CONGRESSIONAL YEAR END REPORT
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The Kino Border Initiative (KBI) is a binational, inclusive Roman Catholic organization locally rooted in Ambos Nogales on the Mexico-US border. KBI provides direct humanitarian assistance and holistic accompaniment of migrants, facilitates encounters between migrants and others to transform people towards solidarity with migrants, and advocates for more just migration policies. In 2022, an average of 500 people in transit arrived at KBI’s comedor and migrant aid center in Nogales, Sonora, Mexico each month, totaling over 6,000 people.

KBI supports all people in migration, including people fleeing violence and hoping to seek asylum in the US, those leaving home to reunite with family members or to seek better economic opportunities, and people expelled under Title 42 or deported. At KBI, we conduct an encuesta, or intake survey, with every individual who receives our services. The encuesta forms the basis of our biweekly Congressional updates, and our legal representation partnership with the Florence Immigrant & Refugee Rights Project provides additional information.

The following is a collection of all trends, statistics and personal testimonies we reported to Congressional offices during 2022. Over the past year, US migration policies originally crafted by the Trump administration continued to block access to asylum and perpetuate an inhumane migration system. Title 42 and Remain in Mexico (MPP) returned tens of thousands of asylum seekers to wait in Mexico in dangerous conditions. In August, the Department of Homeland Security ended MPP and in October, the Mexican Supreme Court declared MPP in violation of Mexican law, complicating future US negotiation with Mexico to accept expelled asylum seekers. However, Title 42 lives on. Exceptions to Title 42 began in April under the commitment that Title 42 was soon to end; however, Title 42 continued and then expanded to Venezuelan nationals in October. The whiplash of judicial challenges, some seeking to end Title 42 and others to preserve it, places the lives of asylum seekers in ongoing limbo. As of January 2023, Title 42 still stands.
01 Introduction

In addition to unjust policies, authorities and other actors in the US and Mexico inflict injustices on migrant people. Over the course of 2022, Title 42 has empowered organized crime because criminal networks are increasingly the only way for people seeking protection to get to the US. Asylum seekers who approached US officials at ports of entry in 2022 were routinely turned away and told they could not access asylum. As such, they were forced to seek out alternative ways to access safety. For many, the only alternative they found was to pay a smuggler to cross into the US to turn themselves in to US officials and begin their asylum process.

Further, Title 42 creates a transient population trapped in border towns, vulnerable to extortion, kidnapping and other crimes. In 2022, Kino received nearly 700 reports of abuses by organized crime and other criminal actors. Authorities in both the US and Mexico also perpetuate abuses, often taking advantage of the discretion built into their roles and lack of oversight and accountability. In 2022, Kino received over 600 reports of abuse by US authorities. This includes over 450 reports from people in migration about abuse by the US Border Patrol, such as denying access to asylum processes even to those who would face torture or persecution in Mexico, confiscating and never returning personal belongings, medical neglect and night-time expulsions. Kino also received over 250 reports of abuses by Mexican law enforcement and immigration authorities such as extortion and collaboration with organized crime. The experiences of the 6,020 migrant people who arrived at Kino in 2022 paint a picture of systemic abuse and injustice expressed through policies and individual actors.

This review begins with a demographic overview summarizing the profiles of migrants arriving at Kino in 2022. Eight topics that Kino reported on throughout 2022 in Congressional updates follow, each accompanied by a collection of relevant testimonies and examples gathered in encuestas and shared in our biweekly Congressional updates. The review closes with a summary of recommendations Kino has made to Congressional offices throughout 2022.

Note: Most testimonies are intersectional, and illustrate multiple themes. We have categorized each testimony according to its most prominent theme and a list of additional themes illustrated at the end of each testimony.
02 Demographic Overview

Countries/Regions of Origin

In 2022, 78% of people arriving at KBI were Mexican and 22% were non-Mexican. The population that Kino receives is increasingly of Mexican origin. In 2020 and 2021, only about 58% of people arriving were Mexican. This year, internally displaced Mexicans were the vast majority of people arriving at Kino.

Within the Mexican population, the proportion of people leaving the state of Guerrero is noteworthy. In 2022, 53% of Mexican nationals at Kino were from Guerrero. The numbers from Guerrero are disproportionately large: while nearly 2,500 people from Guerrero arrived at KBI over the year, only 371 and 303 people came from the two states with the 2nd and 3rd largest representation, Michoacan and Chiapas, respectively. The proportion of Mexicans from the state of Guerrero is on par with 2021 (54% of Mexicans arriving were from Guerrero) and much higher than 2020 (only 19% of Mexicans arriving were from Guerrero).

Of the non-Mexican population, 80% were from Central America and the Caribbean, most of whom were from Guatemala (58%). Fifteen percent of people were from South America, most of whom were from Venezuela (64%).

Countries/Regions of Origin

Reasons for Migrating

Abuses on Migration Journey
02 Demographic Overview

**Reasons for Migrating**

In 2022, 75% of people arriving at Kino reported violence or persecution as their primary reason for migrating. This is a significantly higher proportion than in 2020 (39% reported migrating due to violence/persecution) and 2021 (67% reported migrating due to violence/persecution). Due to Title 42, people fleeing violence and persecution were unable to seek asylum at the border, and asylum-seekers were forced to wait in Mexico or attempt unauthorized crossing and possible expulsion back to Mexico.

**Abuses on Migration Journey**

In 2022, 28% of arriving individuals reported experiencing some form of abuse while migrating. This number is consistent and slightly higher than levels of reported abuse in 2020 and 2021, 24% and 26%, respectively. Criminal groups or actors were responsible for 40% of abuses, followed by US authorities, responsible for 36% of abuses (75% of those abuses were committed by US Border Patrol), and Mexican authorities, responsible for 20% of abuses (45% of abuses were committed by the National Guard). Other actors who did not fit into those categories, such as authorities in Guatemala and other countries along the migration journey, committed the remaining 4% of abuses.
03 Reasons for Migrating

Summary:
In 2022, 75 percent of people reported migrating due to violence, 20 percent for economic reasons, 4 percent to reunite with family, and 1 percent for other reasons.

Family Reunification

February 4, 2022: 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 (also related: family separation)

Medical Conditions

February 4, 2022: 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.”
March 17, 2022: During the last two weeks, individuals from Nicaragua, El Salvador, Haiti and Venezuela arrived in Nogales after fleeing persecution and were unable to access asylum at the US-Mexico border, despite well-documented corruption and persecution in each of these countries of origin. When asked why they migrated, families arriving from these countries cited death threats from police, persecution due to political party affiliation, and violence.

March 31, 2022: In the last 2 weeks, nearly half of all migrants arriving at Kino after being expelled under Title 42 cited violence or persecution as their main reason for migrating. Twenty newly arriving migrants specifically reported that Border Patrol agents denied them access to a fear interview (also related: US officials abuse; Title 42 expulsions).

March 31, 2022: In Nogales, new arrivals from Guerrero, Mexico continue to outnumber migrants arriving from any other Mexican state 4 years after the Sierra Cartel “forcibly took control of dozens of communities in Guerrero’s Sierra region in 2018, displacing thousands of people who are still too afraid to return home.”

March 31, 2022: Of those arriving from Guerrero, MX in the last 2 weeks, 79% reported violence as their primary reason for migrating.
03 Reasons for Migrating

March 31, 2022: A mother who arrived in Nogales last week after fleeing her hometown in Guerrero shared with KBI staff that an organized crime group had threatened to kill one of her children if she was not able to pay the quota they demanded to keep her small business open.

June 9, 2022: Violence against women and girls continues to act as a key driver for the displacement of people from Mexico and Central America. Women also frequently report experiencing sexual violence on their journey to the US-Mexico border or crossing into the US (also related: abuses on the journey north).

June 9, 2022: During the last 2 weeks, 55% of those arriving at Kino were women or girls. Of the women and girls arriving at Kino, 87% identified violence or persecution as their main reason for migrating. Women reported domestic abuse, threats, sexual assault, rape, and kidnappings.

June 9, 2022: Numerous women arriving from Guerrero, a state in southern Mexico, have reported that the rape and kidnapping of young girls and teens by organized crime groups is increasingly common.
  - Ana María,* a mother of four from Guerrero, shared with Kino staff that a group of men attempted to kidnap her two daughters. While she was waiting for a doctor's appointment, they pulled up in a car, got out and tried to pull her 16-year-old and 12-year-old daughters into the vehicle. Ana Maria and her daughters were able to get away, but since that time she has lived with the fear that her daughters would be kidnapped if she stayed in her hometown.
  - Evelia,* a young mother from Guerrero, fled north because a few days before she left, a 14-year-old in her village who had been missing turned up dead, and she feared the same could happen to her 8-year-old daughter.
  - Catalina* left Guerrero with her three children because she fears for their lives since many women and children have been kidnapped in her town. Recently an organized crime group threatened to kidnap her niece.

July 7, 2022: Migrants arriving in Nogales after fleeing violence or persecution have often attempted other pathways to safety before coming to the US-Mexico border, including attempting to relocate within their state or country of residence or seeking remedies within their local justice systems, but to no avail (also related: dangers of waiting in Mexico).
03 Reasons for Migrating

July 7, 2022: Juan Diego,* a 21-year-old from southern Mexico, arrived two weeks ago with his wife. His father owned and sold livestock for a living until an organized crime group began to demand a quota from him for his family’s safety. When he couldn’t pay, Juan Diego’s dad was kidnapped and beaten, and the whole family received threats. They decided to relocate to another state, but the organized crime group found out where they were living and the threats continued. They were in hiding for a time and finally decided to escape north to seek protection in the US (also related: dangers of waiting in Mexico).

July 7, 2022: Damian,* a Honduran father of four who traveled north with his wife and kids to seek protection in the US, had a steady job in his hometown. However, since the local organized crime group knew he made a decent living, they began to extort him. The fees they demanded got higher and higher, and when Damian could no longer pay, the organized crime group threatened him and his family. Damian filed a report with the local police, but they did nothing. He feared if he and his family stayed in Honduras, the gang might kill him or his family members.

August 30, 2022: Asylum seekers continually report that Mexican authorities are unable or unwilling to protect them. Some asylum seekers are ex or current law enforcement or justice system authorities that are fleeing for their lives, illustrating the inability of authorities to uphold the rule of law due to organized crime.

August 30, 2022: Yesica* has suffered domestic violence for the past 10 years. She tried countless times to convince law enforcement to take action against her violent ex partner and moved to multiple different states within Mexico to try to escape him and seek help from law enforcement. In each new state she arrived in, her ex partner located her. When she then sought help, law enforcement responded that they couldn’t help her because she had just arrived in that state and didn’t have residence there. Finally, she returned to her state of origin where her ex partner attempted to kill her. She successfully filed a police report, but there were never any actions taken against him, so she fled to save herself and her children (also related: dangers of waiting in Mexico).
03 Reasons for Migrating

August 30, 2022: Alberto* worked for a Prosecutor’s office in Southern Mexico, until he received a call from someone identifying themselves as a part of a well-known cartel, asking for a 30,000 peso extortion. From then on, cartel members followed him, waited for him outside his work, and threatened him, until he fled.

August 30, 2022: Mario* was an assistant police commissioner in southern Mexico until an organized crime group came to his town to try to force the commissioners to arm themselves and work with their group. When the commissioners refused, the group threatened to kill them all. Soon after, they killed the commissioner’s son and disappeared other assistant commissioners, forcing Mario to flee.

September 15, 2022: The militarization of public security in Mexico through the recent shift of the National Guard’s control to the Mexican Army does not increase safety and security for Mexicans. Rather, this shift will likely have negative consequences for human rights more generally in Mexico.

September 15, 2022: The Washington Office on Latin America states that the Mexican National Guard has “proven [its] failure to address violence and drug trafficking.” WOLA’s Director for Mexico, Stephanie Brewer adds that “militarization is intensifying a dynamic in which the Mexican armed forces, which have always enjoyed a worrying degree of autonomy and lack of transparency and accountability, will now have more and more power vis-à-vis civilian authorities.”

September 15, 2022: Magaly* and her family fled to a different community in Southern Mexico due to violence and killings occurring in their hometown. They chose a community where they thought they would be safe due to the presence of the National Guard there, but shortly after moving, Magaly’s husband was murdered. Her oldest son then began to receive threats and they fled to seek asylum in the US.
October 13, 2022: Organized crime in the Southern Mexican state of Guerrero continues to force many people to flee as the reality of violence and persecution continues. Just last week a town hall massacre occurred in which organized crime killed 20 people including the mayor of San Miguel Totolapan and his father, the former mayor. However, these conditions are not limited to Guerrero. Many people report having attempted to relocate within Mexico multiple times, only to be found and persecuted by the same criminal group. They are then forced to flee to the border to attempt to seek asylum in the US (also related: dangers of waiting in Mexico).

