yelled at the mother after she had expressed that she could not return to her country for fear of further violence, saying “look, you’re here as a migrant. You didn’t have a reason for crossing into this country. You’re going back to your country as you arrived, or worse.”
- A family who attempted crossing in two different Border Patrol sectors reported insultingly dismissive treatment in every interaction they had with Border Patrol agents. Border Patrol agents repeatedly told them, “I don’t care about your problems,” laughed at them and ridiculed them. In one interaction, the agent reportedly said, “What a coincidence. All of you seem to be coming because someone wants to kill you. That’s not my problem.”

Misinformation or Refusal to Provide Information

May 13

- This week a Honduran family of 3 arrived in Nogales after 3 attempts to cross into the US to seek asylum. Their first two attempts, Border Patrol agents refused to give them access to a fear assessment. ***One agent told them that they could only access asylum through the port of entry. The next day, they went to the port of entry and were told by CBP officers that there was no access to asylum at the port.*** They then tried to cross again, and the third time were kidnapped by an organized crime group which sexually assaulted the mother in front of her child and threatened them.
- Last week, a woman arrived at KBI after she had presented at the downtown Nogales port of entry to seek asylum. The CBP officer on duty turned her away and said that she needed to go to KBI and talk to the social worker if she wanted to access asylum. This response gives the impression that KBI has the power to parole migrants into the US to continue their asylum process, which is both misleading to migrants and puts KBI staff in an inappropriate role.
- Local NGOs have reported that CBP is dropping migrants off at the Greyhound station rather than transporting them to a Phoenix shelter with the capacity to receive them. ***Arizona CBP officials have threatened that they will continue directing migrants away from needed services as long as NGOs continue lines of communication with the Biden Administration.***

June 10

- A woman from Mexico and her four children, one of whom is a U.S. citizen, presented themselves at the port of entry and asked for asylum. The officers present informed them that they had to come to KBI to be granted asylum, when an NGO clearly has no such authority. Unbelievably, this is only one of multiple instances in which US authorities have told asylum seekers to come to KBI for asylum

June 24

- A Salvadoran woman traveling by herself to seek asylum in the US was detained by ICE when she was processed through the Title 42 exemption process last week. Her sponsor was not notified that ICE had detained her and called KBI worried because she had not made contact with them. A week later, she is still detained, and the sponsor has not received any information about when she will be released.

August 19

- A woman from Guatemala who was migrating with her younger sister was expelled to Nogales last week after Border Patrol apprehended the sisters in the desert. Because the younger sister was a minor and her older sister was not her legal guardian, the sisters were separated when they were apprehended. The younger sister was kept in the custody of the Office of Refugee Resettlement, and the older sister was expelled to Nogales. **Border Patrol gave her no information whatsoever about what they had done with her younger sister**, and she had no idea how to locate her. She was one of three women who came through KBI recently in the same situation.
- A Guatemalan man who was migrating due to extreme poverty attempted crossing into the U.S. near McAllen, Texas. Border Patrol apprehended him, held him under a highway bridge for several days, then told him they would arrange transport to his family members in the United States. They flew him to Tucson, and when they took him off the flight, told him they would take him to a place where he could sign papers for the transport to his family. Instead, they put him on a bus to Nogales, where he was expelled. **He did not know he was being expelled until he reached the port of entry.**

October 14

- A family who was fleeing extortion-related threats in Honduras attempted to cross into the U.S. near McAllen, Texas from Reynosa. They had sold their business in Honduras to avoid the extortionist's violence, but they continued receiving threats. They were picked up by Border Patrol and put onto a flight to Tucson to be expelled in Nogales. Throughout the process, Border Patrol agents yelled at them and refused to answer their questions. They frequently told the migrants to "shut up." An agent attempted to take away the father's ID and the children's birth certificates, but another agent prevented it. The family asked several times where they were and where they were going, but nobody provided them any information.
- The lack of information means migrants do not know that they are being expelled, and since they are repeatedly told they will be able to speak with someone later, they are effectively silenced until it is too late for them to do anything (once already in Mexico). Migrants fleeing violence do not get a chance to make an asylum claim or explain any other important information. In cases when this manipulation does not occur, the agents' intimidation often causes migrants to stay quiet. **These tactics are a very hidden but**

very effective way to deny due process to migrants in DHS custody who might otherwise be able to access legal protections.

Inhumane Detention Conditions

February 18

- Currently there are over 100 migrants in detention facilities in Arizona that are subject to immediate removal to their country of origin pursuant to Title 42 even though many have already been in a congregate setting for weeks if not months. The Florence Project has been attempting to intervene in these cases, however, has struggled to do so because of the facilities' struggles to ensure adequate remote access to counsel during the pandemic. Individuals in detention should be given the opportunity to be placed in normal immigration proceedings so they can assert their fear-based claims.

April 15

- The Florence Project legal team that represents unaccompanied minors interviewed children detained in ORR custody in Arizona January-March of 2021. Of the kids interviewed, **378 reported that they were abused by CBP**. The most common complaint was being detained between 10-20 days.

July 22

- Brayan (pseudonym), who was also flown to Nogales last week, told us that his group had been [held at a massive makeshift detention facility](#) under a highway bridge near McAllen, most likely the Anzalduas International Bridge. **Brayan estimated about 4,000 people were being held there.** Brayan's family was detained there for three days, with others there for more than five. "The mosquitos were unbearable," Brayan said, and people crowded together to avoid being swarmed. "We slept in the dirt. I removed my clothes to make a mat for my daughter to sleep on." He said there were only five bathrooms for the thousands of people there, and that "the stench suffocated the people" because they were emptied nearby. "It was torture."

October 28

- Karina (not real name), a woman from El Salvador who had been held with her one-year-old daughter in a CBP processing facility near McAllen, Texas, reported unsanitary conditions and insufficient medical care provided by CBP while she was in their custody. Agents confiscated Karina's and her daughter's sweaters and detained them in a crowded room along with dozens of other women and children. The room was extremely cold, and when the children in the room were making noise, the officers would turn the A/C colder to make them stop. Many of the children got sick and were vomiting. After three days detained in close quarters, Karina's daughter also began vomiting. Karina notified several agents. Most of them denied her medical care outright, and one allowed her to see a medical staff person who only gave her daughter electrolytes. **One agent responded saying "this isn't a hotel. Stop feeding her and she'll stop vomiting."** She was still sick when she arrived at KBI three days later.
- A group of around 50 people arrived at KBI one afternoon last week, all of whom had been expelled to Nogales after being transferred here from McAllen. In that group,

nearly all the children were either coughing, vomiting, or had a fever. The parents of the sick children reported that they had gotten sick while they were detained, and none of them had received adequate medical attention.

- Three families who have been expelled under Title 42 to Nogales and arrived at KBI in the last two weeks have tested positive for COVID-19 upon their arrival. Before coming here, they had been kept in close quarters for days in CBP facilities with other families and spent hours on crowded buses and planes throughout the expulsion process. **CBP's practices do not demonstrate concern about mitigating the spread of COVID.** While in their custody, migrants have reported that they are not tested or quarantined accordingly, and that they are held in tight crowded quarters unnecessarily for up to seven days.
- One woman expressed the parents' feelings: **"We will endure whatever it takes, but the children can't go through that."**

Title 42 Expulsions

Overview

- Migrants subject to Title 42 expulsions in 2021 reported hundreds of abuses from U.S. officials, and dozens of people informed us of violent crimes that occurred once they were returned to Mexico.
- Under Title 42, CBP began employing “lateral expulsions,” or the transfer of migrants apprehended in one border sector to another sector where they were expelled. In Nogales, hundreds of migrants arrived from McAllen, TX, all of whom were families with children under five years old. In August 2021, CBP began expulsion flights of Central American migrants directly to southern Mexico and to Guatemala City. Many people expelled to Nogales, Sonora were also detained and bussed to southern Mexico.
- Throughout 2021, CBP expelled hundreds of migrants to downtown Nogales, Sonora at night when shelters were closed and the area was very dangerous. Dozens of people reported sleeping on the street or being robbed as a result.
- Migrants expelled under Title 42 were rarely allowed to speak with officers about their situation. Many were deliberately deceived into thinking they were being transported to friends and family in the U.S. or simply denied information about where they were being transported.

Lateral Expulsions

August 6

- Nohemi (pseudonym) arrived at KBI last week after CBP flew her from McAllen to Tucson, without her knowledge or consent. Border Patrol agents collected information of the migrants’ friends and family in the U.S., telling the migrants that they would arrange travel to the cities where the friends and family lived. Then, they loaded the people onto a flight to Tucson and expelled them to Nogales, Sonora. Nohemi arrived alone with her two toddlers. She expressed to a KBI volunteer that she would attempt another unauthorized crossing into the United States. Having never been to Nogales, she was unaware of the particular dangers of crossing here, including the days-long walk in the desert and the organized crime dynamics in Sonora. The move from McAllen to Nogales put Nohemi and her children at high risk of kidnapping or death in the desert.
- Brayan (pseudonym), who was also flown to Nogales last week, told us that his group had been [held at a massive makeshift detention facility](#) under a highway bridge near McAllen, most likely the Anzalduas International Bridge. Brayan estimated about 4,000 people were being held there. Brayan’s family was detained there for three days, with others there for more than five. “The mosquitos were unbearable,” Brayan said, and people crowded together to avoid being swarmed. “We slept in the dirt. I removed my clothes to make a mat for my daughter to sleep on.” He said there were only five bathrooms for the thousands

of people there, and that “the stench suffocated the people” because they were emptied nearby. **“It was torture.”**

September 2

- Likewise, DHS is flying Central American migrants they encounter in RGV, to El Paso, Tucson, and San Diego. One hundred people per flight, three flights per week, arrive in Tucson from McAllen, TX. Although KBI staff have witnessed migrant families being put on INM buses at the downtown Nogales port, during the last two weeks KBI has not received any of these individuals at our migrant aid center, as INM puts them – and any other non-Mexican migrant expelled under T42 – on buses departing to a detention facility in Hermosillo. From there, they are transported and expelled to Guatemala.
- KBI is alarmed at the indifference these tactics demonstrate towards people seeking asylum by ignoring their request for protection and assistance and sending them back to the dangers they fled, without weighing the risks involved.