October 13, 2022: Carolina’s* ex-partner is a hitman for the mafia. He kidnapped her when she was 14 years old and forced her to live with him for 10 years. During that time, Carolina survived years of abuse and torture, such as when he burned her legs, explaining that it was so that other men would not look at her or desire her. She tried to press criminal charges against him 3 times, but the police never did anything. She tried to flee from Guerrero to other states in Mexico such as Baja California Sur and Michoacan, but he always found out where she was and even kidnapped her family members, threatening that he would only release them if she came back to him. He recently learned that she has a new partner, and now wants to kill her (also related: dangers of waiting in Mexico).
03 Reasons for Migrating

October 13, 2022: The mafia killed Ricardo’s* brother, and he fled from Michoacan to the state of Jalisco. The gang members found him there, so he fled to another city in Jalisco, where they located him again. Realizing that gang members continued to find him wherever he fled, he traveled to Nogales, Sonora, fearing for his life (also related: dangers of waiting in Mexico).

October 13, 2022: Hector’s* father and uncle own land and animals in Guerrero. Organized crime arrived and tried to kill the whole family, but they ended up only being able to kill Hector’s uncle and one of his cousins. The members of organized crime injured five more family members but they survived. Hector’s father does not want to give up his land in Guerrero, but Hector fled after receiving threats and went to the state of Jalisco. The same organized crime group found him there and even after he moved houses, they found him again, forcing him to flee to Nogales to seek asylum in the US (also related: dangers of waiting in Mexico).

October 13, 2022: Over the past 2 weeks, 87% of the people Kino has served are migrating due to violence. During this same time period, 13 people have reported family members, such as fathers, husbands, sons and brothers, who organized crime groups have killed or disappeared.

October 13, 2022: Anabel*, her husband and their 4 children are fleeing Guerrero after organized crime disappeared her father. She and her husband joined a community collective that searches for disappeared people to seek closure and justice for her father. Organized crime now targets and threatens them due to this work, forcing them to flee.

October 13, 2022: Alberto*, from Guerrero, commented: “There are only 2 options: you become one of them [organized crime] or they kill you.”

October 27, 2022: Violence is the most common reason for migration among people who arrive at Kino. Over the past 2 weeks, 18 families have reported fleeing their place of origin after organized crime kidnapped, disappeared or killed a family member. Of these 18 reports, 10 families fled after the murder of an immediate family member.
03 Reasons for Migrating

October 27, 2022: Eliza,* her 12 year old daughter and 14 year old son fled Guatemala after gang members killed her oldest daughter, who was 16. The gang members wanted her oldest daughter to work with them to extort people, but she refused and 2 days later, they killed her. The gang is now searching for Eliza’s son to recruit him for this same job, so Eliza and her children fled.

October 27, 2022: Organized crime killed Lesly’s* husband and 4 cousins in a recent massacre of 20 people in Guerrero. Gang members threatened the surviving family members and told Lesly that if she stayed there, she had to be on their side.

October 27, 2022: David* fled Guerrero with his younger brother because they both faced discrimination and persecution as gay men. The mafia killed David’s young brother on their journey. When David tried to file a police report about the murder, the police told him they couldn’t do anything and humiliated him.

October 27, 2022: Ana* and her family originally arrived in Nogales, Sonora in June of 2021 to seek asylum. After having waited for the opportunity to seek asylum in the US for nearly a year, Ana returned to her home in Southern Mexico. She thought that she would be able to find safety after having separated from her husband who was being recruited by organized crime. She went to stay at her father’s house and members of organized crime arrived to recruit her oldest son by force. Ana’s father didn’t allow it, so the gang members kidnapped her father and murdered him.
October 27, 2022: Seven years ago, Jorge* and his brother arrived to the US to seek asylum. However, the US government denied their cases and deported them back to Guerrero. Recently, members of an organized crime group murdered Jorge’s brother. They also forbid Jorge and his family from burying his body and threatened to kill them. Jorge and his wife moved houses but continued to receive threats, so they fled to Nogales, where they will try again to seek international protection.

November 10, 2022: Mauricio* fled Venezuela due to political persecution. He is politically opposed to the Venezuelan government and therefore, has not gotten his “carnet,” the Venezuelan identity card. The Venezuelan government forced him to participate in marches and arrested him and his family members because he does not have a carnet. They beat him while in custody. He fled the country and is now stranded in Mexico.

November 10, 2022: US authorities expelled Venezuelan national, Renato,* to Mexico after he tried to seek asylum in the US. He fled Venezuela due to persecution based on his employment at a non-governmental organization and because his mother worked for the Venezuelan government. He does not have a Venezuelan passport, as he fled quickly, and as such cannot seek protection through the Migration Enforcement Process (also related: Title 42 expulsions)
Summary:
Migrant people often suffer dangerous conditions and abuses by authorities and other actors on their migration journey. This reality stems from the US “Prevention through Deterrence” approach to migration, which aims to make the migration journey as difficult, dehumanizing and dangerous as possible and minimize the channels for regular migration. In 2022, the US has continued to increase externalization of migration deterrence policies by deputizing Mexican immigration officials to send Central and South American migrants further from the US-Mexico border. The lack of oversight and consequences for authorities and actors that abuse migrants often allow these abuses to continue unchallenged.

In 2022, KBI received nearly 1,100 reports of abuse by authorities and actors other than US authorities, which includes Mexican authorities (police, National Guard, immigration authorities, army), criminal actors, and unknown people.
Abuses by Mexican Authorities

January 6, 2022: One young Haitian woman described experiencing discrimination during their journey north. She reported that her family was extorted in every country they traveled through, including members of the Mexican National Guard who stopped them in southern Mexico, opened up their backpacks, and took whatever they wanted.

February 17, 2022: As a result of the Biden Administration’s pressure on Mexico to more strictly control migration through the country, migrants are more frequently abused by Mexican law enforcement and immigration officials. Migrants arriving at KBI have reported these crimes with more frequency since the start of the year.

- In the last two weeks, one in five of the non-Mexican migrants arriving at KBI have reported being extorted or robbed by Mexican authorities. Of all arriving migrants in the last two weeks, one in ten reported abuse by Mexican authorities. This is nearly double the reported occurrence of such abuses in 2021.
- One person reported that her bus was stopped at a checkpoint outside of Altar, Sonora, where smugglers take migrants before crossing them into the U.S., and a Mexican police officer threatened to take her kids unless she paid him.
- One person arriving from El Salvador told us that he’d been beaten and robbed twice in different southern Mexican cities by immigration officials.
May 26, 2022: In response to the Department of State’s continued efforts to promote regional migration-control, the Mexican government has strengthened its migration enforcement throughout the country, which has led to serious implications for the rights of migrants, including Mexicans. The Supreme Court of Justice in Mexico has ruled INM checkpoints on highways racist and illegal.

May 26, 2022: Rafael*, an unaccompanied minor fleeing abuse from his father in Chiapas, is hoping to reunite with the rest of his family in the US. While traveling on a bus, he was stopped and detained by Mexico’s immigration authorities (INM), who confiscated his documents, questioning their validity. He was allowed to continue and his documents returned to him, only after paying the officers (also related: family separation; reasons for migrating).

May 26, 2022: Francisco*, a Mexican national, was extorted by elements of the Mexican National Guard when boarding the train in Apizaco, Tlaxcala.

May 26, 2022: Mario* is a young orphan from Guatemala, during his one-month journey through Mexico, he was extorted twice at the immigration checkpoints on the highways. He was also robbed in Chiapas and in Altar. He walked through the desert for four days and ran out of food and water. He was then apprehended by Border Patrol and immediately expelled to Mexico.

July 7, 2022: Rodrigo* left his native Colombia over a year ago. After he participated in marches in opposition to President Márquez’s policies, the Colombian police detained and tortured him. Although he escaped, several of his friends who had also participated in the marches disappeared. Since the border was closed to travel, Rodrigo walked for five days through the Damien, the most dangerous jungle in the world, on foot. When he arrived in Mexico, he was detained by immigration officials and attempted to seek humanitarian protection, but was denied. As he traveled north through Mexico, he faced extortion at the hands of Mexican police at numerous checkpoints and at one point was assaulted by a group of armed men who stole everything he had. He arrived in Nogales hoping to cross to safety and live with family members in the US (also related: reasons for migrating).
04 Abuses on the Journey North

**July 18, 2022:** During the last 2 weeks, 10 migrants reported extortion at the hands of Mexican municipal and federal police.

**August 18, 2022:** The INM and other Mexican law enforcement/military agencies abuse migrants and asylum seekers through extortion, physical violence, and other migration deterrence strategies pushed by the US such as corraling people into Southern Mexico. As Tyler Mattiace, Americas researcher at Human Rights Watch, states: “Outsourcing US immigration enforcement to Mexico has led to serious abuses and forced hundreds of thousands to wait in appalling conditions to seek protection.” INM and other Mexican authorities, like the National Guard, routinely abuse migrants from other countries, as well as internally displaced Mexican citizens.

**August 18, 2022:** Amanda* fled Guerrero to escape violence. On her journey, Mexican police stopped the bus she was traveling on during the night, made her pay 500 pesos and told her her ID wasn’t valid.

**August 18, 2022:** Franklin* fled political persecution in Colombia. In Mexicali, INM detained him, took his phone and all the money he had and sent him to Tabasco in Southern Mexico. There, INM detained him for 6 days without any food, just water, in a group of 200 people and upon releasing him, told him he had 20 days to leave the country.

**August 18, 2022:** Adrian* also fled political persecution in Colombia, as 6 people in the human rights defense group he was a part of had already been killed. In Mexico, INM robbed him, extorted him and detained him in Tijuana. During his detention, INM beat him to the point of breaking one of his teeth and then sent him to Tabasco (also related: reasons for migrating).

**August 18, 2022:** Javier* fled Nicaragua due to political persecution. In Puebla, Mexican police stopped him and asked for identification, took his 600 dollars, beat him and left him on the side of the highway. In Monterrey, the Mexican police again robbed him of his money and threatened him. He continues to wait in Mexico due to MPP until his hearing at the end of September. He shared with Kino staff: “there is no safety in Mexico.” (also related: MPP; dangers of waiting in Mexico).
Abuses on the Journey North

September 15, 2022: Over the past 2 weeks, Kino has received 12 reports of abuse by the National Guard such as extortion and being detained while traveling for excessive questioning.

September 15, 2022: Reyna* and her husband were traveling by bus, and the National Guard made the passengers get off. They said they were going to check their wallets to make sure they weren’t carrying drugs and they robbed Reyna of the 17,000 pesos ($847 USD) she and her husband had brought for their journey.

September 29, 2022: Though Mexico committed in the Los Angeles Declaration to provide access to asylum, expand labor programs, and humanely manage its borders, migration and law enforcement agencies continue to violently deter migration and violate human rights.

Maite*, her husband and their 2 year old son fled Venezuela earlier this year. After an arduous journey through the Darien Gap and the rest of Central America, they arrived in Chiapas, Mexico. Though they received temporary permission to be in Mexico, they suffered extortion by the Mexican National Guard to be able to continue traveling and Mexican migration agents in Sonoyta, Sonora detained them, putting them in a small room with 13 other families. Mexican immigration officials served their food directly onto the floor, without any plates, and the air conditioning was very cold. The agents didn’t give them any blankets, and they weren’t able to communicate with their family members while they were detained.

October 27, 2022: 12 people in the past 2 weeks reported being robbed or extorted by Mexican authorities such as municipal police, Mexican Immigration and the National Guard.

December 1, 2022: Over the past 2.5 weeks, Kino received 13 reports of abuse by Mexican authorities, such as extortion, physical abuse, and inhumane detention conditions. Further, the recent eviction of Venezuelan asylum seekers camped near the Rio Grande by the Mexican police and National Guard in riot gear illustrates the militarized response to migrants and asylum seekers by Mexican law enforcement agencies.
04 Abuses on the Journey North

December 1, 2022: Emanuel* fled forced recruitment by organized crime in Honduras. Mexico’s INM detained him for 2 months in a detention center in Villahermosa, Tabasco. He reported that over 500 migrants were held in the center in overcrowded conditions and intense heat. There were state police who guarded the detention center, and they beat him on his ribs and chest (also related: reasons for migrating).

December 1, 2022: Walter* fled Colombia due to his profession as a lawyer and threats to his life after having pressed charges against criminal groups. While Walter, his wife and their 2 young children traveled through Mexico with the goal of seeking asylum in the US, members of the Mexican military extorted them. Walter explained he only had the money that was in his wallet, but they demanded more and rummaged through all of their bags, dumping their belongings out across the road. The military agents forcibly searched each member of the family for more money, reaching their hands down Walter’s pants, groping his wife’s chest and putting their hands inside their 2 month old baby’s diaper (also related: reasons for migrating).

December 15, 2022: Migrants often face multiple abuses throughout their journey, both by law enforcement and individuals who take advantage of their vulnerability on the journey. Over the past 2 weeks, KBI received 14 reports of abuse by Mexican authorities, often accompanied by abuses by other actors.
04 Abuses on the Journey North

December 15, 2022: Paula* and her family fled Southern Mexico because an organized crime group is trying to kill her husband. They have moved throughout Mexico multiple times trying to find safety. While traveling by bus, Mexican police stopped them at a checkpoint and detained them for 3 days, supposedly to confirm their identities. The Mexican police confiscated and kept their Mexican identifications. This increased their fear, for they know Mexican authorities often collude with organized crime (also related: reasons for migrating; dangers of waiting in Mexico).