October 14

- A family who was fleeing extortion-related threats in Honduras attempted to cross into the U.S. near McAllen, Texas from Reynosa. They had sold their business in Honduras to avoid the extortionist’s violence, but they continued receiving threats. They were picked up by Border Patrol and put onto a flight to Tucson to be expelled in Nogales. Throughout the process, Border Patrol agents yelled at them and refused to answer their questions. They frequently told the migrants to “shut up.” An agent attempted to take away the father’s ID and the children’s birth certificates, but another agent prevented it. The family asked several times where they were and where they were going, but nobody provided them any information.

October 28

- Karina (not real name), a woman from El Salvador who had been held with her one-year-old daughter in a CBP processing facility near McAllen, Texas, reported unsanitary conditions and insufficient medical care provided by CBP while she was in their custody. Agents confiscated Karina’s and her daughter’s sweaters and detained them in a crowded room along with dozens of other women and children. The room was extremely cold, and when the children in the room were making noise, the officers would turn the A/C colder to make them stop. Many of the children got sick and were vomiting. After three days detained in close quarters, Karina’s daughter also began vomiting. Karina notified several agents. Most of them denied her medical care outright, and one allowed her to see a medical staff person who only gave her daughter electrolytes. One agent responded saying “this isn’t a hotel. Stop feeding her and she’ll stop vomiting.” She was still sick when she arrived at KBI three days later.
- A group of around 50 people arrived at KBI one afternoon last week, all of whom had been expelled to Nogales after being transferred here from McAllen. In that group, nearly all the children were either coughing, vomiting, or had a fever. The parents of the sick children reported that they had gotten sick while they were detained, and none of them had received adequate medical attention.
- Three families who have been expelled under Title 42 to Nogales and arrived at KBI in the last two weeks have tested positive for COVID-19 upon their arrival. Before coming

here, they had been kept in close quarters for days in CBP facilities with other families and spent hours on crowded buses and planes throughout the expulsion process. CBP's practices do not demonstrate concern about mitigating the spread of COVID. While in their custody, migrants have reported that they are not tested or quarantined accordingly, and that they are held in tight crowded quarters unnecessarily for up to seven days.

- One woman expressed the parents' feelings: **"We will endure whatever it takes, but the children can't go through that."**

November 18

- A mother and her daughter fled El Salvador after being abused by a public official. When the mother reported the crimes, her abuser attempted to imprison her, but she managed to escape and flee the country. With no access to asylum at ports of entry, she attempted to cross without inspection between Reynosa, Tamaulipas and McAllen, Texas so that she could turn herself in to immigration agents and request asylum while in their custody. She was kidnapped by her smugglers, held for several days without food, and raped before she was rescued by police. She managed to cross into the U.S. where she attempted to request asylum but was ignored. She was expelled into Nogales, Sonora and had no social support, putting her and her daughter in a state of homelessness while they waited for the border to open.
- Another mother from El Salvador, knowing that she could not request asylum at a U.S. port of entry, attempted to cross without inspection with her two-year-old daughter through Reynosa to turn themselves in to Border Patrol. She had fled her abusive ex-husband who stayed in El Salvador. When she and her daughter were apprehended near McAllen, Texas, they were flown to Arizona and expelled into Nogales, Sonora. When they arrived at KBI, she said that although they need protection, her daughter was too young to be exposed to the risks of border crossings, which is currently the only way for them to access asylum. Given that reality and the dangers of northern Mexico border towns, she and her daughter faced possible return to El Salvador, despite the danger that awaits them there.

Nighttime Expulsions

January 21

- On Sunday night a group of 8 to 10 Guatemalans were returned to Nogales around 1am. The official Mexican reception offices were closed at the time and they had to take temporary shelter in a police office. Only when they spoke to a taxi driver in the morning did they learn about the humanitarian services available to them in the city.
- Another group of Guatemalans was deported last week at 10:30pm and were not received by Mexican immigration officials because the offices were closed.

February 4

- Border Patrol expelled a group of 43 Central American and Mexican migrants to downtown Nogales last Tuesday at 11PM. One Honduran man in the group shared that BP agents did not give them any directives about where they could go to find shelter, nor were any Mexican officials there to receive them upon arrival. The group dispersed, and

he continued walking with 2 other migrants. They asked a man on the street where they could find a shelter, and began walking west. As they approached a cemetery, 5 men came toward them, one with a gun. They men forced them into the cemetery at gunpoint, and told them to take out all their belongings. The Honduran man pleaded to keep his phone so he could communicate with his family. In response, one of the assailants began beating him in the ribs and said he would beat him again if he said another word. The men detained them in the cemetery for an hour before finally letting them go.

- 7 of the last 14 days, migrants have arrived at our migrant aid center after being expelled between 10PM and 5AM.

March 4

- A young Salvadoran man traveling with his sister arrived at our migrant center after being expelled under Title 42 last week. While he was in CBP custody, a Border Patrol agent yelled at the group he was traveling with: “Don’t move, you “M---- F----rs.” The agent threatened that if they so much as moved, he would release the dog to “tear them into sh--.” While detained by CBP, they did not receive any food, and were not allowed to go to the bathroom until they repeatedly insisted. They were expelled to Nogales, Sonora at 12AM, when the Mexican immigration office was closed and there was no one there to receive them, so they slept outside the INM office in the cold. When they arrived at KBI, they had gone about 3 days without eating.
- Last week 2 unaccompanied minors were returned to Nogales, Sonora under Title 42, despite guidance that these individuals should not be subject to expulsion. One of these minors was a 17-year-old Guatemalan girl who a Border Patrol agent accused of lying about her age. BP returned her to Mexico at 8PM, and she was forced to stay the night outside, until she found help in the morning.

April 1

- Thirteen migrants returned to Mexico under Title 42 in the last 2 weeks reported that Border Patrol agents expelled them between 10PM and 5AM to Nogales, Sonora. This includes one migrant who reported that he was **expelled at 1AM with around 100 people**, and that Mexican police said when they arrived that they could not stay near the port of entry.
- A Cuban man who arrived at the comedor last week had tried to cross into the US with his wife to assert his asylum claim. Border Patrol agents detained them and separated him from his wife. He asked multiple times if he and his wife would be reunited, and BP agents told him yes. He asked if he could present his asylum claim to the BP agent who took down his biographical data, but that agent said no, that he would have to wait to share that information with a judge. After a few days in CBP custody, they took him out in the middle of the night. He asked again about where his wife was, and BP agents told him not to worry, that she would be going with him. **The man was expelled to Mexico around 3AM, without his wife, and suffered armed robbery a week after his expulsion.** As of his arrival at our migrant aid center two weeks after he was expelled under Title 42, he had not heard from her and thought she may still be in CBP custody.
- A young Honduran man who was previously a member of the military in his country took video when he witnessed government officials participating in illegal acts. Later these officials realized what he had done, tracked him down and attacked him, attempting to

remove his eye. He fled Honduras in January, and last month tried to present his fear claim at a port of entry in Mexicali. ***Port officials would not listen to him. Soon after that he was kidnapped in Mexicali*** and robbed of the savings he had intended to use to pay for a lawyer to help with his asylum case. He tried again to cross into the US to seek asylum near Nogales mid-March and was detained by Border Patrol. He tried to explain to a Border Patrol agent in Tucson the danger he was fleeing, but ***the agent took the evidence he provided and threw it in the trash. The man was then expelled to Nogales, Sonora at 2AM.***

April 29

- Over the past two weeks, 22 individuals reported to KBI that they were expelled between 10PM and 5AM, including several who reported being expelled with groups of 40-60 people.
- This week a Honduran family of 3 was expelled to Nogales, Sonora at 8PM, when it was already dark. A Mexican police officer allowed them to come into their office and eat some food, and then advised that they walk to the shelter in the dark, which is about a two mile walk. As they walked, a police vehicle stopped them and offered them a ride, expressing their concern that a migrant family would walk through such a dangerous area at night.
- A young Mexican man expelled under Title 42 this week reported to KBI that Border Patrol agents left them in downtown Nogales, Sonora around 2:30AM. The group was afraid to walk through town at night, so they waited outside by the port of entry without any protection from organized crime groups, which are known to patrol this area, for 4 hours until the sun came up.
- A Honduran traveling with his two small children was expelled Tuesday morning to Nogales, Sonora at 3AM. The family did not have the money to pay a taxi to transport them to the shelter, so they stayed in the Mexican police office until it was light enough for them to feel safe to walk to KBI.

June 10

- ***Over a dozen migrants who have arrived at KBI in the past two weeks have reported being deported at night, between 10PM and 5AM.***
- A Mexican man who could not sustain himself economically decided to try to cross into the United States for work. After spending several days in the desert and running out of water, he was apprehended by Border Patrol and returned to Nogales, Sonora at 11PM. He arrived at our center the following morning dehydrated. Despite the difficulty, he wished to attempt another crossing the following day, seeing no other option for livelihood.
- While some migrants apprehended at night have reported being detained overnight and deported the following morning, one woman who arrived at our center reported that after turning herself in to Border Patrol in the desert, she was detained overnight then ***still released into Sonora the following night.*** By holding the woman overnight in a congregate setting and then expelling her over 24 hours later, Border Patrol makes it clear that nighttime expulsions are not, as they have claimed, for the purpose of avoiding the spread of COVID through prolonged detention in CBP custody.

July 6

- CBP continues to transport migrants to Nogales, Sonora for removal from the U.S. at night. The practice places migrants at an unnecessary increased risk of robbery, kidnapping, and other violent crimes, and excludes them from coordination and reception services available for recently removed migrants. Because of the well-known danger of said practice, [Local Repatriation Agreements](#) between U.S. and Mexican authorities prohibited night deportations for years, but since spring of 2020 these removals have occurred very frequently. **KBI staff and migrants have reported nighttime deportations on at least five nights in the last two weeks.**
- Because shelters are closed when migrants are deported or expelled at night, many individuals are forced to sleep outside of the port of entry on benches. One night last week migrants were expelled in the midst of a heavy rain that flooded the streets near the port of entry.