December 15, 2022: After leaving the Dominican Republic, Emanuel* arrived at the southern Mexican border where Mexican immigration (INM) detained him. INM later released him with a humanitarian permit for 30 days. Upon his release, Emanuel flew to Tijuana. As soon as he got off the flight, INM was waiting for him and detained him for 3 days, despite his humanitarian permit. They then expelled him south on a bus. He was sick and vomiting and asked for medical attention, but the agents denied him and refused to even stop the bus for him, even though they stopped multiple times to buy food for themselves. When Emanuel was able to leave INM custody, he was robbed as he attempted to travel north.

December 15, 2022: Daniela,* a Venezuelan doctor who did not support the government, faced persecution for her views and then fled Venezuela with her family. When they crossed the Darien Gap, they were robbed of their backpacks. Upon arriving in Guatemala, the Guatemalan police robbed them of their cell phones. In Mexico, INM and the National Guard stopped the bus they were traveling on and asked for everyone’s identification and cell phones. They turned the cell phones off and then got everyone off the bus and demanded $200 USD per person to continue. When they finally arrived in Nogales, Sonora, Grupo Beta explained there were no shelter spaces left and Daniela, her brother, and 3 minor children had to sleep outside in the cold (also related: reasons for migrating).
04 Abuses on the Journey North

Abuse by Criminals/Organized Crime

March 17, 2022: Migrants who are not Mexican nationals are particularly susceptible to violence and extortion during their migration through Mexico, and then often face expulsion or rejection when they attempt to access asylum at the US-Mexico border. A young Haitian man who arrived in Nogales with his girlfriend last week reported that on the bus ride northbound through Mexico, an organized crime group stopped them and ordered all Haitians to get off the bus. They then held them captive and ordered each one to pay $3,000 to be released and continue north. When he refused to pay, members of the organized crime group beat him.

May 12, 2022: Gregory* along with his wife and five-year-old daughter, had to leave Haiti. While crossing the Darien Gap, they were robbed and he was stabbed in the stomach. In Veracruz, Mexico, Gregory’s wife was shot and robbed, they took all her money and tore her documents apart. Two weeks ago, they arrived in Nogales, and requested asylum at the port of entry, but the CBP officers instructed them to go to Kino instead. They don’t feel safe in Mexico.

May 12, 2022: Fabiana* and her fiancé Jonas* left Haiti due to political persecution. While going through the Darién gap, they were also robbed and Fabiana was almost raped. She avoided being abused only because she had her period. Fabiana and Jonas are now expecting a baby, however, she is experiencing complications with her pregnancy.
04 Abuses on the Journey North

August 30, 2022: Juan* and his family fled from organized crime in Guerrero, Mexico. When they arrived in Nogales to attempt to seek asylum in the US, they were riding in a taxi when the mafia kidnapped the taxi driver, Juan and his entire family. The kidnappers shut Juan and his family in a room in a house, and they still don’t know what happened to the taxi driver. The kidnappers said they had to pay 500,000 pesos per person to leave. They spent all day in the room until the person watching the door briefly left his post and they escaped, leaving all of their items behind. They arrived at Kino fearing for their lives (also related: dangers of waiting in Mexico).

Dangers and Abuses in Desert

April 28, 2022: After walking alone for 3 days lost in the desert, a young Mexican woman who planned to enter the US to seek work decided to turn herself in to Border Patrol to save her life. Once Border Patrol detained her, they drove her around in circles for 7 hours looking for other migrants. During that time, she did receive water but was not given any food (see also: US officials abuses).

June 9, 2022: Paola,* a Nicaraguan woman who attempted to migrate to the US after her father died and she was unable to find work to support her mother and son, mortgaged her house to make the trip north. During a harrowing trek through the desert, one of her traffickers sexually assaulted her. Her feet were badly injured from days of traveling through harsh desert terrain, and in the end she turned herself in to Border Patrol because she could no longer walk and had gone two days without water.

June 23, 2022: As extreme weather conditions ramp up across Arizona this month, including record high temperatures last week and flash floods, people crossing the desert to enter the US face increased risk of exposure and death.

June 23, 2022: According to Yuma Sector Chief Patrol Officer Chris Clem, “Agents have recovered 17 bodies in the (Arizona) desert, a 112% increase since last year,” including a 5-year-old boy who drowned in the Colorado river last week while trying to reach the US with his mother.
Many migrants face abuse at the hands of US officials, namely Border Patrol. Of migrants arriving at KBI in 2022 who had been expelled or exported, 40% reported some form of abuse by US authorities. The US Border Patrol committed 75% of these abuses of these 615 reported abuses by US officials. Yet, year after year, the Border Patrol has been allocated more agents and financial resources, with little to no oversight or accountability.

The Southern Border Communities Coalition reports over 250 migrants deaths by BP agents since 2010; yet no agent has ever been convicted of a killing while on duty in all of BP’s history. BP’s impunity is a multifaceted issue related to agency culture and coverups, ineffective complaint mechanisms for impacted parties to report their experiences, and minimal Congressional oversight.

2022 saw a continuation of nighttime expulsions and increased reports of the non-return of migrants’ belongings as Title 8 deportations increased post-pandemic. The BP abuses that migrants reported most frequently to KBI in 2022 were the denial of any fear screening during apprehension (131), the confiscation and non-return of belongings (115 reports), and verbal abuse (66). KBI submitted 20 complaints to the Department of Homeland Security Office of Civil Rights and Civil Liberties (CRCL) in 2022, regarding issues such as non-return of belongings, excessive use of force, and inhumane detention conditions.
05 U.S. Officials Abuse

February 4, 2022: 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 (also related: Title 42 expulsions).

October 27, 2022: People migrating face systemic abuse from both US and Mexican authorities. Over the past 2 weeks, 14 people reported abuse at the hands of Border Patrol or ICE, including medical neglect and family separation.

Medical Neglect

January 6, 2022: Numerous migrants arriving in Nogales in the last two weeks of December reported experiencing medical neglect at the hands of US officials, either while detained in the US or in the process of Title 42 expulsions.

January 6, 2022: A father who had been living in the US for 20 years before ICE detained him reported that during his 4.5 months in detention, he was denied medical attention multiple times at La Palma Correctional Center (LPCC) in Eloy, AZ. A week after he was detained, he reported urinary tract infection symptoms to a guard, who assured him he would be seen by a doctor, but did not follow up. It was not until 4 days later, when the man’s symptoms had worsened and he pleaded with another guard, that he finally received treatment for the infection. Soon after, he suffered a fall down the stairs during which he twisted his ankle and injured his knee to the point that he was unable to walk. The others who were detained with him insisted that no one try to help him get up because if they did, the medics would not come. Medical personnel in the facility tried to force the man to walk on his injured leg several times. The guards decided to respond to his injury by putting him in solitary confinement in a cell that had blood on the walls. When he requested that the cell be cleaned, the guard responded that he would not get out of that cell until he could walk. He was held in solitary confinement for 12 days due to his injury, during which the cell was never cleaned, and he was not allowed to leave the cell. After that experience, he chose not to report other illnesses for fear of being sent to solitary confinement again. These reports are consistent with a DHS OIG investigation at LPCC earlier this year that found that staff “violated ICE detention standards that threatened the health, safety, and rights of detainees.”
05 U.S. Officials Abuse

January 6, 2022: A man from Honduras was expelled to Nogales, Sonora late December in a state of extreme dehydration. He was visibly trembling and reported to KBI that for four days he had only drank water, and that he could not keep down any solid food. An ambulance took him from KBI to the hospital, where he received 15 bags of IV fluids.

January 6, 2022: A young Guatemalan man who was recently expelled to Nogales, Sonora had tried to cross into the US to seek asylum after fleeing threats from extortionists in his hometown. He fell and injured his knee while traveling in the desert. Although he reported his injury to immigration officials, he was not offered medical attention. He was expelled to Nogales at 3AM, where he spent the night exposed in the plaza downtown until the sun came up.

February 4, 2022: 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 (also related: Title 42 expulsions).

October 13, 2022: KBI recently accompanied Esmeralda* who lost her unborn child when BP apprehended her at 8 months pregnant and refused her medical attention 3 times. Upon apprehension, she told them she was 8 months pregnant and had a child that tended to move around a lot and that she was alarmed she hadn’t felt the baby move in hours. She requested a medical examination 3 times and BP agents repeatedly told her to wait. She was quickly expelled to Mexico. The following morning when she began to experience serious pain, a migrant shelter in Nogales brought her to the hospital, where they told her that her baby was no longer alive.
October 13, 2022: When Elvin* attempted to enter the US, the mafia attacked him and others in the group he was traveling with. They were all seriously beaten. Elvin then tried to turn himself in to BP and ask for help and medical attention. However, BP did not give him any medical attention and didn’t even record his information, but rather expelled him quickly and told him to go to Grupo Beta in Mexico, the humanitarian arm of Mexican immigration. Grupo Beta brought him to the hospital where he received the medical attention he was denied by BP (also related: abuses on the journey north).

October 27, 2022: As Caleb* was crossing the desert, a Border Patrol helicopter appeared overhead and he laid down on the ground, only to be stung by a venomous scorpion on his hip. When a BP agent approached him, Caleb told him he had been stung and needed medical attention, as he was having trouble breathing and his throat felt tingly. The agent told him to sit down and be quiet. After being transported to Yuma, Caleb asked again for medical attention and showed an agent his sting, but she told him to wait. He waited in a holding cell from sometime in the afternoon until 3 am, when there was a shift change and the agent coming on duty saw his condition and immediately brought him to the ER to get an anti-venom shot. Over the course of his detention, he had trouble getting the antibiotics that he needed to prevent the sting from getting infected and also lost all his personal belongings that BP had confiscated, despite contacting the Mexican Consulate for assistance getting them returned.

Denial of Due Process/Fear Screenings

May 26, 2022: Jazmín* and her youngest son were forced to leave Guatemala threatened by organized crime, after reporting her husband for domestic violence and obtaining a restraining order against him. Without access to asylum at the port of entry, she and her son crossed the Sonoran Desert to surrender to Border Patrol, however, she says agents did not follow up when she expressed her fear of being returned (also related: reasons for migrating; Title 42 expulsions)
May 26, 2022: Jacobo* and his wife had to leave their business and home in Honduras due to extortions and threats from local gangs. They tried to cross through the desert, but the coyote abandoned them to their fate. They turned themselves in to Border Patrol and asked for asylum, however, Border Patrol agents ignored their request and expelled them to Nogales (also related: reasons for migrating; abuses suffered on migration journey; Title 42 expulsions)

May 26, 2022: José* and his wife, Martha* and her little daughter, and Fátima* and her infant son, were all forced to flee from threats and crime in their native Leonardo Bravo, Guerrero, MX. They were deceived by organized crime, who claim to be the only way to currently enter the US to seek asylum. They paid $1,500 each to cross through San Luis Rio Colorado and surrender to Border Patrol. However, once in custody, agents did not allow them to speak about their situation and instead immediately expelled them to Nogales (also related: reasons for migrating; abuses on the journey north; Title 42 expulsions).

June 23, 2022: Pablo,* a Nicaraguan man traveling with his daughter to escape political persecution in their country, crossed into the US last week to seek asylum. Border Patrol threw away their toiletries, food and other personal items, and expelled them to Nogales, Sonora without a fear assessment. Pablo was not given the chance to speak about his case to anyone (also related: reasons for migrating; Title 42 expulsions).

June 23, 2022: Deysi left Guatemala with her six-year-old daughter about a month ago. Her mother was brutally murdered in her hometown, and the rest of her family members have already fled to the US since her mother’s death. She and her daughter attempted to cross into the US to seek asylum and were quickly detained by Border Patrol. They took down her biographical information and fingerprints, but never gave her the opportunity to explain the danger she was fleeing (also related: reasons for migrating; Title 42 expulsions).
05 U.S. Officials Abuse

**June 23, 2022:** Yanet,* a Honduran woman fleeing death threats from organized crime groups because she refused to sell drugs for them, traveled north to seek asylum in the US. Despite the fact that she suffered multiple incidents of rape and assault at the hands of her smugglers, Border Patrol quickly expelled her back to Mexico (also related: reasons for migrating; abuses on the journey north; Title 42 expulsions).

**July 7, 2022:** Jose Alfredo,* a Guatemalan man who arrived in Nogales this week after fleeing death threats and extortion in his hometown, shared with Kino staff that he attempted twice to cross into the US to seek protection. On both occasions, US officials did not pay attention to him when he said he wanted to seek asylum. The second time, he got lost in the desert and was rescued and taken to a hospital to recover. Even while he was hospitalized, US officials would not listen to his request to access protection in the US (also related: reasons for migrating; abuses on the journey north).

**Night-time Deportations**

**February 4, 2022:** Border Patrol expelled a group of 43 Central American and Mexican migrants to downtown Nogales last Tuesday at 11PM. (also related: Title 42 expulsions).

**February 4, 2022:** 7 of the last 14 days, migrants have arrived at our migrant aid center after being expelled between 10PM and 5AM (also related: Title 42 expulsions).