September 2

- On August 31, migrants arriving in Nogales reported that approximately 25 individuals were transported south from BP's Tucson Coordination Center. The vehicle stopped in Nogales Station and dropped off 4 or 5 women, then continued to the DeConcini port of entry, where approximately 20 men were expelled around 2:00 a.m. Three of these men, 2 from El Salvador and 1 from Honduras, arrived at KBI. They reported that there were no Mexican officials to receive them, so they walked until they found a taxi. With the little money they had, they paid the taxi to take them to a local migrant shelter, where they were told they could not stay without a negative COVID test. This provision was recently adopted at that shelter to mitigate the spread of the virus, however there is no way for migrants to access COVID tests in the middle of the night. The taxi then brought them to KBI, which was closed for services at the time. Without more money or options, **they slept on the street in front of KBI.**

December 16

- · Several migrants arriving at KBI in the past few weeks have reported being expelled in the early morning around 1:00 AM and 2:00 AM in buses with nearly a hundred people.
- · In December, nighttime temperatures consistently drop near freezing, and many people who are expelled report having their belongings, including jackets and warm clothing, confiscated by Border Patrol and not returned.
- · One man who was expelled at 3:00 AM said he stayed at the entrance of the Mexican Immigration office all night without sleeping for fear of being the victim of a crime in the more dangerous early morning hours.
- · Another man from Guatemala had hurt his knee in the desert when he was being pursued by Border Patrol, and he was expelled at 11:00pm without having received medical attention. Because he couldn't walk, and because of the increased risk of being kidnapped when taking a taxi at night, his friends had to carry him to a hotel.

Expulsions to Southern Mexico and Central America

August 19

- DHS has begun expelling people under Title 42 through flights to central and southern Mexico, often sending them back to the country from which they fled without ever having offered them a chance at protection in the United States. The flights, carrying between 200-300 people each, are arriving in the states of Tabasco, Chiapas, Michoacan, Jalisco, and in Mexico City.
- People who have been expelled through these flights have reported that upon landing, they are immediately loaded onto buses and taken by the Mexican National Guard or the National Migration Institute (INM) to the border with Guatemala and are never given a chance for asylum in Mexico or any other regularization of their legal status. U.S. immigration agents do not provide them any documentation to show that they were expelled in such a manner, making it more difficult for these people to access support from the Mexican government. **The collaboration between the U.S. and Mexican governments to immediately expel Central Americans back into the region from which they are fleeing, with no access to asylum either in the United States or in Mexico, is a shameless violation of U.S. and international law.**
- The purpose of these flights is to discourage further attempts to cross into the United States. The mechanism of deterrence is the violence migrants suffer while traveling through Mexico. If people will have to undertake this dangerous journey again, the U.S. government's thinking goes, they will prefer to go home. Of the people arriving at our center in the last two weeks from Central America, nearly half reported having been robbed, extorted, kidnapped, or otherwise attacked while traveling through Mexico. Many people expelled to the border under Title 42 tell us that they cannot, under any circumstances, return home. **To attempt to deter these people is futile, so the U.S. Government's practice of expulsions into southern Mexico amounts to a conscious infliction of further violence on migrants.**
- The abuses that Border Patrol or CBP agents commit against migrants, many of which we have documented in these updates, are reported to civil society groups working at the border who assist expelled or deported migrants. The flights to central and southern Mexico bypass these civil society groups, which constitute the only public oversight of DHS personnel, since there is literally nobody else to whom a migrant could report an abuse once they are removed from the U.S. As such, **these Title 42 expulsion flights only serve to increase the already alarming impunity that exists for Border Patrol and CBP agents who commit crimes against migrants.**

September 2

- With the intention of punishing migrants and deterring them from requesting asylum, in late-July, DHS began expelling Guatemalan, Honduran, and El Salvadoran nationals in flights departing the Rio Grande Valley (RGV) Sector to southern Mexico. From there, INM expels them to Guatemala.
- Likewise, DHS is flying Central American migrants they encounter in RGV, to El Paso, Tucson, and San Diego. One hundred people per flight, three flights per week, arrive in Tucson from McAllen, TX. Although KBI staff have witnessed migrant families being put on INM buses at the downtown Nogales port, during the last two weeks KBI has not

received any of these individuals at our migrant aid center, as INM puts them – and any other non-Mexican migrant expelled under T42 – on buses departing to a detention facility in Hermosillo. From there, they are transported and expelled to Guatemala.

- Because migrants are transported away from the border immediately after their expulsions, they no longer have contact with humanitarian organizations at the border, such as KBI, which means they cannot access needed services, and we cannot exercise any oversight on CBP and Border Patrol by documenting complaints against them for misconduct and abuses.

September 16

- The Biden Administration has amended its practice of expelling Central American migrants to Guatemala under Title 42 by shifting to direct expulsion flights to Guatemala City as opposed to its previous practice of flying them to southern Mexico to be expelled by Mexican immigration into Guatemala. While the direct flights to Guatemala City avoid [expulsions in remote jungle areas](#) of the Guatemalan border with Mexico, a problem noted by human rights groups throughout Mexico, it is a direct violation of the principle of non-refoulement essential to the proper application of U.S. asylum law.
- On September 3, migrant rights groups in Mexico [sued the Mexican government](#) for its participation in Title 42 expulsions to Central America. The groups contend that the Mexican government's denial of access to legal protections in Mexico for the expelled people constituted a violation of their rights in the country. The expulsion flights directly to Guatemala now bypass the Mexican government but leave migrants with absolutely no access to humanitarian protection in either the U.S. or Mexico.
- Because people expelled under Title 42 are never given a chance at asylum in the United States, returning them directly to the country from which they fled (in this case, Guatemala) constitutes a direct return to danger without any access to the U.S. asylum system. Asylum laws exist specifically to prevent these kinds of situations.
- People expelled through these direct flights to Guatemala have no opportunity to speak with advocacy groups to assist them in seeking justice if they are abused by Border Patrol or other U.S. officials. Now that migrants being expelled have no contact with humanitarian organizations at the border, U.S. law enforcement officials enjoy absolute impunity, a grave concern considering that during the first 8 months of 2021, 71% of people expelled or deported to Nogales who came through KBI reported abuses by U.S. authorities.

Dangers of Waiting in Mexico

Overview

- Dozens of migrants who came to KBI for services in 2021 reported suffering violent crime in Nogales after being expelled or while waiting for asylum access. These included kidnappings, armed robberies, beatings, and extortions.
- CBP and U.S. policymakers have shown an utter disregard for these dangers despite months of documentation of the violence faced by migrants upon expulsion.
- Several migrants waiting for asylum in Nogales were forced to leave the city because the people who had threatened them in their hometowns discovered that they were hiding here.

January 21

- Since the beginning of the year, 21 migrants have reported to us that they suffered crimes, including robbery, physical assault, and kidnapping, and 6 reported abuses by Mexican police, including robbery and illegal detention. This rate of abuse is almost double what we typically witness.
- Last week, a young man who fled persecution in Guerrero was kidnapped by organized crime in Nogales, Sonora. Just down the street from our aid center, cartel members forced him into a car, brought him to a remote area of the desert and took away his ID, cell phone battery, and money. They abandoned him there and he walked for two days to make it to the US and turn himself in to Border Patrol. Border Patrol agents did not listen to his fear of return to Mexico and instead quickly deported him back to Nogales. When he tried to report the issue to Mexican police upon arrival they said that they did not know anything about issues with organized crime.
- Two Mexican men who fled persecution in Guerrero recently arrived in Nogales. Within a week of their arrival, members of the cartel robbed the 9000 pesos (450 dollars) that they had borrowed to rent an apartment while stranded in Nogales. The cartel members also told them that they did not want to see them in that area (close to downtown Nogales and our aid center) anymore.
- Yesterday a Venezuelan man who had fled political persecution was returned to Nogales under MPP, despite expressing his fear of return to Mexico. Shortly after his arrival in Nogales, Mexico, he was stopped by members of organized crime who searched him, including looking through his cell phone, and told him that he shouldn't be around here.

February 18

- Individuals seeking to take advantage of migrants step into and profit off of the void of information. For example, we have heard several reports of unknown individuals offering appointments for legal advice to migrants in Nogales, Sonora. Given that context, when humanitarian aid and legal services organizations are not consistently looped into relevant conversations then the knowledge vacuum creates mistrust with the migrant populations we serve and they are more likely to rely on rumors and misinformation to their detriment.

- A young Guatemalan woman expelled to Nogales under Title 42 said that a Mexican Federal Police officer approached her after she was expelled and said she had to pay 270 pesos per person to avoid being deported to Guatemala.

April 15

- A Guatemalan man who entered the US to seek asylum earlier this month got lost while walking in the desert. As he and the man he was traveling with tried to find their way in the desert in southern Arizona, a group of three armed men dressed in black began firing shots at them. The armed men threw the men to the ground, tied their hands, covered their eyes with blindfolds, and took them to a house where they beat him, took his clothes off, tied him up, and left him outside for an entire day and night. The following day, the kidnappers left him on the side of the road, where he sought help and eventually laid down to await Border Patrol agents. The man attempted to assert his fear of traffickers in Mexico with Border Patrol Agents at the field station and later at the processing center in Tucson, but *all officials with whom he spoke ignored his fear-based claims*. BP agents returned him to Nogales, Mexico, where he is at risk of further attack by his traffickers.

May 13

- This week a Honduran family of 3 arrived in Nogales after 3 attempts to cross into the US to seek asylum. Their first two attempts, Border Patrol agents refused to give them access to a fear assessment. *One agent told them that they could only access asylum through the port of entry. The next day, they went to the port of entry and were told by CBP officers that there was no access to asylum at the port*. They then tried to cross again, and the third time were kidnapped by an organized crime group which sexually assaulted the mother in front of her child and threatened them.

June 10

- One woman fleeing with her seven-year-old daughter from violence in Honduras attempted to cross into the U.S. and ask for asylum several times. The first few times, she was hastily returned to Nogales, Sonora. On her final attempt, she and her daughter were kidnapped by their smuggler and held and tortured for over two weeks until her family could pay their ransom.

June 24

- A man from Mexico fleeing threats from organized crime groups trying to forcibly recruit him told us that he had been receiving messages from unknown numbers while in Nogales that read: “Don’t think you can get away so easily.” He was targeted for his opposition to these criminal groups and his attempts to improve his community, and he was turned away at the port of entry when he expressed his desire to seek asylum in the United States.

July 22

- The U.S. Government, through its continuation of the Title 42 Consortium process, has forced migrants to stay in shelters throughout Sonora, Mexico for months while they await their appointments with NGOs instrumenting the Consortium process. **We have encountered consistent allegations of impropriety at the hands of shelter owners,**

including numerous claims of sexual assault against migrants and high extortion fees demanded for permission to communicate with legal service providers. These abuses are occurring in large shelters housing migrants in Sonora's remote towns. The migrants report fear of retaliation or losing access to the Consortium process if they are discovered speaking out, or if they do not cooperate with the demands of shelter owners. **The abuses at the shelters are a major feature and direct result of the Biden Administration's continuation of Title 42.**

- The Administration continues to place the burden of managing asylum access on NGOs, while limiting the number of people who can request it at the ports of entry per day. **This has created months-long waitlists exploited by criminals to take advantage of desperate migrants.** One woman from Mexico received calls from people pretending to be attorneys from KBI and who arranged a meeting with her to discuss her asylum process. When she arrived at the arranged location, the men tried to kidnap her son.
- People pretending to be KBI staff are also scamming migrants by charging them high prices to advance their appointments on the waitlist to speak with attorneys involved in the Title 42 Consortium process, or to access the process in the first place. Several migrants had been charged \$1,000 for transport to KBI from another town in Sonora. The person who charged them, unaffiliated with KBI, promised the migrants access to asylum through the Consortium process if they paid this fee, even though the process does not require any payment. These abuses continue despite our best efforts to inform migrants of these crimes to prevent such abuse. **The government's reliance on NGOs to manage access to asylum makes these kinds of crimes possible, since it is much easier for criminals to fake employment with an NGO than it is for them to fake communication from the U.S. Government, and because the Consortium process is far more complicated and lesser known to arriving migrants than the regular process of soliciting asylum at a port of entry.**

August 6

- As of July 23, the Consortium process in Nogales is [no longer receiving new referrals for exemptions to Title 42](#). The Administration's refusal to offer humanitarian protection to people in desperate situations has allowed organized crime an easy opportunity for exploitation of migrants. **Organized criminal groups identified the workings of the Consortium process and the organizations involved and began using the process as a source of income and a means of locating the people they intend to harm.**
- Last week, arriving migrants told us that people are waiting at bus terminals in Nogales and pretending to offer transport to KBI for asylum access, tricking them into entering their cars to be kidnapped. Because of the ease of exploiting desperate people forced to wait in Nogales, organized criminal groups have become comfortable entering the spaces that used to be safe for migrants. **Title 42 has created a highly and needlessly dangerous space around migration, and has put organizations like KBI in the midst of it.**

September 16

- Carolina (pseudonym) and her family fled southern Mexico and arrived in Nogales recently after a criminal group murdered two boys in their town, one of whom was a friend of Carolina's brother. After the murders, armed people entered Carolina's home and kidnapped her brother. She still hasn't heard anything from or about him. She

continues receiving threatening phone calls, even after having changed her phone number. When they arrived in Nogales, they got into a taxi and soon noticed that the driver was not taking them where he was supposed to and was asking them intrusive questions. They managed to escape the taxi and called another one that took them to Kino.

- A woman and her two children decided to leave their home to escape her abusive partner, whom she had just learned was involved in organized crime. She fled first to Tijuana, but noticed she was being followed by a mysterious car. Her partner sent her a message saying he had people everywhere following her. She quickly fled Tijuana and came to Nogales. On their first night in a local shelter, she saw a man standing outside the door of the shelter all night, and the shelter staff did not know who he was. She is afraid to stay in Nogales.
- A family arrived at KBI last week having escaped what could only be described as a war zone in their community in Mexico. Those who do not leave the community, now controlled by organized crime, are considered fair game for kidnapping or random execution. The family had all the necessary resources to take care of themselves economically and had no need to migrate, but the imminent danger forced them to leave it all behind. Upon arriving in Nogales, they noticed somebody watching them suspiciously at the bus stop, and they believe they are still being followed even here.

September 30

- A young woman from southern Mexico arrived in Nogales last week with her two-year old daughter after her husband had been murdered and a family member had threatened her. They arrived around midnight and, along with several other families, decided to approach the Mariposa port of entry, closed at that time, and wait outside until they could request asylum when it opened at 6:00 a.m. The area surrounding the port of entry is controlled by local organized crime and has been the site of multiple attempted and successful kidnappings in recent months

December 2

- An 18-year old man from Nicaragua who was fleeing political persecution was kidnapped by a criminal group in the state of Sonora on his way to the border, and his family had to pay a \$2,500 ransom for his release. When he reached Nogales, he was kidnapped a second time and charged a \$10,000 ransom. His family did not have enough money, but he managed to escape the kidnappers and flee to the port of entry to ask for protection. He ran along the railroad tracks right by the port of entry to enter the United States and turned himself in to the CBP officers nearby. **He told them he had just been kidnapped and that he was seeking asylum. The officers ignored him, took his fingerprints, and expelled him back to Nogales, Sonora an hour later where he would have to hide to avoid the people who had already kidnapped him.**

Asylum Seekers Forced to Enter Without Inspection

Overview

- In the absence of any access to the asylum process at ports of entry, the Biden Administration's Title 42 border closure forced migrants to attempt unauthorized border crossings, despite their hope to request asylum at a port.
- In November, large groups of Nicaraguan migrants arrived at KBI after having paid thousands of dollars to organized crime groups to turn them in to Border Patrol in the desert since asylum wasn't available at ports of entry.
- Throughout the year, several migrants who had waited in Nogales for asylum access decided they could no longer wait and paid smugglers to cross them. As such, Biden's continuation of Title 42 has served as a cash cow for organized crime groups, which run migrant smuggling in most parts of the border.

May 13

- This week a Honduran family of 3 arrived in Nogales after 3 attempts to cross into the US to seek asylum. Their first two attempts, Border Patrol agents refused to give them access to a fear assessment. ***One agent told them that they could only access asylum through the port of entry. The next day, they went to the port of entry and were told by CBP officers that there was no access to asylum at the port.*** They then tried to cross again, and the third time were kidnapped by an organized crime group which sexually assaulted the mother in front of her child and threatened them.

July 6

- NGOs involved in the Title 42 Consortium process, which now constitutes the only sure way to access asylum from the US-Mexico border, do not have the capacity to orient the number of asylum seekers hoping to initiate an asylum process through the Consortium. **The U.S. government's continued reliance on NGOs through the Consortium process has led to wait times of over a month and a half for people hoping to begin the process in Nogales** with the Florence Immigrant and Refugee Rights Project at our Migrant Aid Center, even after the Florence Project doubled their intake capacity for migrants to access this process. As of July 5, the Florence Project reported 571 individuals waiting for a response through the Consortium process, and with current migrant arrival numbers, wait times to access asylum will continue to grow. **Many migrants cannot afford to support their families or face the danger of living in a border town controlled by organized crime for that long, and so attempt the dangerous walk through the desert as an alternate means of accessing asylum.**
- A young man from Guatemala whose family has suffered violence and extreme poverty decided to migrate to the United States for refuge from the violence. He attempted two desert crossings and was caught by Border Patrol both times and physically abused by an agent on the second attempt. **When advised that the first available legal orientation with the Florence Project to access asylum through the Consortium process was not until August, he said he could not wait that long for asylum, and decided to try to cross the desert a third time despite his intense fear of doing so.**

- Having heard that asylum was being denied to anyone except single women traveling with children, a woman from Guatemala decided to cross the desert with her one-year-old baby in hopes that Border Patrol would listen to her asylum claim. When she was apprehended by Border Patrol, they refused to give her access to a credible fear hearing and instead removed her and her child to Nogales, Sonora, where she met up with her husband. The family is fleeing death threats in Guatemala because they can no longer pay extortion fees given the expenses required to support their baby. Once reunited in Nogales, they attempted crossing twice more through the desert with their baby, only to be returned both times without being screened for credible fear.

September 30

- A woman from Guatemala who fled domestic violence was recently expelled to Nogales after having walked five days in the desert and suffered attacks from the smugglers taking her through the desert. Despite her physical pain after this experience, she decided she would wait in Nogales until she was healthy enough to attempt a second crossing. **She could not afford to wait until the border opened, and had to put herself at risk instead.**
- **“Having us stuck here, they are forcing a lot of us to do things the wrong way, to do things 'illegally', and what happens? A lot of people die. There are lots of things that could be avoided if they gave us our rights the way it should be,” said one of the asylum seekers who organized the march on September 25.**

October 14

- A mother and son from El Salvador arrived at KBI last week after being expelled under Title 42. The son had been abused by his father when he was 12 years old, and after the father had left for a time when the family reported him to the police, he returned to threaten the mother with violence. They decided to leave the country, and neighbors have told them that there are still people who go by their house to try to find them. They tried unsuccessfully to relocate within El Salvador, but the father found out where they were through social media. Because the family could not stay in one place for too long for fear of being found, they decided to cross through the desert. Border Patrol found them, separated them, and expelled them several hours apart. It was only because of the help of another migrant and a group of U.S. humanitarian aid providers that the two reunited in Nogales, Sonora.
- With no ability to migrate to the U.S. legally, a soon-to-be father from southern Mexico attempted three desert crossings earlier this year so that he could earn enough money to get his pregnant wife and future child out of the violent area where they were currently living. After the third unsuccessful attempt, he returned home, but had amassed a significant debt that he now owes to the smugglers whose network extends into their community. He and his wife, now eight months pregnant, began receiving threats from the smugglers and had to leave their home. They arrived at KBI looking for help. Since the border is still closed, they must hope they are not found in Nogales while they wait.
- Having heard that there was no access to asylum at ports of entry along the US-Mexico border, a family with two children decided to attempt entering the U.S. through the desert. They were picked up by Border Patrol after having walked for three days. The agents threw the father to the ground and began kicking him in front of his children. They

then loaded the family into a truck with very little air for several hours and drove them to Tucson to be processed before being expelled. The family arrived at KBI after being expelled to Nogales, Sonora.

October 28

- One family from Honduras arrived at KBI recently after attempting to unsuccessfully cross the border between Reynosa and McAllen. They were being followed by gang members in Honduras and could no longer stay. The mother and daughter were expelled separately from the father, and the father was beaten and robbed by alleged agents of Mexican immigration when he was expelled back into Reynosa. He was later threatened by the local mafia for walking in the wrong area. The family fled into southern Mexico because it was too dangerous for them to wait at the border. While they were there, they received threats from local organized crime and had to move again. They arrived in Nogales hoping to be able to stay safe here. They do not have the option to return, as they recently received news that the father's mother had been killed in Honduras after they had escaped, and several other family members had been threatened.
- A mother who came to Nogales in April learned that the border was closed, and that there was currently no process for her to access asylum. She opted to leave her children with her parents rather than put them at risk because she was being followed. She paid a coyote to cross her into the U.S. The children's grandparents can no longer support them financially, and so the children arrived at the border unaccompanied in an attempt to reunite with their parents.
- Several of the families who have been relying on KBI's services for weeks or months have decided they could no longer afford to stay in Nogales. Some have decided to return to the places they fled despite fears they will still face violence. Some have decided to attempt desert crossings with precarious health conditions. Others attempted irregular crossings and found themselves deported to Central America while family members remain in Nogales. Due to increasingly dangerous, expensive travel, and the family's inability to make an income as they wait in a shelter at the border, the reunification of the family is extraordinarily difficult.