**March 17, 2022:** Last weekend KBI staff were made aware that dozens of migrants were expelled to Nogales, Sonora around midnight (also related: Title 42 expulsions).

**March 17, 2022:** This week a Honduran man reported that he was expelled to Nogales, MX with a group of migrants at around 10PM. At that time, there were no humanitarian services available. Since they did not know the city and had no money, the group was forced to sleep outside next to the train tracks (Key words: Title 42 expulsions).
05 U.S. Officials Abuse

April 14, 2022: Despite local repatriation arrangements previously agreed upon by US and Mexican authorities to coordinate the reception upon expulsion of migrants at the border, and prevent exposing them to greater dangers, CBP maintains that these arrangements do not protect migrants expelled under Title 42, and continues to expel people during the night and early morning hours with total disregard of their wellbeing and safety (also related: Title 42 expulsions).

April 14, 2022: Pablo* and William* arrived at Kino the morning after Border Patrol agents expelled them to Nogales, México. They are both Guatemalan nationals, and had originally crossed in another location, and so were unfamiliar with the area. They both reported that they were expelled around 2 in the morning. As they did not have anywhere to go, they spent the night out in the open, trying to sleep on the ground, and without anything to protect themselves from the cold. Pablo is an older man, while William is in his early twenties. Pablo indicated that when Border Patrol detained him, he requested medical attention as he felt severely dehydrated. Although he complained to Border Patrol of chest pains and a headache, his request was ignored. It was only after he arrived to Kino that he was finally able to receive medical assistance (also related: Title 42 expulsions).

April 14, 2022: KBI staff also received reports that Border Patrol expelled dozens of migrants over these last few days at around 2AM. Despite the fact that local CBP officials assured KBI staff that they would not expel women, minors or other groups that would be particularly at risk during the night, the group expelled on Sunday at 1AM included both women and minors (also related: Title 42 expulsions).
June 23, 2022: Border Patrol agents continue to use COVID as a pretext to expel or deport migrants at night, despite previous Local Repatriation Agreements developed for migrant safety (also related: Title 42 expulsions).

- Testimony from arriving migrants and Kino staff confirm that hundreds of migrants have been expelled to Nogales, Mexico between 12AM and 3AM during the last two weeks.
- Individuals arriving at Kino earlier this week after being deported at 3AM reported that they had not slept since they were detained.
- Eliseo,* a middle-aged Mexican man who wanted to seek work in the US so he could save up to return to his hometown and finish constructing a church there, was deported to Mexico with a group of migrants around midnight. Since he did not have anywhere to go, he and about a dozen other migrants slept in the park downtown.

August 18, 2022: Despite local repatriation arrangements previously agreed upon by US and Mexican authorities to coordinate the expulsion and reception of Mexican nationals, CBP maintains that these arrangements do not protect migrants expelled under Title 42. CBP and ICE continue to expel people, including children, during the night and early morning hours with total disregard of their wellbeing and safety (also related: Title 42 expulsions).
August 18, 2022: In the past 2 weeks, Kino has served 16 people that DHS has deported between 12 am and 3 am. These migrants have reported having to search for shelter in the middle of the night, getting wet in the rain (see current elevated weather danger due to extreme flooding in Nogales), and suffering robbery at the hands of Mexican police and other individuals (also related: Title 42 expulsions; dangers of waiting in Mexico).

August 18, 2022: Esmeralda* fled violence in Nicaragua and entered the US to request asylum, she was forced to wait in Mexico under MPP, due to the dangers and inhuman conditions on the Mexican northeast border, she tried to request asylum again in Arizona, Border Patrol expelled her to Nogales at midnight, upon which Mexican police robbed her (also related: MPP; dangers of waiting in Mexico).

August 18, 2022: Border Patrol expelled Daniel* at 1:30 a.m. and he had to sleep in the street (also related: Title 42 expulsions).

August 18, 2022: Julia* and her 7 year old daughter fled Guerrero due to threats of sexual violence toward herself and her daughter. When they crossed into the US, BP detained them and Julia explained she wanted to seek asylum due to violence in Mexico. But BP just took their bio information, without asking further inquiring about their fear, and deported them to Mexico at 3 a.m., placing Julia and her daughter in danger of potentially experiencing the very sexual violence they were fleeing (also related: Title 42 expulsions; reasons for migrating),
Expelling Unaccompanied Minors

Despite the fact that the unaccompanied minors encountered at the border have long been exempt from expulsion under Title 42, CBP continues to erroneously send these particularly vulnerable people back to Mexico after threatening them and accusing them of lying about their age. The expulsion of unaccompanied minors has been a recurring issue that KBI has reported throughout 2020 and 2021. In almost all of the cases, CBP officers accuse the minors of lying or refuse to accept their documentation proving their age (also related: Title 42 expulsions).

February 17, 2022: An unaccompanied minor was apprehended by Border Patrol while crossing the desert west of Nogales. When being processed for expulsion, the agent taking his fingerprints asked his age. When he responded that he was 17, the agent repeatedly told him to shut up and say his real age. Eventually, the agent threatened him with detention, at which point the minor, scared by the threat, lied and said he was 19. He was expelled to Nogales (also related: Title 42 expulsions).

February 17, 2022: One week ago, two unaccompanied minor brothers were apprehended in the desert by Border Patrol. They were taken in for processing and questioned separately. The agents questioning the older brother, who is 17, told him he was lying. They said his birth certificate was fake and threatened him with a 10-year prison sentence if he didn’t say his real age. They eventually expelled him to Nogales and he did not know the whereabouts of his little brother (also related: Title 42 expulsions; family separation)
05 U.S. Officials Abuse

Confiscation and Non-return of Belongings

Border Patrol often never returns migrants’ essential belongings, such as identification, money and cell phones. Although KBI collaborates with local organizations and consulates to assist expelled individuals recover their personal belongings, when migrants’ phones are confiscated and not returned to them, it prevents Kino and other border organizations from following up with them and can prevent migrants themselves from looking up contact info for relatives or neighbors to whom their belongings can be sent.

March 17, 2022: Migrants reported that Border Patrol agents did not return clothing, personal hygiene items, food, water, medicine, phones, backpacks, and personal documentation. Several migrants expressed that the loss of these items made survival at the border and travel to their next destination even more difficult (also related: Title 42 expulsions).

March 17, 2022: A young Mexican father who was expelled to Nogales last week reported that Border Patrol had confiscated his cell phone and that of 4 others traveling in the group with him and never returned their phones. The man expressed through tears that the phone itself did not matter much to him, but that he could never replace the photos of his daughter and videos from her birthday celebration that were saved on the phone (also related: Title 42 expulsions)

March 17, 2022: A Honduran man expelled under Title 42 last week shared with KBI staff that he had fled threats in his hometown and then attempted to cross into the US to seek asylum. When Border Patrol detained him, they took most of his belongings, including the humanitarian VISA he had been granted in Mexico, and did not return it when they expelled him to Nogales, MX. He expressed concern that without a valid ID in Mexico, he would not be able to travel or access work, housing or public services (also related: Title 42 expulsions).
05 U.S. Officials Abuse

March 31, 2022: Border Patrol expelled a young Guatemalan woman to Nogales, Mexico last week despite the fact that she had been repeatedly raped by the guides that brought her across the border into the US. Her attackers threatened her life if she went to the authorities. One Border Patrol agent insinuated that the woman was lying about the attack, and tried to convince her not to undergo a forensic examination that would verify the abuse. When she showed paperwork from the hospital examination to a Border Patrol agent as proof of the attack, asking that he not send her back to Mexico, the Border Patrol agent confiscated the paperwork and did not return it to her (also related: Title 42 expulsions; abuses on the journey north).

March 31, 2022: When Border Patrol deported the five members of the group that were traveling with the migrant who Border Patrol murdered on February 19th, they did not return their identification or the money they had with them when they were detained.

April 28, 2022: A young Mexican woman left her hometown because she had received death threats. She arrived at the border earlier this month and attempted to cross into the US. She was detained by Border Patrol agents who confiscated her belongings, including her cell phone. When she was going to be expelled into Mexico, a Border Patrol agent asked her to sign a paper saying that she would return in 30 days to collect her belongings. She asked the BP agent, “How will I collect my belongings in 30 days? Do I have to climb over the wall again?” The Border Patrol agent just laughed and said he didn’t know. Border Patrol also confiscated several other women’s phones from the same group. A few of them were crying because they did not know their family members’ phone numbers to contact them. One young woman in the group was from an indigenous community in southern Mexico and did not speak Spanish. She had been separated from her husband and now had no way to contact him (also related: Title 42 expulsions; reasons for migrating).
June 9, 2022: Humberto* together with his wife fled corruption in southern Mexico to migrate to the US and reunite with their US citizen children. They were told that the only way they could access asylum was to pay traffickers to cross them into the US and then turn themselves in to US officials once they were on the other side. Traffickers charged the couple $1,500 and told them it would be easy. Once they turned themselves in to Border Patrol, the agents took their belongings and threw away their suitcase with clothing and medicine and their wallets. They tried to ask for asylum, but US officials ignored them and expelled them back to Mexico the next day. Two other families traveling with them were also convinced by traffickers that their only option to access asylum was to pay them to cross into the US and turn themselves in to Border Patrol. These families were also expelled back to Mexico (also related: reasons for migrating; abuses on the journey north; Title 42 expulsions).

July 18, 2022: During the last 2 weeks, 10 migrants reported the theft of their personal belongings while in CBP and ICE custody. Migrants who arrived at Kino after having been detained by CBP or ICE reported that these agencies robbed them of money, cell phones, and national IDs, without which, they will face challenges in finding work, accessing health care, and other services in Mexico (also related: Title 42 expulsions).

August 4, 2022: Last weekend, ICE deported a group of 12 migrants to Nogales after being detained in Tucson. Every person reported that upon their encounter with BP, agents took away all their belongings and said they would return them upon arriving in Tucson, which never happened. When they arrived in Nogales, their belongings still had not been returned. Items confiscated included money (one individual lost $200 USD), wallets, phones, and jewelry with sentimental value. One person from the group shared that he witnessed a Border Patrol agent take $3,000 pesos from another migrant and rip it up in his face saying, “This is trash, this is of no value to you here,” before throwing the ripped bills in the trash can.

August 4, 2022: BP took Miguel’s* clothes, underwear, Mexican ID, phone, Bible and rosary. His phone contained all his family members’ phone numbers, as well as family photos. Upon deportation, he wasn’t able to contact his family until he borrowed someone else’s phone to search for them on Facebook. Though he was eventually able to make contact, he will never get his family photos back. He commented to KBI staff that although a rosary may not be of much value to some people, his faith sustained him during the journey.
05 U.S. Officials Abuse

August 4, 2022: BP confiscated Jose’s* phone when they detained him and did not return it when they deported him to Nogales, Mexico. Since he did not have any family phone number memorized, when he arrived in Nogales, Jose had no way of contacting his family to let them know he is okay or to ask that they send money so he can return home. Although staff at Kino spent about a half hour helping José look on Facebook to try to find a family member, they could not find anyone, leaving Jose stranded in Nogales without the ability to contact family members.

August 30, 2022: Despite national media coverage and advocacy by the ACLU and many other organizations regarding BP confiscation of migrants’ religious belongings, identity documents, essential medications and items with sentimental value in Arizona sectors, BP continues to rob migrants of their personal belongings. Over the past 2 weeks, KBI has received 8 reports of migrants whose belongings BP took and never returned.

August 30, 2022: BP apprehended Ronel* and brought him to Florence, AZ to be detained. BP agents took all of his belongings- his cell phone, money, and legal documents- and did not return them upon his deportation. Ronel was thus stranded in Nogales, Sonora without any identification, money or way to contact his family.

August 30, 2022: BP apprehend Brayan* and confiscated all his personal belongings- $1,800 pesos ($89 USD), a chain with a diamond ring that his father had given to him, a Bible, the keys to his home, his cell phone with all of his contacts, his Mexican IDs, and birth certificate. BP thus deported Brayan to Nogales, Sonora without any of the resources necessary to return home and without the personal items with sentimental value that had helped sustain him in his journey.

August 30, 2022: When BP apprehended Samuel,* agents confiscated all his belongings. They took his phone and removed the SIM card and pocketed it, took his wallet that had $300 in it and removed the credit cards and pocketed them as well. They ripped up his birth certificate in front of him. The agents were speaking in English amongst themselves, so he couldn’t understand what they were saying. He was only able to save his Mexican ID because he had previously hidden it in his shoe.
September 29, 2022: Border Patrol continues to deport people without returning their personal belongings, leaving them stranded in Nogales, Sonora often without any Mexican ID, money, credit cards, or cell phone. Over the past 2 weeks, 8 people who arrived at Kino reported being deported without any of their belongings returned.

September 29, 2022: BP deported Ricardo* without his Mexican ID, credit card, or cell phone where he had all his contacts. While he was detained, a lawyer communicated with a local non-profit to see if they could help facilitate the return of his items. He was told someone in Tucson could pick up his items for him, but since he had already asked about his items when he was detained in Tucson and was told they weren’t there, he feared that BP would tell the representative from the non-profit the same thing.