November 18

- A mother and her daughter fled El Salvador after being abused by a public official. When the mother reported the crimes, her abuser attempted to imprison her, but she managed to escape and flee the country. With no access to asylum at ports of entry, she attempted to cross without inspection between Reynosa, Tamaulipas and McAllen, Texas so that she could turn herself in to immigration agents and request asylum while in their custody. She was kidnapped by her smugglers, held for several days without food, and raped before she was rescued by police. She managed to cross into the U.S. where she attempted to request asylum but was ignored. She was expelled into Nogales, Sonora and had no social support, putting her and her daughter in a state of homelessness while they waited for the border to open.
- Another mother from El Salvador, knowing that she could not request asylum at a U.S. port of entry, attempted to cross without inspection with her two-year-old daughter through Reynosa to turn themselves in to Border Patrol. She had fled her abusive ex-husband who stayed in El Salvador. When she and her daughter were apprehended near

McAllen, Texas, they were flown to Arizona and expelled into Nogales, Sonora. When they arrived at KBI, she said that although they need protection, her daughter was too young to be exposed to the risks of border crossings, which is currently the only way for them to access asylum. Given that reality and the dangers of northern Mexico border towns, she and her daughter faced possible return to El Salvador, despite the danger that awaits them there.

- A father and son from Guatemala arrived at KBI after two failed crossing attempts through the Sonoran desert. Alma (pseudonym), the mother, has been in the U.S. for several years awaiting the results of her asylum case that was put on hold by the pandemic. She had been kidnapped and threatened with death in Guatemala. After she escaped, the father and son began receiving threats and also fled, hoping they could reunite the family. They are staying in Nogales until they can afford a third attempt.
- In the last week alone, ten people fleeing political repression or targeted gang violence who have arrived at KBI had paid smuggling organizations to attempt entries without inspection into the United States because asylum was unavailable at ports of entry. Organized crime has profited tremendously from Title 42 and the Biden Administration's refusal to open any process for asylum seekers at the US-Mexico border.

December 2

- While many of the migrants apprehended by Border Patrol in the desert are immediately expelled back to Mexico under Title 42, some are released into the United States with a Notice to Appear in immigration court and begin the asylum process. Because there is no access to asylum at ports of entry, currently the only means by which people can seek asylum in the United States is to first cross the border without inspection and turn themselves in to immigration officials. Because the border is controlled by organized crime on the Mexican side, the only way to do this is to pay organized crime groups. In the areas around Nogales, organized crime groups charge around \$1,000 per person to cross people over the border so they can turn themselves in to immigration. **It has become a common practice for migrants to pay smugglers so they can access the asylum system, and organized crime is making millions from this business, further deteriorating border security.** This phenomenon also inflates Border Patrol's apprehension data since people seeking asylum would not normally opt for an unauthorized crossing, some even multiple times.
- Marcela,* a university student in Nicaragua who expressed oppositional political views, faced intense persecution for her political opinions. Armed men arrived at her house and searched her phone, arrested her, and detained her overnight without clothing in a dark room. She was able to escape with the help of her husband, who worked for the national police. She fled to the U.S. and paid smugglers to turn her in to Border Patrol because it was the only way to request asylum. She was expelled to Nogales, even though she expressed that she was fleeing persecution.
- In November, nearly half (48%) of the people who arrived at KBI after being apprehended by Border Patrol indicated that they paid smugglers because asylum is not available at ports of entry. KBI only sees a very small fraction of the total number of people making such payments. The vast majority are either in the U.S., cannot access

humanitarian services at KBI because they are expelled directly to southern Mexico, or do not come to KBI for other reasons.

- **In Nogales, organized crime has become so protective of the business they have made from the border closure that they have begun watching the ports of entry in the city and harassing migrants who attempt to be processed there legally, directly interfering with the functions of the U.S. government.**

Exemptions to Title 42

Overview

- As a result of an ACLU lawsuit against Title 42, the Biden Administration began relying on NGOs to refer limited numbers of asylum seekers to the U.S. government to begin their asylum processes during the spring and summer months of 2021. This process (the “consortium process”) was quickly exploited by organized crime to further prey on migrants, placed extreme strain on the NGOs involved, and created lasting confusion over asylum access. Referrals through the consortium process ended in late July, yet to this day CBP officials at the port of entry erroneously direct asylum seeking individuals to KBI to sign up for a non-existent list..
- Unaccompanied minors are still being processed into the U.S. at ports of entry, but not without difficulty. Unaccompanied minors have been expelled after Border Patrol agents accuse them of lying about their age, and organized crime has attempted to prevent people from crossing without paying them.

Consortium Process

May 13

- The Florence Project has accompanied approximately 150 individuals to be processed into the US in downtown Nogales through the ACLU negotiations process since they began submitting petitions to the government on behalf of migrants late March. Although KBI celebrates the impact of this development for families that have been paroled into the US, the number of families that have been able to access this process is small considering that *before the metering list was closed last March, there were approximately 990 individuals waiting to be processed for asylum in Nogales*, and since that date, *1,290 individuals arriving at KBI have reported violence or persecution as their primary reason for migrating*.
- Not all ports of entry are open under the Title 42 exception process and migrants in Sonora must travel to Nogales. Humanitarian organizations in Sonoyta, another border town, have reported that *due to changes in Mexican law, the local bus depot and Grupo Beta will not permit migrants to purchase bus tickets because they do not have status in Mexico*, which creates an additional barrier for migrants at ports of entry other than Nogales to access the process.
- Local NGOs have reported that CBP is dropping migrants off at the Greyhound station rather than transporting them to a Phoenix shelter with the capacity to receive them. Arizona *CBP officials have threatened that they will continue directing migrants away from needed services as long as NGOs continue lines of communication with the Biden Administration*.
- As stated by Beth Strano from IRC in Phoenix in her [address to the Senate Committee on Homeland Security](#), when CBP chooses not to channel migrants to local shelters, they lose access to a variety of legal and social service providers, without which migrants often fall victim to exploitation or trafficking.

June 10

- Although Nogales is part of [The Title 42 exemptions process](#) recently undertaken by the Biden administration, this process places undue responsibility on NGOs to determine access to asylum, a right guaranteed by the U.S. government and whose realization therefore remains solely the government's duty. The exemptions process is also far too limited in scope to be a workable remedy for the humanitarian disaster caused by the continued effects of Title 42.

June 24

- In the last two weeks, *ICE ERO has detained numerous migrants who were approved for processing through the Title 42 Exemption Process despite significant vulnerabilities and with no clear timeline for releasing these individuals* to their families or sponsors.
- Last week, a Honduran father of 5 whose wife is 3 months pregnant was detained by ICE as he and his family were processed through the consortium process at the downtown Nogales port of entry. The father does not have any criminal history in the US, and Spanish is the family's second language, as they are part of the Garífuna indigenous community in Honduras. As the mother shared in her testimony at [the interfaith #SaveAsylum event this week](#), when the father was separated from his family, the CBP officer assured his wife that he would only be detained a day or two, but he has now been separated from his family for over a week. His wife, who is stranded waiting for her husband's release at a shelter in Tucson with their 5 children, attempted to set an appointment to visit her husband at La Palma, but was unable to do so because the visitation phone system is all in English. She has not received any clarity about when her husband will be released, and a week after his detention had not been able to make any contact since she does not have money to put in his commissary.
- A Salvadoran woman traveling by herself to seek asylum in the US was detained by ICE when she was processed through the Title 42 exemption process last week. Her sponsor was not notified that ICE had detained her and called KBI worried because she had not made contact with them. A week later, she is still detained, and the sponsor has not received any information about when she will be released.

July 6

- NGOs involved in the Title 42 Consortium process, which now constitutes the only sure way to access asylum from the US-Mexico border, do not have the capacity to orient the number of asylum seekers hoping to initiate an asylum process through the Consortium. **The U.S. government's continued reliance on NGOs through the Consortium process has led to wait times of over a month and a half for people hoping to begin the process in Nogales** with the Florence Immigrant and Refugee Rights Project at our Migrant Aid Center, even after the Florence Project doubled their intake capacity for migrants to access this process. As of July 5, the Florence Project reported 571 individuals waiting for a response through the Consortium process, and with current migrant arrival numbers, wait times to access asylum will continue to grow. **Many migrants cannot afford to support their families or face the danger of living in a border town controlled by organized crime for that long, and so attempt the dangerous walk through the desert as an alternate means of accessing asylum.**

August 6

- As of July 23, the Consortium process in Nogales is [no longer receiving new referrals for exemptions to Title 42](#). The Administration's refusal to offer humanitarian protection to people in desperate situations has allowed organized crime an easy opportunity for exploitation of migrants. **Organized criminal groups identified the workings of the Consortium process and the organizations involved and began using the process as a source of income and a means of locating the people they intend to harm.**
- Last week, arriving migrants told us that people are waiting at bus terminals in Nogales and pretending to offer transport to KBI for asylum access, tricking them into entering their cars to be kidnapped. Because of the ease of exploiting desperate people forced to wait in Nogales, organized criminal groups have become comfortable entering the spaces that used to be safe for migrants. **Title 42 has created a highly and needlessly dangerous space around migration, and has put organizations like KBI in the midst of it.**

Unaccompanied Minors

March 4

- Last week 2 unaccompanied minors were returned to Nogales, Sonora under Title 42, despite guidance that these individuals should not be subject to expulsion. One of these minors was a 17-year-old Guatemalan girl who a Border Patrol agent accused of lying about her age. BP returned her to Mexico at 8PM, and she was forced to stay the night outside, until she found help in the morning.

March 18

- Unaccompanied minors expelled to Nogales have reported to us and our partners at FIRR that Border Patrol either did not believe they were minors, even in the face of evidence, or that they ignored minors' self-identification, refused to diligence their age, and performed no fear or human trafficking assessment. These minors often reported traveling long days in the desert and issues finding safe housing after they were expelled.

April 15

- The Florence Project legal team that represents unaccompanied minors interviewed children detained in ORR custody in Arizona January-March of 2021. Of the kids interviewed, *378 reported that they were abused by CBP*. The most common complaint was being detained between 10-20 days.