September 29, 2022: BP deported Roger* without his Mexican ID or cell phone where he had his contacts. He gave his information to the Mexican Consulate while he was detained, but they said it could take 3-4 months for his items to be returned. Mexican Immigration gave him his repatriation document upon being deported but they said their system was down, so they could not take his photo to include on the document as they usually do. Roger didn’t know how he would be able to travel back home without contacts or any ID, not even a complete repatriation document.
05 U.S. Officials Abuse

October 13, 2022: Migrants continue to experience abuse at the hands of US authorities, Border Patrol in particular. Over the past 2 weeks, KBI recorded 13 cases of BP taking personal belongings and never returning them (an issue highlighted in the recent NGO letter to CBP Commissioner Magnus).

November 10, 2022: Over the past 2 weeks, 11 people have reported to Kino the confiscation and disposal of their personal belongings by Border Patrol. In these cases, Border Patrol deports people without their most necessary personal belongings, such as identity documents, money and cell phones, which often leaves them stranded and unable to communicate with family members.

November 10, 2022: Last week, Emanuel* arrived at Kino after being deported without any of his belongings. BP confiscated his belongings when they apprehended him and never returned them. He called the Mexican Consulate but they said they could not mail his items to Mexico. He lost his Mexican ID, cell phone, 1,500 pesos ($77 USD), credit card, and watch. He was only able to communicate with his family members and tell them he was okay after arriving to Kino where he borrowed a phone.

November 10, 2022: Upon apprehending Gerardo*, BP confiscated his belt, jacket, cell phone, phone charger, wallet and 800 pesos ($41 USD). He commented, “I need my cell phone to be able to communicate with my family and without money, I can't go anywhere.”

November 10, 2022: On November 4, Representatives Raul M. Grijalva and Joaquin Castro, along with Bennie Thompson, Chairman of the Committee on Homeland Security and Nanette Diaz Barragan, Chairwoman on Border Security, Facilitations & Operations, wrote to Comptroller General Dodaro at the US Government Accountability Office (GAO) to request a GAO review of CBP activities, policies and procedures for the handling of personal property.
December 15, 2022: Over the past 2 weeks, KBI received 11 reports of Border Patrol (BP) confiscating personal belongings and never returning them. These reports include 3 deported people who explained that BP took thousands of Mexican pesos from them (1,000 pesos = $50 USD), leaving them unable to pay for transportation or basic necessities.

December 15, 2022: BP deported Ronaldo* without any of the personal belongings he had when they apprehended him, including his Mexican ID and 7,500 Mexican pesos ($378 USD).

December 15, 2022: When BP apprehended Yael,* agents threw away his clothes and medicine. He had to go 5 days without medication to treat his illness.

December 15, 2022: Upon Fernando’s* apprehension, BP agents took most of his clothes, his phone, wallet and 4,400 Mexican pesos ($221 USD). They transferred him to US Marshals custody, where agents took the rest of his clothes and his Mexican ID and put them in a bag. After his court hearing, he heard agents saying he was to be deported the next day, but he tested positive for COVID and went to isolation for 9 days. Afterwards, he was held under custody for 13 more days because BP said he had requested asylum, even though he had not. When he had an interview with an asylum officer, Fernando explained he had not requested asylum and wanted to be deported as soon as possible. The officer responded: “If you keep saying that and don’t calm down, you’re going to stay here even longer.” ICE officials then asked Fernando to sign a document saying he had received the $175.65 he had earned by working in detention, but they never gave him the money. On December 7th, he was deported with none of his belongings, nor the money he had earned. He shared: “I had worked sometimes a shift of 12 hours to earn every $2 of that money.”
05 U.S. Officials Abuse

**Use of Force/Lethal Use of Force**

March 31, 2022: As more information surfaces about the Border Patrol shooting of a migrant near Douglas, AZ in February, red flags and inconsistencies highlight the inability of an internal mechanism to hold CBP accountable for abuses. Five members of the group traveling with the migrant who was murdered by Border Patrol on February 19th arrived at Kino earlier this month. They had all been held a month and a half in detention as witnesses to the crime. One of those in the group was a cousin of the victim, and was not informed for a week that his cousin had died.

April 14, 2022: Last week, a Border Patrol agent ran over Marco Antonio*, a Guatemalan national, with his four-wheeler before pushing him to the ground and detaining him. The BP agent first hit him with the front bumper and then ran over his right leg with one of the front wheels. Another BP agent realized that Marco Antonio could not walk, and so picked him up and carried him to another four-wheeler to transport him to the hospital. At the hospital, Marco Antonio was treated for severe dehydration and a dislocated knee joint. Hours later, he was transported to the border in Nogales, where they arrived around noon. Mexican immigration officials refused to accept him because of his condition, as he was unable to walk. Border Patrol then drove him back to the station, and later that day, they took him back to Nogales, where they expelled him on or after 10PM, when there were no Mexican authorities to receive him.

May 12, 2022: On June 16, 2021, a Border Patrol agent shot a bullet to Marisol Garcia Alcantara’s head in Nogales, Arizona, while she was sitting in the back seat of a vehicle that Border Patrol agents detained. Fortunately she survived to tell her story.

- Marisol was detained for several weeks before being deported to Nogales, Sonora.
- At no time did a law enforcement officer ask her about being shot.
- According to the Nogales PD incident report, the Border Patrol’s CIT took over the incident scene, refused to share information with the police, and kept them at the perimeter to conduct traffic control.
May 12, 2022: Carmelo Cruz Marcos, a father of three children, was murdered by a Border Patrol agent on February 19th near Douglas, Arizona. Five members of the group traveling with him arrived at Kino last March.

- According to them, Border Patrol killed their companion, they shot him in the back as he was trying to escape. They stated that another agent told the shooter: "Don’t worry Stanley, everything is going to be alright". Approximately 50 soldiers arrived at the scene and asked if they were okay, they were then arrested and held for a month and a half in detention as witnesses to the crime, but never went to court.
- One of those in the group was a cousin to the victim and was not informed for a week that his cousin had died.
- When the group was expelled to Nogales, Sonora, Border Patrol did not return their identifications or the money they had with them when they were detained.

July 18, 2022: Benjamín* had been in the desert for 8 days when BP encountered him at 4 in the morning. He did not run, but the agent handcuffed him. When Benjamín asked for a drink of water, the BP agent threw him face down onto the ground, began kicking him and stood on the back of his head, which was pushed into a rock until his head was cut open and bleeding. The agent yelled, “If you want water, go get it in your own country! You only come here to f*ck around!” Benjamín eventually lost consciousness. When he came to, another agent sent his search dog to lick the blood from his face. BP took Benjamín to the hospital, only after he asked repeatedly for medical attention. BP then deported him to Mexico without any of his medical paperwork, which Benjamín reports an agent hid in his shirt. Upon arriving at Kino, he shared: “I’m trying to escape death in my country, only to nearly die here [in the US].”

September 29, 2022: On September 26, the Catholic World Day for Migrants and Refugees, hundreds of migrants and allies in Nogales, Sonora participated in "We March for Migrant Dignity." One migrant spoke with the press at AZ Central about his encounter with BP in March when an BP agent on an ATV ran him over, dislocating his knee cap and seriously injuring his leg. After he was run over, he was handcuffed as he cried out in pain from the injury. Agents then drove him on an ATV for two hours before reaching an ambulance that took him to a Tucson hospital.
05 U.S. Officials Abuse

Verbal Abuse

March 31, 2022: A Guatemalan father traveling with his wife and three children, 2 of whom are US citizens, shared with KBI staff that US officials refused to hear their asylum claim. The family crossed into the US through the desert and turned themselves into Border Patrol agents to ask for asylum. His wife tried to explain their case to one Border Patrol agent, and he responded, “Shut up lady, don't ask!” When Border Patrol put the family on a bus to expel them, she pleaded with another agent to at least let her US citizen children stay so they could be safe, since they have a right to be in the country. The agent refused and said the whole family would be going to Mexico (also related: Title 42 expulsions).

September 29, 2022: On September 26, the Catholic World Day for Migrants and Refugees, hundreds of migrants and allies in Nogales, Sonora participated in "We March for Migrant Dignity."

In one testimony, a migrant recounted when BP apprehended her family. BP agents asked them why they left their country and when she said due to 2 attempts of kidnapping and rape, the agent responded, “They're from Guatemala and they're big liars.”
Lack of Accountability and Oversight

April 28, 2022: In the last month, KBI has received notifications from the DHS Office of Civil Rights and Civil Liberties that 8 separate complaints we had filed regarding abuses under Title 42 were being closed because of ongoing litigation and instructed us to file new complaints after the resolution of the litigation if there were pending issues. We have never before received such correspondence from CRCL. Not only does it indicate an avoidance of the office’s responsibilities, but it will also artificially inflate the statistics they report to Congress on the number and percentage of complaints that were “closed” when in fact they remain unresolved. Such efforts to avoid exercising oversight are widespread and were also reflected in recent reports that DHS OIG had deleted or delayed reports for years on DHS law enforcement misconduct (also related: Title 42 expulsions).

July 18, 2022: Migrants face repeated abuses throughout their journey north, as agents in both Mexico and the US abuse their power and violate migrants’ human rights. The consistency between Mexican and US agents’ treatment of migrants creates a corridor of cruelty. Of particular concern is excessive use of force by Border Patrol, especially given that CBP internally investigates these complaints, raising concerns about migrants’ access to effective investigation and remedy (also related: abuses on the journey north).
06 Family Separation

Summary:
US migration policies contribute to family separation in multiple ways. Deportations of long-time US residents often result in separation from children, spouses, or other family members who remain in the US. CBP also sometimes separates families in the apprehension process. Some families were unable to flee together so some members of the family were able to cross into the US to begin their asylum process while others are stuck at the border waiting for asylum processing to resume. Finally, Title 42 forces some families to make the impossible decision to self-separate, as the policy does not apply to unaccompanied minors. When families face danger waiting in Mexico, they may decide to send their children alone to find safety in the US.
06 Family Separation

January 6, 2022: The Biden Administration continues to separate families through Title 42 expulsions, deportations of long-time US residents, and the failure to restore asylum processing at the US-Mexico border.

January 6, 2022: Of those arriving in Nogales, Sonora in the second half of December after being detained in the US interior and deported, 100% were separated from immediate family members, including children and spouses. On average, they had lived 15 years in the US.

January 6, 2022: A father of 2 from Guatemala was expelled to Nogales earlier last month after attempting to reunite with his wife and daughter who are already in the US with a pending asylum case. He traveled north with his teenage son, and after two attempts to cross and seek asylum, decided the only way to reunite his son with the rest of the family in the US was for his son to cross alone as an unaccompanied minor. After a third failed attempt to cross to the US, the man says he will keep trying because his goal is to reunite with his family, and for all of them to be safe.

January 6, 2022: A Mexican mother of five US Citizen children recently arrived in Nogales after CBP officials expelled her under Title 42. She had lived in the US since 1992, but traveled to Mexico this fall to care for grandmother who had contracted COVID and was very ill. Once her grandmother recovered, she attempted to cross back into the US to reunite with her family, but was detained by immigration officials at a checkpoint. She requested to speak with a judge to explain her case, but officials responded that she had no options, and that she had to sign a document so they could return her to Mexico.

February 4, 2022: Although the Biden Administration announced Tuesday plans to establish an “Interagency Task Force on the Reunification of Families,” migrants seeking to reunite with family in the US continue to face closed doors due to deportation, Title 42 expulsions, MPP and asylum metering.
06 Family Separation

February 4, 2022: “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?’” (also related: MPP)

February 4, 2022: 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 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. (also related: reasons for migrating; Title 42 expulsions)

February 17, 2022: The Biden Administration’s continued rejection of asylum seekers at the border has significant negative implications for the integrity and stability of families seeking asylum. The longer that Title 42 remains in effect, the more danger families face, and parents feel compelled to consider family separation as the lesser of two evils for their children (also related: Title 42 expulsions).

February 17, 2022: A Honduran father of 2 fled the country to the United States after being shot in Honduras. He later asked his father to bring his children so the family could be reunited. When the grandfather was crossing the desert with the kids, Border Patrol found the group and apprehended the three. They expelled the grandfather and kept the children in their custody. When the grandfather arrived at KBI, neither he nor the father knew what had happened with the children (also related: Title 42 expulsions).
06 Family Separation

February 17, 2022: After months of waiting at the border for asylum, families’ desperation has become so acute that asylum seekers are inquiring or requesting orientations about rules surrounding the reception of unaccompanied minors in the United States. Because parents can no longer bear to keep their children in such unsafe conditions as those in Nogales, it has become more common for families to start thinking about sending their children to the border alone to be processed into the United States. A recurrent statement among parents waiting in Nogales is that “you can get used to the violence as an adult. But we do not want our children to have to live through it” (also related: dangers of waiting in Mexico).

February 17, 2022: This is happening as the Biden Administration fights in court to prevent the payment of damages to families who’d suffered separation under the Trump Administration, showing the Administration’s lack of interest in ending and redressing the inhumanity of our immigration system.

March 3, 2022: In the last two weeks, numerous families who had been staying in Nogales and waiting for an opportunity to legally request asylum in the United States have found themselves pushed to split up and enter the country without authorization. Lacking the resources to pay smugglers to cross into the country (a service that costs upwards of $7,000 per person), families have decided to send one member with a smuggler into the U.S. so that they can work and pay for the other members to be smuggled in at a later date. The first family member’s crossing attempts are usually the more dangerous ones that involve walking several days in remote areas, since these are cheaper and have a lower probability of detection. The high risk of the initial family member’s crossing attempt means that a family might be permanently broken apart if the person gets lost or harmed while crossing the border.
March 3, 2022: As we have reported in previous updates, many families are choosing to send their children unaccompanied to the border so that they can be processed into the U.S. and escape the violence they’d been experiencing in their homes. In some cases, parents have considered sending the child, crossing without authorization, and hoping they can retrieve their child in the U.S. If they are unsuccessful, the child might be permanently separated from the parent and placed in long-term foster care. KBI became aware of such a case in Nogales just this week, which resulted in family separation given the lack of humanitarian relief options for a family in imminent danger at the border. The desperation is not limited to asylum seekers. The lack of legal opportunities to work has also driven families to dangerous extremes. One couple from Mexico who arrived at KBI last week had unsuccessfully attempted to cross the desert a combined 11 times. They do not want to try again, but they have racked up so much debt to the smugglers that they have no choice but to keep trying until they can get to the U.S. and work to pay what they owe.

April 28, 2022: US immigration law and policy continues to separate families or make reunification impossible, both because of delays and obstacles in the family visa process and the lack of access to asylum at the border.

April 28, 2022: A Mexican woman in her late 60’s who traveled to the border to seek asylum with her grandchildren shared with KBI staff that when her son had come to seek asylum in the US three years ago, the family did not have enough resources for all of them to travel to safety. Although her son is now in the US in an asylum process, she and her two grandchildren are stuck in limbo given the current uncertainty of the Title 42 end date (also related: Title 42 expulsions).

April 28, 2022: A mother from southern Mexico came to Kino last week seeking a way for her teenage son who was born in the US to cross the border to go live with his aunt in New Jersey. She and her son moved to Mexico when he was 1 year old and she separated from his father. Although she accompanied her son to the border, she has no options to legally enter with him and he had to cross by himself.
06 Family Separation

April 28, 2022: A Guatemalan mother arrived in Nogales with her 10-year-old son last week. She had lived for years in the US and her son was born there and is a US citizen. She returned to her family in Guatemala five years ago due to a family illness. Now, given the violence in Guatemala and the lack of educational opportunities for her son there, she returned north to try to enter the US. However, when she approached the port of entry, US officials told her there were no options for her. Since they had nowhere to go, they slept the night in the street.

April 28, 2022: A young mom from southern Mexico arrived with her toddler to seek asylum in Nogales. She said things had gotten so bad that her son, who is just under 2 years old, recognizes the sound of gunshots and it makes him afraid. Her husband was also disappeared a year ago. Two years ago her father-in-law was able to cross into the US to seek asylum in southern Arizona. However, she is stranded in Nogales, Sonora unable to reunite with her father-in-law.

July 18, 2022: Maribel*, her husband and their 6-month-old baby fled Guatemala and presented themselves to Border Patrol near Sasabe, AZ to request asylum. The BP agent told them they would have a chance to ask for asylum later, but they were never given an opportunity to explain their situation. Instead, they were transported to Tucson, where they separated Maribel and her child from her husband, putting them in different buses to expel them to Mexico. The men's bus arrived in Nogales first, and the non-Mexicans were detained by Mexico's INM, to be transferred to their immigration station in Hermosillo. When Maribel arrived, she was told they could not transport her to Hermosillo, as her baby was sick. Maribel has not heard from her husband since. Maribel's expulsion under Title 42 led to family separation by Mexican authorities, putting her in a more vulnerable situation and creating repeated human rights violations (also related: Title 42 expulsions; US officials abuse).
06 Family Separation

September 15, 2022: Title 42 forces some families to separate so that their children can arrive in the US to find safety. Miguel* and his 2 daughters arrived in Nogales in January of 2020, when asylum seekers faced “metering.” When it was almost his family’s turn to cross and start their asylum process, the government implemented Title 42, meaning Miguel and his family would have to wait indefinitely for the ability to seek asylum. They waited 8 months and Miguel then made the impossible decision to send his daughters on without him, ages 8 and 1. He tried to cross to the US to reunite with them 3 times, but CBP expelled him each time and detained him for 30 days for en-entry on his last attempt. He has yet to be able to reunite with his daughters.

September 15, 2022: BP apprehended Alan* and his 17 year old son after they had walked nearly 2 days in the desert. BP brought them to a holding cell where they stayed for one night together. The next morning, they separated Alan from his son, even after he explained their relationship. The agents only said that it was a crime to cross without papers. Alan arrived at KBI after spending 11 days detained and with no information about his son’s whereabouts. Further, Alan and his son speak Nahuatl natively and Spanish is their second language, making the family reunification process even more challenging.

October 27, 2022: Olga* was traveling with her son and her friend’s child, Leonel,* of whom she has legal guardianship. Upon being apprehended by BP, agents separated Olga from Leonel because he wasn’t her biological child. They pushed him aggressively against the BP truck and took him, even though Olga had a notarized document showing her guardianship. They told Olga his biological mom had to get him and expelled Olga and her son without Leonel.

December 15, 2022: Over the past 2 weeks, KBI staff learned about 5 cases of family separation at the border, a practice that disorients and traumatizes families.

December 15, 2022: Margarita*, her sister, and her cousin turned themselves into BP, seeking protection after fleeing violence in Southern Mexico. BP agents separated them and deported Margarita in one location and her cousin and her sister in another. Margarita was robbed after being deported alone in Nogales (also related: dangers of waiting in Mexico).
December 15, 2022: Tomas* was traveling with his sister after fleeing violence in Guatemala. After crossing into the US through the desert, his sister lost consciousness and they had to call 911 to get assistance. BP agents came to rescue her, but they then separated Tomas from his sister. They were not able to reunite until they were both deported and managed to find one another in Nogales, Sonora.
Summary:
MPP (“Migrant Protection Protocols”/Remain in Mexico) began in January 2019 under the Trump administration. MPP forced non-Mexican nationals seeking asylum to await their court date in Mexico. KBI generally served less people impacted by MPP compared to those impacted by Title 42, given that the majority of people served by KBI are Mexican nationals to whom MPP was not applied. In August 2022, the Department of Homeland Security ended MPP and in October 2022, the Mexican Supreme Court declared MPP in violation of Mexican law.
07 MPP/Remain in Mexico

February 4, 2022: Biden’s recent executive order to “Provide Safe and Orderly Processing of Asylum Seekers at the United States Border” lacks any mention of a timeline for steps toward restoring asylum processing at the border. As a result, migrants who have been waiting in Nogales under asylum metering and MPP continue to face insecurity and uncertainty with no end in sight.

August 4, 2022: Over 1 month after the Supreme Court ruled that President Biden has authority to end MPP, the administration still has not taken any action to end MPP. Therefore individuals forced to wait in Mexico under MPP continue to suffer violence at the hands of Mexican authorities and organized crime.

- August 4, 2022: A group of 6 Nicaraguan nationals arrived at Kino after they sought asylum in Texas and CBP returned them to Mexico under MPP. Every member of the group survived some instance violence in the Monterrey area to which CBP returned them, as well as extortion from Mexican officials. Two Nicaraguan nationals witnessed a criminal group threaten to kill another person in front of them, putting a gun in his mouth, and also survived being kidnapped by organized crime. One member of the group explained that shelter capacity in the border town they were returned to was so limited that they were often forced to sleep outside, without any protection. Therefore, the group fled to Nogales to attempt again to cross to safety in the US. Although members of this group explained to CBP they feared returning to Mexico, agents responded they had to respect the MPP and sent them back once again (also related: dangers of waiting in Mexico).

November 10, 2022: On October 26, 2022, the Mexican Supreme Court ruled that the Remain in Mexico policy violated migrants’ rights, found Mexico negligent in the protection of migrants’ rights, and officially ended the program. However, Title 42 continues to send asylum seekers back to the same conditions of instability and danger that people were subject to under Remain in Mexico.

- Despite US authorities’ obligation to protect asylum seekers from expulsion to places they will be persecuted or tortured (see Huisha-Huisha resolution), the US continues to expel people who could face torture or persecution in Mexico. Further, the Mexican Supreme Court’s ruling found the government of Mexico negligent in the protection of migrants’ rights and recognized asylum seekers have not received adequate protection in Mexico (also related: dangers of waiting in Mexico; Title 42 expulsions).
Summary:
Title 42 is a provision in US Code that allows the director of the Center for Disease Control and Prevention (CDC) to prohibit the introduction of people who may have a communicable disease. In March 2020, the Trump administration appropriated Title 42 to allow for the rapid expulsion of people seeking asylum in the US. Though Title 42 is a public health authority, its application to asylum seekers (while US citizens and legal permanent residents, as well as people with tourist visas for the US continue to cross) reveals its true basis in discrimination.

In April 2022, civil society organizations in Nogales, Sonora agreed to an exceptions process, under which a small number of asylum seekers could be processed each day as humanitarian exceptions to Title 42. They made this agreement with the understanding that Title 42 was to end on May 23, 2022. However, the end of Title 42 was blocked by a Louisiana lawsuit and ongoing litigation preserves Title 42 to this day.

Title 42 expulsions place many asylum seekers in grave danger. CBP agents have discretion to allow certain people to seek asylum based on humanitarian factors, despite Title 42. Further, agents have a responsibility to prevent the refoulement of asylum seekers to places where they will face torture or persecution, as expressed in litigation such as Huisha Huisha vs. Gaynor. However, it appears that CBP agents rarely exercise this discretion and continue to expel asylum seekers regardless of their situations.
08 Title 42 Expulsions

Disregard for Humanitarian Factors

January 6, 2022: Customs and Border Protection officials continue to expel migrants to Mexico who have limited Spanish proficiency or in some cases do not speak any Spanish, despite guidance that humanitarian factors should be taken into consideration when determining whether individuals should be expelled under Title 42 (also related: US officials abuse).

January 6, 2022: Numerous indigenous families from Guatemala have been expelled to Nogales under Title 42, putting them at particular risk of discrimination in Mexico due to language barriers and cultural differences. A Guatemalan family whose primary language is Mam was expelled last week after attempting to cross into the US to seek asylum, as was a Guatemalan man whose primary language is Cakchiquel (also related: US officials abuse).

March 31, 2022: Despite the DC Federal Appeals Court ruling on March 4 prohibiting the government from expelling families seeking asylum without an assessment of whether they will be safe from persecution or torture, Border Patrol continues to expel migrants to Nogales, MX even when they express fear of return to federal agents (also related: US officials abuse).

May 26, 2022: Despite the D.C. Circuit Court’s decision that DHS cannot expel people to places where they will be persecuted or tortured, Border Patrol continues to immediately expel migrants they encounter, without any screening (also related: US officials abuse).
June 23, 2022: Several young mothers and their children from an indigenous community in Guatemala tried to cross into the US to seek asylum earlier this month. All of them spoke Mam, their indigenous language, and some spoke limited Spanish. They were detained in the desert, where Border Patrol agents confiscated their personal items like clothing and medication. When they told a Border Patrol agent that they wanted to seek asylum, the agent dismissed them and ignored their request, saying “Ustedes sabrán qué hacer” (you will figure out what to do). Border Patrol told one of the women from the group that the border was closed and she would need to seek asylum in Mexico. When she shared about the violence she suffered in Guatemala, the agent would not believe her. Another woman from the group was so disoriented by the expulsion process and language barrier that when she arrived at Kino, she asked the staff whether she was in Mexico or the US (also related: US officials abuse).

August 4, 2022: Title 42 continues to send particularly vulnerable groups of people, such as LGBTQ+ asylum seekers, back to danger. In the past 2 weeks, 4 LGBTQ+ migrants, including 2 trans women, arrived at Kino, after fleeing their homes due to violence and discrimination based on their gender and/or sexual orientation. Two of these people had already presented themselves at the port of entry, and CBP denied them access to the asylum process in spite of their vulnerability as LGBTQ+ people. In 2021 under MPP, the DHS recognized that LGBTQ+ people may face “increased risk of harm in Mexico due to their sexual orientation or gender identity” and named them a vulnerable group to be exempted from MPP, indicating that DHS and CBP should consider LGBTQ+ migrants vulnerable asylum seekers eligible for Title 42 humanitarian exemptions (also related: US officials abuse).

Disregard for Humanitarian Factors

February 4, 2022: Although the Biden Administration’s executive orders announced Tuesday call for consultation, planning and review of Trump era policies, they have failed to put in place protections for migrants facing immediate danger and abuse under policies like Title 42 expulsions.
08 Title 42 Expulsions

March 17, 2022: Even as the Biden Administration has opened or extended Temporary Protected Status (TPS) in the US to individuals from Haiti, Venezuela, Honduras, Nicaragua and El Salvador - an acknowledgement that conditions in the country “prevent the country’s nationals from returning safely,” or that “the country is unable to handle the return of its nationals adequately” - families from these countries continue to flee persecution and arrive to closed doors at the US-Mexico border.