May 27

- An unaccompanied minor who arrived at KBI last week after being wrongfully expelled under Title 42 and denied access to a fear assessment reported he left Honduras to escape organized crime threats after several members of his family were murdered, including his father and his uncle
- Last week KBI received a Guatemalan child who had traveled north with the hope of attending school in the US. Although CBP officials have repeatedly told KBI that Border Patrol agents are directed not to expel unaccompanied children, this 16-year-old was expelled to Nogales, Sonora. The Border Patrol agent that interviewed him took away his

birth certificate, told him it was fake, and accused him of lying about his age, before expelling him to Nogales, Sonora.

October 28

- A mother who came to Nogales in April learned that the border was closed, and that there was currently no process for her to access asylum. She opted to leave her children with her parents rather than put them at risk because she was being followed. She paid a coyote to cross her into the U.S. The children’s grandparents can no longer support them financially, and so the children arrived at the border unaccompanied in an attempt to reunite with their parents.

Humanitarian Parole

November 18

- Even the most vulnerable migrants have been denied access to protection through the Nogales port of entry. None of the urgent humanitarian parole requests filed in Nogales by non-profit legal service providers since August 2021 have been granted, and most have not even received a response. This, despite a [November 1 memo](#) issued by DHS which instructs ports to “increase capacity to process undocumented noncitizens at Southwest Border POEs, including those who may be seeking asylum and other forms of protection.”
- Under the Immigration and Nationality Act, the Secretary of Homeland Security can grant parole (allow entry) to non-citizens for urgent humanitarian reasons. With Title 42 firmly in place at ports of entry under the Biden administration, parole requests are now the only legal avenue through which migrants can access the asylum process.
- Milena’s (pseudonym) young son suffers from chronic kidney failure and needs ongoing care due to his heightened vulnerability to infections. Their parole request is one of the many that has not been granted. Milena has already had to take her son to the hospital three times in the time they’ve been waiting in Nogales.
- The Florence Project and Human Rights First released a joint [fact sheet](#) documenting the total lack of access to asylum at the Nogales port of entry.

Abuses Suffered while Traveling through Mexico

February 18

- In just two weeks we have received 25 reports of abuses by Mexican authorities, including physical abuse, threats, extortion and robbery. In 2020, we averaged only 3 such reports every two weeks. In other words, the rate of reported abuses has increased almost ten-fold even though the number of people we are receiving has not even doubled.
- One Honduran man, who left his country because his business was destroyed by a hurricane, reported that he was held for several days in Mexican immigration detention with 190 other men and only one bathroom.
- We have received numerous reports of extortion by Mexican Federal Police and National Guard, including a Guatemalan man who was forced to pay 3000 pesos when the police stopped his bus and a Honduran man who police extorted for 2500 pesos

April 1

- Migrants receiving calls from UNHCR about their process to enter the US have been told that they must travel to a different port of entry to be processed, which requires travel on routes to Tijuana and Juarez that are notoriously controlled by organized crime.
- Fifteen migrants who arrived in the last 2 weeks reported abuse at the hands of Mexican officials, including the federal police, military, and immigration officials.
- A young Guatemalan man was waiting 20 days to cross into the US with a group. While they were waiting in the desert, ***Mexican military officers arrived, assaulted them, robbed their phones and money, and burned their food and clothing.*** They had to wait another week to cross, without the supplies they had brought.
- Mexican Federal Police extorted a young man who traveled north from Guatemala last week. They kidnapped him just south of Nogales and asked him to pay 1,000 USD to be released.
- A young Honduran man who was previously a member of the military in his country took video when he witnessed government officials participating in illegal acts. Later these officials realized what he had done, tracked him down and attacked him, attempting to remove his eye. He fled Honduras in January, and last month tried to present his fear claim at a port of entry in Mexicali. ***Port officials would not listen to him. Soon after that he was kidnapped in Mexicali*** and robbed of the savings he had intended to use to pay for a lawyer to help with his asylum case. He tried again to cross into the US to seek asylum near Nogales mid-March and was detained by Border Patrol. He tried to explain to a Border Patrol agent in Tucson the danger he was fleeing, but ***the agent took the evidence he provided and threw it in the trash. The man was then expelled to Nogales, Sonora at 2AM.***

April 15

- In the last two weeks alone, ***5 migrants arriving to Nogales, Sonora reported to KBI that they had been kidnapped by organized crime in Mexico.*** This compares with an average of 1.5 kidnappings reported every 2 weeks in 2020 and 1.25 per two weeks in 2019.

July 6

- Gangs and other criminal organizations across Central America and Mexico are kidnapping teens and young women and forcing them into prostitution. One teenager who came through KBI this week had fled to Mexico from her home in Central America, after escaping from forced prostitution in May. The same gang abducted her again in June, after following her to Mexico. While the police did nothing, her family rescued her and submitted a formal criminal complaint about the kidnapping. After the report, they fled to the US border to ask for asylum, fleeing both their daughters' kidnappers and those who are trying to kill them for filing the criminal report.

August 6

- The Biden Administration's plan to develop regional asylum systems to give those fleeing violence "protection closer to home" is useless if violence follows people across the Northern Triangle and Mexico. Elena and her daughter left Veracruz after local members of an international criminal organization beat her, tried to kidnap their little girl, and threatened to kill them. **The same group found them, hundreds of miles away, in another part of Mexico where they were seeking refuge.**
- For women, fleeing from one part of Central America or Mexico to another does little to protect them in a region known for the highest rates of gender-based violence in the world. A teenager arrived here last week, fleeing the Mexican city where she first escaped from violence in Honduras. **While applying for asylum in Mexico, she became a victim of constant sexual harassment and abuse.** After taking a job to support herself during the process, her boss forced her to let customers touch her. She fled, suffering further abuses along the way, and now sees asylum in the US as her only option.

December 16

- As [reported in Animal Politico](#), deportations of migrants traveling through Mexico reached a historical peak in October, and the numbers began rising after Vice President Kamala Harris pressured the Mexican Government to enforce its immigration laws more strictly and prevent migrants from reaching the U.S. border. As expected, the crackdown on migration through Mexico resulted in more brutal conditions for the migrants who have no option but to move through the country.
- One migrant who arrived at KBI reported being held for several days in a truck with no food and in very cold temperatures while smugglers waited to take his group across Mexico. He said they weren't treated like human beings.
- A Guatemalan woman who traveled north with her two teenage daughters after an organized crime group tried to force the girls to work for them described being transported in a large trailer truck with 375 other people. They were forced to stand crowded together for the 13-hour journey and could only eat if they brought money to pay for food. [Their truck left Guatemala the day before another truck filled with Guatemalans crashed, leaving 55 migrants dead and dozens more injured.](#)
- Several migrants arriving at KBI in the last two weeks stated that they would rather not share about the abuses they faced in the journey through Mexico for fear of retaliation by smugglers if they talked. This kind of fear is unusual, and arriving migrants will usually talk openly about the difficulties of the journey north. The change in attitude indicates that smugglers are more aggressively trying to maintain secrecy, which makes sense if enforcement is tighter.

COVID-19

January 21

- At the conclusion of that march, a Venezuelan family presented at the port of entry to seek asylum. As an extra precautionary measure, the family took a COVID-19 test before presenting and carried their negative test result with them. The CBP officer on duty insisted that they couldn't process them because of the pandemic, even after they showed their recent negative test. He said that they would not be processed that day but that he was not sure of what changes would come and that they should return the following day (inauguration day).

June 10

- While some migrants apprehended at night have reported being detained overnight and deported the following morning, one woman who arrived at our center reported that after turning herself in to Border Patrol in the desert, she was detained overnight then ***still released into Sonora the following night***. By holding the woman overnight in a congregate setting and then expelling her over 24 hours later, Border Patrol makes it clear that nighttime expulsions are not, as they have claimed, for the purpose of avoiding the spread of COVID through prolonged detention in CBP custody.

August 6

- Due to the prolonged wait in Nogales for migrants wanting to request asylum in the United States, the number of people relying on shelters has increased, thus, Title 42 achieves the opposite objective that it claims to pursue, favoring the spread of the virus among the migrant population.

September 2

- On August 31, migrants arriving in Nogales reported that approximately 25 individuals were transported south from BP's Tucson Coordination Center. The vehicle stopped in Nogales Station and dropped off 4 or 5 women, then continued to the DeConcini port of entry, where approximately 20 men were expelled around 2:00 a.m. Three of these men, 2 from El Salvador and 1 from Honduras, arrived at KBI. They reported that there were no Mexican officials to receive them, so they walked until they found a taxi. With the little money they had, they paid the taxi to take them to a local migrant shelter, where they were told they could not stay without a negative COVID test. This provision was recently adopted at that shelter to mitigate the spread of the virus, however there is no way for migrants to access COVID tests in the middle of the night. The taxi then brought them to KBI, which was closed for services at the time. Without more money or options, **they slept on the street in front of KBI.**

October 28

- A group of around 50 people arrived at KBI one afternoon last week, all of whom had been expelled to Nogales after being transferred here from McAllen. In that group, **nearly all the children were either coughing, vomiting, or had a fever. The parents of the sick children reported that they had gotten sick while they were detained, and none of them had received adequate medical attention.**

- Three families who have been expelled under Title 42 to Nogales and arrived at KBI in the last two weeks have tested positive for COVID-19 upon their arrival. Before coming here, they had been kept in close quarters for days in CBP facilities with other families and spent hours on crowded buses and planes throughout the expulsion process. **CBP's practices do not demonstrate concern about mitigating the spread of COVID.** While in their custody, migrants have reported that they are not tested or quarantined accordingly, and that they are held in tight crowded quarters unnecessarily for up to seven days.

Migrant-Led Advocacy Efforts

January 21

- Asylum seekers in Nogales organized [a march](#) Tuesday afternoon to communicate what every additional day waiting means to them, and celebrate the 1348 US residents from 30 states and 484 asylum seekers who signed [an open letter](#) to the new Administration demanding prompt action to restore asylum.
- At the conclusion of that march, a Venezuelan family presented at the port of entry to seek asylum. As an extra precautionary measure, the family took a COVID-19 test before presenting and carried their negative test result with them. The CBP officer on duty insisted that they couldn't process them because of the pandemic, even after they showed their recent negative test. He said that they would not be processed that day but that he was not sure of what changes would come and that they should return the following day (inauguration day).
- Due to the CBP officer's suggestion that they return the next day, yesterday another Venezuelan woman attempted to present at the port of entry. However, CBP officers told her that there was no access to asylum and no exceptions to the Title 42 order, despite the fact that certain vulnerable populations are supposed to be exempt.