March 31, 2022: As Border Patrol agents expel Mexican, Central American and South American migrants who express fear of persecution without any fear assessment while they grant Ukrainians and Russians access to asylum at the US-Mexico border, the discriminatory and arbitrary application of Title 42 becomes even more evident.

September 29, 2022: Mexican and US Governments fail to fully enact the commitments signed in June 2022 and launched this week as part of the Los Angeles Declaration on Migration and Protection, such as promoting stability and assistance for displaced populations, increasing legal pathways as an alternative to irregular migration, and humane border management.

September 29, 2022: Though the US State Department increased humanitarian assistance for Venezuela and expanded refugee resettlement from Venezuela, Nicaragua and Haiti, the Biden administration has reportedly asked Mexico to accept expulsions of Venezuelan, Cuban and Nicaraguan migrants and asylum seekers under Title 42.

Migrant Experiences

February 17, 2022: Unable to approach the port of entry to apply for asylum, a single mother turned herself in to Border Patrol in the desert along with her two daughters and was immediately expelled back to Nogales. She had no idea what to do when she was expelled. “My daughters only have me. If something happens to me, I have no idea what’s going to happen to them.”
08 Title 42 Expulsions

April 14, 2022: Migrants in Nogales reacted to the lawsuit against the April 1st termination of Title 42 filed by the attorney general of Arizona, Missouri, and Louisiana and Senate’s bipartisan bill intended to postpone Title 42’s termination date, originally set for May 23rd:

- “We want President Biden to keep his promise to restore asylum and for Congressional members to respect the decision that has been taken. We were hopeful when the news broke on April 1st that the end of Title 42 was near. Afterwards we were floored with the news [of the lawsuit and introduction of the bipartisan bill]. They strip us of our hope with the threats to extend this terrible and inhumane policy.” - Karla
- “It is clear that this decision does not serve any health or security justifications, only racism. Title 42 has wrecked the lives of hundreds, or even thousands, of migrants' lives. Not due to COVID-19, but due to insecurity. We do not want not one more death.” - Betzaida (also related: danger of waiting in Mexico)
- “Two months is too long when lives are in the balance. I could be dead in two months.” - Victor (also related: danger of waiting in Mexico).

May 26, 2022: Laura* was just expelled from the US under Title 42 for the second time. She says that while under BP custody, she tried again to request for asylum, but the agents didn’t even give her a chance to speak. The first time, she was transported to Guatemala after her expulsion, she then had to make her journey through Mexico again. During her trip, she was robbed and deprived of her belongings and documents, including evidence of the violence and persecution for which she had to leave Guatemala (also related abuses on the journey north).
o8 Title 42 Expulsions

Expansion of T42 to Venezuelan Nationals

November 10, 2022: The closure of asylum to Venezuelan nationals and the strict requirements of the “Migration Enforcement Process” leaves many Venezuelans without access to any form of protection. The recent expansion of Title 42 to Venezuelan nationals has no basis in public health and sends asylum seekers back to danger in Mexico, where the government has begun deporting Venezuelan asylum seekers back to the very country they are fleeing. Further, the recently created “Process for Venezuelans” has many limitations, including its requirement that applicants possess a Venezuelan passport. This requires people who the government is actively persecuting to apply for government identity documents, revealing their whereabouts and putting them at risk of further persecution.

November 10, 2022: Generally, Kino serves low numbers of Venezuelan asylum seekers because upon expulsion, Mexican Immigration sends them directly back South to Hermosillo, the capital of Sonora. The week of October 17-21, CBP expelled 450 Venezuelan nationals through Nogales, according to the Department of State. CBP transported them from the El Paso Sector to Nogales, Sonora, where Mexican Immigration then bussed them to Hermosillo.

December 1, 2022: Four Venezuelan nationals reported that US immigration officials expelled them from Mexicali/Calexico or Tijuana/San Diego ports of entry to Hermosillo, Sonora with the cooperation of Mexican immigration (INM). These incidents demonstrate how US officials have pushed their deterrence approach to Venezuelan asylum seekers onto Mexican immigration officials to transport asylum seekers further south and deter attempts at seeking safety in the US. Many Venezuelan asylum seekers face significant danger in their home country, as recognized in the redesignation of Venezuela for TPS and the Migration Enforcement Process for Venezuelans.
Dangers of Waiting in Mexico

**Summary:**
US migration policies, such as MPP and Title 42, have forced thousands of asylum seekers to wait in Mexico. For Mexican nationals, this means they are forced to wait in the same country in which they face persecution, as organized crime often has links all over the country. Nationals of other countries, black migrants, indigenous people, those who don’t speak Spanish and LGBTQ people are often targeted. Further, as people without status in Mexico, migrants who are not Mexican nationals live in constant risk of deportation to the country of origin where they could face torture or persecution.

**Discrimination against Indigenous People**

**January 6, 2022:** Numerous indigenous families from Guatemala have been expelled to Nogales under Title 42, putting them at particular risk of discrimination in Mexico due to language barriers and cultural differences. A Guatemalan family whose primary language is Mam was expelled last week after attempting to cross into the US to seek asylum, as was a Guatemalan man whose primary language is Cakchiquel (also related: Title 42 expulsions).

**August 30, 2022:** Javier* and his family are indigenous people from Southern Mexico and fled persecution from organized crime. In Nogales, Javier started to sell dried fruit and other food items to provide for his family. But Javier and his family have faced abuse and discrimination in Nogales as indigenous migrant people. Last week, municipal police in Nogales detained him, threw all his merchandise in the trash, beat him and threatened him as they strangled him. He managed to escape and now fears for his life and safety in Nogales, as many police work in collusion with organized crime.
09 Dangers of Waiting in Mexico

* Discrimination against LGBTQ People *

August 4, 2022: Walter,* a gay man from El Salvador, recently arrived at Kino after surviving an attempted murder in his country. On his journey, the coyote abandoned him in the desert, where he wandered alone until he was able to find BP and present himself to seek asylum. Despite explaining his situation, showing the scars from the murder attempt and explaining that he would be killed if he had to return to El Salvador, BP expelled him to Mexico. In Mexico, Walter not only faces the risk of homophobic violence, but also for Mexico’s National Institute of Migration to return him to El Salvador, as Mexico has increased its immigration enforcement upon US pressure. His dream is to find safety in the US and open a hair salon (also related: reasons for migrating; abuses on the journey north; Title 42 expulsions).

December 1, 2022: As Title 42 remains in effect, LGBTQ asylum seekers forced to wait in Mexico face heightened vulnerability to violence and persecution, whether they are foreign nationals or Mexican nationals forced to remain in the country that persecutes them.

December 1, 2022: Octavio* is a young man from Guerrero fleeing violence and persecution based on his sexual orientation. When his parents kicked him out of the house, he went to live with his brother, who treated him like a slave. When Octavio tried to go back to his parents, his father threatened to turn him over to the organized crime hitmen. Beyond his family, he has faced constant discrimination at work and in the public sphere (also related: reasons for migrating).

December 1, 2022: Valentin* is a young Russian national fleeing persecution due to his sexual orientation. According to the Center for European Policy Analysis, violence and persecution against LGBTQ people in Russia has only intensified since the war’s start, as Russian leaders see membership in the LGBTQ community as a marker of political dissidence. Valentin faces multiple vulnerabilities while stranded in Mexico due to his membership in the LGBTQ community as well as his physical appearance and lack of Spanish language, both of which mark him as a foreigner (also related: reasons for migrating).
09 Dangers of Waiting in Mexico

Crime/Organized Crime

February 4, 2022: 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 (see also: Title 42 expulsions).

May 12, 2022: Juan* and his family were forced to leave Venezuela. Finding it impossible to request asylum at the US border, they decided to settle in Nogales and started a food business. However, organized crime began to charge them fees for the business and for being migrants, stating that "they must have money since they are from Venezuela." Due to the pandemic, Juan was no longer able to pay them and chose to close his business, however, the threats from organized crime have continued and he fears for his and his family’s safety.

July 7, 2022: Belén,* a young Guatemalan mother, arrived with her four-year-old son after the two of them had been kidnapped for days in Nogales. Belén had crossed into the US to seek protection after she fled threats from her son’s father. When she and her son were deported to Nogales, Mexico, a man approached them offering help. Since she did not know the area or have any support, she went with him. He kidnapped the two of them and held them for four days until her partner paid extortion fees. She then fled with her son to a church where they recommended they come to Kino (also related: Title 42 expulsions).
Dangers of Waiting in Mexico

July 7, 2022: Teresa* and her family left her hometown in southern Mexico in 2019 after someone attempted to kidnap her. She waited six months to access asylum in Nogales, and then asylum processing came to a halt with the onset of the pandemic and Title 42 in 2020. She and her family moved to Tijuana so they could find work to sustain themselves, but Teresa suffered an assault in Tijuana. She and her family returned to Nogales this week in hopes that it might be safer and they might finally be able to access asylum (also related: reasons for migrating; abuses on the journey north).

July 18, 2022: Under Title 42, Border Patrol expels families directly into the hands of criminal groups. Mari*, her husband and her 2 sons, ages 7 and 9, fled Guatemala after her husband was beaten and threatened for his refusal to join the gang. Mari and her family tried to enter the US through Nuevo Laredo, Mexico, but were deported. Once in Mexico, the INM (National Migration Institute of Mexico) said they would take them to a shelter, but instead, turned them over directly to the cartel, los Zetas. Mari and her family were kidnapped and held hostage by los Zetas for 3 months, where they faced physical torture. They watched others who tried to escape be killed and were only able to leave after paying an extortion (also related: US officials abuse; reasons for migrating; Title 42 expulsions).

July 18, 2022: The US government has been aware of the dangers that migrants face in Northern Mexico for at least the past 18 months, as the Biden administration sought to end the Remain in Mexico program (also known as MPP) upon taking office. The Biden administration has repeatedly cited the dangers of MPP, namely the risks of kidnapping that migrants face after being removed to cities in Northern Mexico. These same risks continue under Title 42, as families from other areas of Mexico and from Central and South America are stranded in Northern Mexico, unable to return to their places of origin and unable to seek protection in the US (also related: Title 42 expulsions).

August 30, 2022: Asylum seekers forced to wait in Nogales, Sonora continue to face dangers such as police abuse, extortion and kidnapping. In the past month, KBI has received 3 reports of kidnappings in Nogales, 2 of which involved children who were younger than 10 years old.
Dangers of Waiting in Mexico

August 30, 2022: Ana* comes from an indigenous community in Guatemala, and Spanish is her second language. She tried to seek entry to the US with her 3 young children, but BP expelled her and her kids to Nogales. Upon their expulsion, a woman approached them and said she knew of a house where they could stay for free. However, when Ana and her children arrived at the house, the people there said they could only leave if they paid an extortion fee. Ana’s family in Guatemala had to send them money and she is afraid to stay in Nogales for fear that the same people will find her (also related: Title 42 expulsions).

August 30, 2022: After being deported, Kevin* was exchanging dollars for pesos in Nogales, México when someone dressed like a police officer kidnapped him. He was locked up for 5 days until they let him go in front of the Red Cross building. After being set free, he told another police officer what had happened and the officer warned him not to talk about it.

September 15, 2022: Before Nicolas, his wife and children crossed into the US, they suffered an armed assault in Nogales, Sonora. They sought asylum with a BP official who told him they would be able to seek asylum, but shortly after, expelled them without explanation and without channeling them to a fear interview. On the bus that took them back to Nogales, Nicolas approached an agent and said he couldn’t go back to his country, that they would kill him, but the agent responded, “I don’t care; go back to your country.” CBP then expelled Nicolas and his family back to where they had just been assaulted (also related: Title 42 expulsions; abuses on the journey north: US officials abuse).

October 27, 2022: Title 42 and other measures that deny protections assured under US and international asylum law force asylum seekers back to danger. Title 42 expulsions send people directly back to dangerous conditions resulting in persecution and sometimes, death. Further, despite the Biden administration’s stated commitment to provide protection to people fleeing domestic and gang persecution in a manner consistent with international standards, the administration has made minimal progress, and the US asylum system consistently fails to address the violence most applicants are fleeing.
October 27, 2022: Bryan* and his family arrived in Nogales, Sonora to seek asylum after first fleeing their home town and then fleeing persecution in other parts of the US-Mexico border. Before arriving in Nogales, Bryan and his family had been staying in a migrant shelter in Nuevo Laredo, Tamaulipas awaiting the day they could seek asylum in the US. After they had been there for 2 months, organized crime arrived and began asking the shelter administrators to pay a protection fee. The shelter shut down and migrants were forced into the streets of Nuevo Laredo, where members of organized crime took photos of them and threatened to kill them. Bryan and his family tried to turn themselves in at the Rio Grande, but Border Patrol denied them entry to the US, threw away their belongings and expelled them back to Mexico (also related: US officials abuse; Title 42 expulsions).