February 4

- [“Josefa,”](#) a Venezuelan mother who has received support from KBI and is waiting in Mexico under MPP, shared during a [press conference](#) with America’s Voice last week: “I fled persecution with my family in Venezuela and have waited at the border in Mexico for 408 days with my son. Over the past year, the uncertainty has been overwhelming. It has led to emotional and physical illness, many doctor’s visits. My son despairs every day that he talks to his dad in the U.S. He asks me, ‘Mom, when? When can we be with him again?’”
- A Honduran mother who arrived at our aid center last week shared that her husband and daughter traveled to the US about 2 years ago to seek asylum after members of local organized crime groups murdered her parents and sister. Her daughter has special needs, and although she is a teenager has a mental capacity of about 6-8 years old. The daughter sometimes calls her mother and cries over the phone about missing her. The family faced additional suffering when they lost everything in hurricane Eta. The mother later traveled north with her with her 2 teenage sons to reunite with her husband and daughter. The family was separated in the process of crossing, and the mother did not hear from her older son for 5 days, until KBI connected her with ORR. When the mother crossed with her younger son, she asked to be interviewed for asylum, but the Border Patrol agent said right now there is no asylum for single mothers, only for unaccompanied minors.
- Migrants waiting in Nogales under MPP and asylum metering shared their responses to Biden’s executive orders in a [press briefing yesterday](#).
- Lidsay, a Cuban woman whose US citizen sister awaits her in the US, said “I suffered detention in Mexico, and had to have surgery here last year. I’ve been separated from my mother, daughter and sister for two years. Living in Mexico as a foreigner, people automatically think you have money because you are from another country. They think you have ties in the US, so you are always a target. Patience has been required of us for

too long. What we need now is clarity. It is not the time to review policies. It is time to act.”

- Jacqueline, a Honduran mother of two US citizen children, said, “I didn’t sleep at all last night after I saw the news about the executive orders. My kids have missed out on two years of school already. My son has a medical condition, and needs to be treated right away. As a citizen, he has a right to treatment in the US, but my kids need me, and I can’t cross. We need President Biden to end Title 42 and allow people seeking asylum to be processed.”

June 24

- Last week, a Honduran father of 5 whose wife is 3 months pregnant was detained by ICE as he and his family were processed through the consortium process at the downtown Nogales port of entry. The father does not have any criminal history in the US, and Spanish is the family’s second language, as they are part of the Garífuna indigenous community in Honduras. As the mother shared in her testimony at [the interfaith #SaveAsylum event this week](#), when the father was separated from his family, the CBP officer assured his wife that he would only be detained a day or two, but he has now been separated from his family for over a week. His wife, who is stranded waiting for her husband’s release at a shelter in Tucson with their 5 children, attempted to set an appointment to visit her husband at La Palma, but was unable to do so because the visitation phone system is all in English. She has not received any clarity about when her husband will be released, and a week after his detention had not been able to make any contact since she does not have money to put in his commissary.

September 30

- On Saturday, September 25, around 600 migrants and over 100 supporters from the U.S marched peacefully together, from both sides of the border wall near the Dennis DeConcini port of entry. The migrants hoped to make their struggles publicly known and demand respect for their right to asylum and their need for protection.
- A family with young children accompanied by the Bishop of Tucson, Edward Wiesenburger, attempted to ask for asylum at the port of entry, and **CBP officers responded by [shutting down the entire pedestrian gate](#) for over an hour**. Officers either completely ignored or angrily rejected the other families who attempted to ask for asylum afterwards.
- In the days following the march, migrants have held daily vigils outside the port of entry to make their presence known, and other families have presented themselves orderly at the port of entry to ask for asylum. **On five separate occasions, CBP officers decided to shut down the entire port of entry rather than listen and respond to these families**, causing completely unnecessary delays for other people trying to get into the U.S. and undue emotional distress to families peacefully and respectfully exercising their rights under U.S. law.
- Other people attempting to enter the United States at the same port of entry at the same time who lacked proper documentation, such as one student who tried to cross with a school ID, have not provoked CBP officers to shut down the port of entry. As one of the migrants participating in the protests pointed out, **the practice is an intentionally**

discriminatory act directed toward asylum seekers because of their migratory status.

- **“Having us stuck here, they are forcing a lot of us to do things the wrong way, to do things 'illegally', and what happens? A lot of people die. There are lots of things that could be avoided if they gave us our rights the way it should be,”** said one of the asylum seekers who organized the march on September 25.
- The weight of this reality remains completely lost to the CBP officers whose job it is to enforce the border closure. The majority of the officers whom asylum seekers approached for protection refused to listen to the people at all, expressing utter disregard for the seriousness of their suffering.

November 18

- Hundreds of asylum seekers forced to wait in Nogales, Sonora, Mexico participated in an all-day protest near the DeConcini Port of Entry on November 8 to denounce the continued closure of the border to asylum seekers. Since November 8, vaccinated visa holders have been able to cross freely along the southwest border for leisure trips, while the Biden Administration continues to deny access to migrants in danger.
- Leo, Nancy, and their two children, who have been waiting in Nogales for asylum for months, [approached the port of entry with their vaccination records in hand](#) on the morning of November 8 to request asylum, as is their right and the proper procedure under U.S. law. They were denied entry while visa holders were able to travel freely for leisure trips.
- The family, along with other migrants who have experienced abuse by CBP, kidnapping attempts, and other dangers in the process of migration, [spoke to the press at the Kino Border Initiative](#) while others protested at the Port of Entry. They wished to make known the racism and discriminatory treatment exemplified by Title 42, the return of MPP, and other policies that continue to endanger them.
- The migrants who organized and participated in the peaceful protest wished to express that they are simply hoping to get their families to safety, that the Administration’s denial of their right to asylum is an ultimately racist act, and that **they will continue fighting until they see changes in the way the U.S. government treats them.**

MPP or “Remain in Mexico”

January 21

- Yesterday a Venezuelan man who had fled political persecution was returned to Nogales under MPP, despite expressing his fear of return to Mexico. Shortly after his arrival in Nogales, Mexico, he was stopped by members of organized crime who searched him, including looking through his cell phone, and told him that he shouldn't be around here.

February 4

- “[Josefa](#),” a Venezuelan mother who has received support from KBI and is waiting in Mexico under MPP, shared during a [press conference](#) with America’s Voice last week: “I fled persecution with my family in Venezuela and have waited at the border in Mexico for 408 days with my son. Over the past year, the uncertainty has been overwhelming. It has led to emotional and physical illness, many doctor’s visits. My son despairs every day that he talks to his dad in the U.S. He asks me, ‘Mom, when? When can we be with him again?’”
- Migrants waiting in Nogales under MPP and asylum metering shared their responses to Biden’s executive orders in a [press briefing yesterday](#).
- Lidsay, a Cuban woman whose US citizen sister awaits her in the US, said “I suffered detention in Mexico, and had to have surgery here last year. I’ve been separated from my mother, daughter and sister for two years. Living in Mexico as a foreigner, people automatically think you have money because you are from another country. They think you have ties in the US, so you are always a target. Patience has been required of us for too long. What we need now is clarity. It is not the time to review policies. It is time to act.”
- Jacqueline, a Honduran mother of two US citizen children, said, “I didn’t sleep at all last night after I saw the news about the executive orders. My kids have missed out on two years of school already. My son has a medical condition, and needs to be treated right away. As a citizen, he has a right to treatment in the US, but my kids need me, and I can’t cross. We need President Biden to end Title 42 and allow people seeking asylum to be processed.”

April 1

- Despite the fact that migrants waiting in Nogales under MPP currently do not have the option to be processed at local ports, several migrants have reported UNHCR representatives telling them either that there is ***no financial support available to them for transportation, or that relying on UNHCR resources for transport to another port will result in a delay of their process.*** This includes a family of four from Honduras who although their final destination is in Texas, have been told they will need to provide for their own transportation to Tijuana for processing, which will mean an additional cost to arrive with family in the US once they cross the border.

April 15

- Despite repeated inquiries with White House and Border Patrol, **federal officials have failed to create a viable pathway to**

- **expeditiously process vulnerable individuals waiting under MPP** in Nogales safely into the US.
- A Cuban mother who crossed into the US to seek asylum during the summer of 2020 was returned to Nogales, Sonora despite her son's severe autism, which includes self-harm and difficulty tending to basic needs like eating and using the restroom. Because no port has been designated for processing MPP in Nogales and DHS has not put forth a pathway for processing particularly vulnerable individuals out of MPP, this mother and her sons were first refused designation as a vulnerable case that should be prioritized, and then asked by UNHCR to travel to Tijuana for processing. When our partners at The Florence Project advocated for the family to be processed locally, CBP officials initially refused, citing that logistics would be too difficult. This, despite the fact that the mother's husband, a legal permanent resident in the US, lives in Tucson, and the prospect of unnecessarily subjecting a severely autistic child to a 13-hour bus ride from Nogales to Tijuana. The family was able to be processed in Nogales only after weeks of advocacy by The Florence Project and collaborative effort from various government stakeholders.
- This family is just one of many that illustrate both the need for viable processing pathways for particularly vulnerable families waiting under MPP who are distant from designated ports, and the ***logistical and financial burden the US government is offloading onto vulnerable migrants*** who have already paid dearly as a result of an unjust policy.

Reasons for Migrating

Violence

May 27

- Of migrants arriving at KBI during the last two weeks, 59% reported violence or persecution as their primary reason for migrating. This compares to 33% in 2019 and 39% in 2020.
- A young Guatemalan woman arrived in Nogales last week after fleeing domestic violence. Her partner had beaten her and her children. When she left him, he threatened to take away her children and continued to look for her to beat her children. When she crossed into the US to seek asylum, Border Patrol expelled her under Title 42 without giving her access to a fear assessment.
- An unaccompanied minor who arrived at KBI last week after being wrongfully expelled under Title 42 and denied access to a fear assessment reported he left Honduras to escape organized crime threats after several members of his family were murdered, including his father and his uncle.
- A Guatemalan mother and her two children arrived in Nogales this week after fleeing threats in her hometown. Her husband had been kidnapped several years ago, and never returned. Since that time, the same criminal actors continued threatening her family, saying that if she did not pay them a regular quota, they would all disappear.

June 24

- An increasing number of families from the southern Mexican states of Guerrero and Michoacán who arrived at our Center in Nogales, Sonora in the past two weeks reported fleeing threats from organized crime. Of the 165 individuals arriving from Guerrero, 96% reported violence or persecution as their primary reason for migrating. Of the 53 individuals migrating from Michoacán, 98% reported violence or persecution as their primary reason for migrating. While this phenomenon has been ongoing for years, the recent increase in families fleeing violence at the hands of organized crime groups, combined with the closure of the border because of Title 42 and the uncertainty surrounding the end of the CDC order, creates a situation of intensified emotional distress for people forced to wait in a highly insecure environment along the border.
- A man from Mexico fleeing threats from organized crime groups trying to forcibly recruit him told us that he had been receiving messages from unknown numbers while in Nogales that read: “Don’t think you can get away so easily.” He was targeted for his opposition to these criminal groups and his attempts to improve his community, and he was turned away at the port of entry when he expressed his desire to seek asylum in the United States.
- Another family who arrived at our migrant aid center in Nogales fled their home after a group of armed men forcibly took the father from his house after which the family has not heard from him. The mother reported that she continued receiving threatening anonymous text messages even after they’d fled. Having arrived in Nogales with very little money and knowing nobody in the city, the family’s well being is very tenuous.

July 6

- In the last two weeks, at least ten women coming through Kino have reported sexual abuse and gender-based violence as the main reason for fleeing their homes.
- Gangs and other criminal organizations across Central America and Mexico are kidnapping teens and young women and forcing them into prostitution. One teenager who came through KBI this week had fled to Mexico from her home in Central America, after escaping from forced prostitution in May. The same gang abducted her again in June, after following her to Mexico. While the police did nothing, her family rescued her and submitted a formal criminal complaint about the kidnapping. After the report, they fled to the US border to ask for asylum, fleeing both their daughters' kidnappers and those who are trying to kill them for filing the criminal report.
- Several women who arrived at our migrant aid center this week reported fleeing after gangs approached them or their families, threatening to kill them if they did not make themselves sexually available to the gang. Many women arriving here are fleeing their sexual abusers, and one father reported fleeing with his three teenage daughters because of his fear that, as young women, they would be kidnapped, abused and/or killed.
- One teenager arrived with her sister after Border Patrol denied them a credible fear screening. She explained to border officials that she was fleeing the man who raped her, beat her sister, and was pursuing her as she left. On one occasion, a US official reached into her blouse and bra, despite her protests, to take documents relating to her sexual abuse and laughed at her while reading her papers.

August 6

- For women, fleeing from one part of Central America or Mexico to another does little to protect them in a region known for the highest rates of gender-based violence in the world. A teenager arrived here last week, fleeing the Mexican city where she first escaped from violence in Honduras. **While applying for asylum in Mexico, she became a victim of constant sexual harassment and abuse.** After taking a job to support herself during the process, her boss forced her to let customers touch her. She fled, suffering further abuses along the way, and now sees asylum in the US as her only option.

December 16

- KBI has received 28 migrants from Nicaragua over the last 2 weeks, compared to 1-2 Nicaraguans arriving at KBI on average for the same time period during 2021 overall. Eighty-six percent of those arriving from Nicaragua named violence or political persecution as their reason for migrating.
- Several of the arriving Nicaraguans have expressed fear of returning to Nicaragua because of rumors that people from the political opposition who return are sent to one of the most inhumane prisons in Nicaragua, El Chipote. The prison is notorious for the documented torture of political prisoners held there.
- One Nicaraguan woman who arrived at KBI had suffered extreme violence for her support of the political opposition. Government agents beat her and her mother and broke her father's foot because of their political views. Many in her neighborhood support the governing party and frequently throw rocks at her house and harass her.
- One man from Nicaragua who came through KBI had been a police officer in the country. He provided humanitarian aid to people whom the government treated violently. For this, he was accused of betraying the country, discharged from the police force, and jailed. People from the government identified his home and stabbed his mother.

Family Reunification

February 4

- Fourteen migrants who arrived at KBI in the last 2 weeks cited “Family Reunification” as their primary reason for migrating. These individuals include:
 - A Mexican father who lived in the US for 15 years, and has four children in Nevada ages 7 to 13
 - A 30-year-old Guatemalan man who lived half his life in the US before being deported and separated from his 10-year-old son

March 18

- Sixteen individuals who arrived in Nogales during the last 2 weeks named family reunification as their primary reason for migrating. Fourteen of these individuals were returned to Mexico under Title 42. This number includes parents of children living in the US and individuals separated from their spouses who are living in the US.
- This week a Guatemalan mother arrived at our migrant aid center with her 15-year-old US citizen son after they both attempted to cross into the US through the desert and were returned to Mexico under Title 42. The mother hoped that she and her son could reunite with her other US citizen children, but instead was left stranded in Nogales.
- A Honduran man who arrived in Nogales this week shared that his mother had suffered a cerebral hemorrhage in Honduras. Although the man had lived in the US for several years and had built his life there, he decided to travel back to his hometown to be with his ailing mother. He tried to cross into the US and was expelled to Nogales, Sonora under Title 42.
- Two weeks ago, a man was deported to Nogales, Sonora after having lived in the US for 39 years. He was born in Mexico, brought to the US as a young boy and lived his whole life there, until he was detained and deported in 2019. He tried to cross to the US last year to reunite with his wife, parents, children and siblings who all live in the US, but was detained and imprisoned for 7 months before being deported to Mexico.

Ecological Disasters

March 18

- Five individuals who arrived in Nogales in the last 2 weeks cited ecological reasons as their primary motive for migrating.
 - A Honduran man who arrived at KBI this week shared that he had worked as a farmer until his coffee crop was destroyed by hurricane Eta last fall. When he lost his crop, he had no way to sustain his 5 children, ages 4 to 22, and his wife. He traveled north by train and suffered armed robbery in Mexico before arriving in Nogales, Sonora.
 - A Guatemalan woman who arrived at KBI this week made the decision to travel north last fall after hurricane Eta destroyed her annual harvest and her house.
- As [WOLA explains](#), we will continue to see a mixed flow of people migrating in the region: “those fleeing crippling poverty and the devastation of two hurricanes, as well as those who, because of persistent violence and political turmoil, urgently need protection.”

The most effective, humane response to this shift is to *surge resources to nearby facilities staffed by civilian personnel trained in trauma response*, rather than increase capacity at the ports themselves, which are staffed by armed, uniformed law enforcement agents who lack adequate training to receive fleeing families.

Summary of Recommendations to Congressional Offices

Our most consistent and prominent recommendation throughout 2021 was that members of Congress **urge the Biden Administration to end Title 42 immediately**, and with it the continuous and intensifying stream of abuses and exploitations the policy causes. The Biden Administration's continuation of the policy represents the single greatest threat to migrants' right to asylum and an unmitigated human rights tragedy on the border. To date, there is no public plan to end Title 42, and asylum seekers continue to wait in danger or resort to other desperate options, such as unauthorized crossings or sending children unaccompanied to the border.

Below is a summary of some of the notable legislative action we commented on in 2021, with a brief update as to the status of the mentioned legislation or other actions, up to date as of January 25, 2022.

Appropriations

- Urge Congressional Leadership to prioritize funding for DHS accountability mechanisms (OIG, OPR), trauma-informed personnel, and local, community-based solutions to welcome migrants in the budget appropriations process.
- Revise the FY2022 DHS Funding Bill to focus on the humanitarian needs of migrants that are currently ignored by DHS. The bill currently budgets over ten times more money for new detention beds than it does for medical care for migrants in DHS custody.
- Support the [FY2022 Homeland Security Appropriations bill](#) which provides funding for the deployment of body-worn cameras for Border Patrol agents and for improvements to CBP's ability to humanely interact with children.

Appropriations Update

Congress has yet to agree on an appropriations bill for FY2022 and has passed a continuing resolution that temporarily funds the government until February 18, 2022. The [current version](#) of the DHS appropriations bill was introduced to the Senate on October 25, 2021. It budgets \$136 billion less than FY2021 funding levels, includes provisions for body-worn cameras for CBP officers and Border Patrol agents, and repurposes funds previously destined to ICE to a task force focused on reuniting children separated from their families by the Trump Administration.

Other Legislation

- **Support The U.S. Citizenship Act of 2021**, which includes critical provisions to strengthen accountability of CBP and restore access to asylum
- **Publicly oppose the Bipartisan Border Solutions Act**, and push for legislation that supports robust community-based solutions to welcome asylum seekers rather than forcing them into expedited processing that obstructs migrants' due process.
- **Oppose any increase to the DHS budget, including those proposed in President Biden's budget and in the Border Response Resilience Act** given the Department's

already outsized budget and bleak spending record, and instead fund community-based resources for migrants directly without placing funds first at DHS's disposal.

- Considering DHS component agencies' continued abuses of migrants, **support the DHS Reform Act of 2021**, which gives both the Office of Civil Rights and Civil Liberties and the public greater oversight of DHS agencies, and the **Accountability for Federal Law Enforcement Act**, which offers possible redress for abuses through legal action against federal officers.
- **Support Sen. Ron Wyden's (D-OR) [recent bill](#) meant to limit CBP's excessively broad authority** to conduct warrantless and unreasonable searches of electronic devices and online accounts belonging to U.S. citizens, a power used in the past to discriminate against humanitarian and legal service providers working with migrants in Mexico.
- **Support the [Private Prison Information Act of 2021](#)**, which would allow for greater public access to information about conditions in immigration detention centers and the treatment of migrants detained there.
- Oppose [Sen. Lankford's \(R-OK\) bill](#) and other efforts aimed at prohibiting the payment of damages to families who suffered undue trauma as a result of Trump-era family separation policies at the border.

Legislation Updates

All the bills mentioned above were introduced to their respective chambers of Congress and referred to the appropriate committees. No votes, amendments, or any other actions have been taken on these bills.

Other Actions

- As the Biden Administration begins the second iteration of the Remain in Mexico policy, **ensure that the humanitarian guarantees in the new version of the policy are actually met**, including safe transport to and from hearings and adequate shelter space.
- **Investigate the adequacy of CBP's procedures for dealing with reports of abuse**, given the opportunities presented by the agency's leadership change and [CBP's very low rate of punishing officers](#) accused of wrongdoing.

Updates

On January 24, a group of ten House and Senate Committee chairs sent a letter to the Government Accountability Office requesting an official investigation into CBP's process for investigating incidents of abuse by its agents. Specifically, the members of Congress requested information on CBP's "Critical Incident Teams," groups of officers tasked with responding to and covering up incidents of abuse by CBP agents. The letter states that Congress did not give CBP the authority to conduct investigations of abuses committed by its own agents.

The Biden Administration restarted the Remain in Mexico program, or MPP, in December of 2021. Although there are reports that the humanitarian guarantees in the program are not being honored, there has yet to be a congressional investigation of the program, still in its early stages.