November 10, 2022: Leticia* and her husband fled Guerrero to escape persecution. They arrived at a migrant shelter in a small Mexican town on the border with Texas. After 3 days in the shelter, the mafia arrived and forced everyone staying in the shelter to pay a protection fee. From that day on, the mafia controlled the shelter and held everyone hostage for 1 month. The mafia confiscated everyone’s phones, took their photos to document their identities and threatened to kill them if they didn’t obey their orders. On one occasion, the members of the mafia returned people’s phones for a short period of time. Leticia called her family in the US to ask for help, and they called US authorities in Texas. Shortly after, the Mexican Army arrived at the shelter to release all those who were held captive. Leiticia and others begged the Army to accompany them to Rio Bravo to seek protection in the US. A group of about 250 people crossed the river as the Army stood guard on the Mexican side. After being taken into custody, US agents asked Leticia and her husband 10 questions during about 10 minutes about why they came to the US. Despite explaining the persecution they fled in Guerrero and the hostage situation they had just escaped, CBP expelled them back across the border to the same area where they had been held hostage with no explanation (also related: US officials abuse; Title 42 expulsions).
Dangers of Waiting in Mexico

Targeted as a Foreigner

January 6, 2022: Sixteen percent of those arriving at KBI in the last two weeks of December originally migrated from Haiti. Several of the Haitian families could not respond to simple questions in Spanish without the assistance of an interpreter. In some cases, one individual from the group spoke enough Spanish to interpret for others who did not speak Spanish.

February 4, 2022: 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.” (also related: family separation).

March 17, 2022: Migrants who are not Mexican nationals are particularly susceptible to violence and extortion during their migration through Mexico, and then often face expulsion or rejection when they attempt to access asylum at the US-Mexico border. A young Haitian man who arrived in Nogales with his girlfriend last week reported that on the bus ride northbound through Mexico, an organized crime group stopped them and ordered all Haitians to get off the bus. They then held them captive and ordered each one to pay $3,000 to be released and continue north. When he refused to pay, members of the organized crime group beat him.
09 Dangers of Waiting in Mexico

May 12, 2022: Black migrants are easily spotted and often targeted by organized crime while they are stranded in Mexico with no path forward.

- **May 12, 2022:** Gregory* along with his wife and five-year-old daughter, had to leave Haiti. While crossing the Darien Gap, they were robbed and he was stabbed in the stomach. In Veracruz, Mexico, Gregory’s wife was shot and robbed, they took all her money and tore her documents apart. Two weeks ago, they arrived in Nogales, and requested asylum at the port of entry, but the CBP officers instructed them to go to Kino instead. They don’t feel safe in Mexico (also related: abuses on the journey north).

- **May 12, 2022:** Haitian migrant Jackson* was assaulted and deprived of his money and documents in Hermosillo; he fears he cannot stay in Nogales.
09 Dangers of Waiting in Mexico

Denial of Essential Services

September 29, 2022: On September 26, the Catholic World Day for Migrants and Refugees, hundreds of migrants and allies in Nogales, Sonora participated in "We March for Migrant Dignity." Migrant organizers in Nogales, all of whom are asylum seekers who arrived in Nogales between 2 to 14 months ago and are awaiting the day they can start their asylum process in the US, planned and led the event. The march highlighted 3 obstacles to dignified migration: Title 42, Border Patrol abuses against migrants, and the lack access to adequate healthcare in Nogales, Sonora.

- In testimonies at the march, migrants shared about the uncertainty, lack of safety, and discrimination they face while they are forced to wait in Nogales, Sonora under Title 42: “Staying on the border means a very unsafe life, living this uncertainty daily of not knowing how long Title 42 will stay. We experience discrimination just for not being from here. More than anything, regarding our children’s education.”
  - Human Rights First reports nearly 10,000 violent attacks on asylum seekers expelled under Title 42, such as kidnapping, torture, and rape, as of March 15, 2022, illustrating the conditions in which asylum-seeking families are forced to live awaiting their asylum process.

- Another migrant recounted a recent experience in which various clinics and hospitals in Nogales, Sonora denied her daughter medical services. After her 2 year old fell down the stairs, she took her to the hospital unconscious, where they recommended Tylenol and discharged her still unconscious. Over the course of 6 days, she had to go to multiple hospitals and clinics to get a CAT scan and to find someone to interpret the results and diagnose her daughter.

Persecutors with Connections throughout Mexico

March 31, 2022: Mexican migrants fleeing threats from organized crime and waylaid at the border due to the Biden Administration’s refusal to restore asylum access are in particular danger as they wait in Mexico, given that criminal groups have connections across the country.
Dangers of Waiting in Mexico

May 12, 2022: Mariana*, a single mother with her 2-year-old daughter, fled threats from organized crime in Guerrero. While waiting to request asylum, she got a job in Nogales. A few months later, her employer informed her that a male individual had come to her workplace, inquiring about her and her daughter. The terrified mother decided not to return to work for her safety and her daughter's.

May 12, 2022: Natalia* arrived with her family to Nogales fleeing from her ex-partner, who belongs to organized crime and had threatened to kill her. In recent days, while she was returning to the place she rents in Nogales, she is sure she saw her ex-partner on the street. She is now terrified to remain in Nogales and has chosen not to go out at all.

July 18, 2022: In the past 2 weeks, about 70 percent of migrants arriving at KBI have been Mexican nationals, most commonly from the state of Guerrero (about 40 percent of Mexican nationals). Many are fleeing conditions that permeate the entire country of Mexico and criminal groups with national reach, meaning an indefinite wait to access asylum at the border could put families in danger of torture or persecution. For instance, Rafaela* arrived in Nogales about 10 days ago, fleeing Guerrero after having separated from her partner who is part of an organized criminal group. She came to escape the criminal groups with national reach that attempt to recruit her children to work for them, yet upon arriving at the border, found there is no process for her to access safety. Therefore she is stuck waiting in a region where her husband and his allied organized criminals are likely to track her down.

August 18, 2022: Title 42 forces many asylum seekers to wait in the same country where they are facing torture or persecution. Over the past seven months from January 1, 2022 to July 31, 2022, 71 percent of people arriving at Kino Border Initiative have been Mexican nationals. Of all arrivals during that period, 71 percent of people reported having left their place of origin due to violence, illustrating that many people who seek asylum in the US are stranded in the same country they are fleeing due to Title 42 (also related: Title 42 expulsions; reasons for migrating).

December 1, 2022: Some Mexican asylum seekers stranded in Mexico under Title 42 have tried to escape persecution by relocating within Mexico, but their persecutors have repeatedly located and targeted them. Title 42 traps them within the same country they are trying to flee.
09 Dangers of Waiting in Mexico

December 1, 2022: Nohemi* is only 27, but has spent 15 years relocating within Mexico fleeing violence. She is from Guerrero, where she first tried to relocate to 2 different cities. She went to Guadalajara, Jalisco, where her persecutors located her. She then moved to the state of Querétaro, where she married and had a daughter. Her persecutors found her again, and she and her family tried to move to various cities in the state of Jalisco. In Jalisco, a man on a motorcycle cornered her and asked if she was the daughter of her father, confirming she had again been identified and located. She fled to Sonora to try to seek asylum and finally find safety in the US (also related: reasons for migrating).

December 1, 2022: Magdalena* and her children are fleeing paramilitary groups that murdered her brother, cousins and uncles. These groups have threatened to kill her if she doesn’t participate in the ongoing struggle over the control of indigenous lands in Oaxaca. She fled her small town in Oaxaca to the state’s capital and then to Tijuana and Baja California after the paramilitary groups found her in Northern Mexico (also related: reasons for migrating).

Risk of Being Deported to Home Country and Facing Violence

July 18, 2022: The US Government’s continued use of Title 42 to block migrants from accessing asylum and the lack of compliance with the Huisha-Huisha v. Mayorkas ruling result in many Mexican, Central and South American families being expelled to danger of torture and persecution. Even if CBP agents expel Central and South American families to Mexico, they are putting these families into the hands of Mexican migration authorities who face US pressure to deport them to their countries of origin, where they could face torture and persecution. Further, families are often expelled into the hands of organized crime in Mexico, as criminal groups take advantage of the massive expulsions happening at the border (also related: Title 42 expulsions).
09 Dangers of Waiting in Mexico

July 18, 2022: US immigration agencies delegate responsibility to Mexican immigration institutions to deport Central American families to their countries of origin where they could face torture and persecution. After fleeing Guatemala, Belinda* and her 3 children asked CBP for access to the asylum process. The agents responded that they would be able to stay in the US and reunite with their family there, but instead, boarded them on a bus to deport them to Mexico. After arriving at the INM (National Migration Institute of Mexico), Belinda begged the officials not to deport her to Guatemala where she would face danger. The migration officer sent 45 people to Hermosillo to begin their deportation, but allowed Belinda to stay, a chance use of discretion that allowed Belinda to narrowly escape a return to danger (also related: US officials abuse; Title 42 expulsions).

September 15, 2022: CBP continually fails to comply with the Huisha ruling and the Convention against Torture. CBP often returns asylum seekers directly to the country where they are facing persecution or torture, as well as returns nationals of other countries to Mexico, where due to pressure from the US DOS on the Mexican government to exercise a strict immigration control policy, they are likely to be deported to their home country where face persecution or torture (also related: Title 42 expulsions; US officials abuse).

September 15, 2022: Heydi* and her 2 daughters fled Honduras where a member of organized crime had held Heydi captive for the past 10 years and forced her to have children with him. When BP apprehended Heydi and her daughters in the desert, she showed an agent evidence that she had been held captive and explained that she wanted to seek asylum. He only said, “okay.” On the bus to Tucson, she approached an agent that she noticed spoke Spanish well and explained her situation. He asked to see the evidence, read over the papers and told her to show them to the agents in Tucson so that they could help her. Once in Tucson, she asked the agent processing her how she could request asylum. He responded, “No, we can’t help you.” That same day, Heydi and her daughters were expelled to Nogales, Sonora, where they live in fear of being deported to Honduras, as they have no authorization to stay in Mexico (also related: reasons for migrating; Title 42 expulsions; US officials abuse).
10 Deportations from the US

**Summary:**
In 2022, 14 percent of people who arrived at Kino after being deported or expelled were deported after living in the US. Sixty percent of those people faced family separation as a result of deportation.

April 14, 2022: DHS continues to utilize resources and personnel to detain and deport long-time community members from the US to Nogales, Mexico.

- Individuals who DHS deported to Nogales over the last 2 weeks had lived an average of 18 years in the US prior to deportation. Included in this group are an 85-year-old man who had lived 74 years in the US and a father of 3 US citizen children.
- Alejandro*, a 62-year-old Mexican man who had lived 22 years in Arizona, was recently deported to Nogales, MX after the police detained him for driving without a license. Soon after Alejandro was deported, a Mexican police officer attempted to detain and extort money from him before onlookers intervened. He later learned that the officer works for the local organized crime group. Alejandro does not know what to do because his whole family and his work are in the US, his wife is sick, and he does not feel safe walking the streets of Nogales.
- Eduardo (not real name) was born in Mexico and lived the last 22 years of his life in the US. He attempted to fight his immigration case from detention before he was deported, but was deported before he could appeal the judge’s decision. He was shocked that DHS deported him because he had already received a document confirming the court date for his appeal. Upon deportation, Mexican immigration officials did not issue him a repatriation document, so he was left with no way to identify himself in Mexico.
10 Deportations from the US

July 7, 2022: The DHS continues to allocate significant resources to detaining and deporting long-time community members in the interior of the US, often tearing families apart and without access to due process.

- **July 7, 2022:** In the last two weeks, individuals arriving at Kino after being detained in the interior of the US and deported had lived in the US an average of 18 years. For all but one of these individuals, their deportation separated them from immediate family members, including parents, children, siblings or spouses.
- **July 7, 2022:** Alfredo,* a middle aged Mexican man, was driving a trailer truck in a small town in Texas when a sheriff pulled him over on the highway. The sheriff never explained why he pulled Alfredo over, but asked him to show his permit to drive a trailer, which he did. The sheriff then asked Alfredo to show his worker's permit, which he did not have. The sheriff immediately detained Alfredo, and imprisoned him in an isolated place where he was not able to talk to US officials or make any phone calls. Before he knew it, he had been deported to Mexico.
11 Summary of Recommendations to Congressional Offices

The following summary of recommendations that KBI made to Congressional offices in 2022 highlights two prominent advocacy themes:

1) Ending Title 42 and restoring access to asylum at the border
2) Addressing CBP abuses through accountability measures

END TITLE 42, RESTORE ACCESS TO ASYLUM AT THE BORDER

Supporters of Title 42 have used various methods to preserve, extend or expand the policy, such as appropriations provisions and new bills and legislation. KBI has voiced its opposition to these proposals, as well as called for better use of CBP’s humanitarian discretion while Title 42 is in place.

- Urge DHS to publish clear, detailed guidance on humanitarian exemptions to Title 42 for implementation by local offices, particularly as it relates to migrants who do not speak Spanish and as such may be targets of discrimination in Mexico or struggle to access humanitarian services.
- Inquire with DHS on the implementation of screenings for fear of persecution and torture before expelling people under Title 42, as the Huisha Huisha v. Mayorkas ruling went into effect on Monday.
- Oppose the Senate bipartisan bill “Public Health and Border Security Act of 2022” intended to extend the deadline to rescind Title 42.
- Oppose the 2023 appropriations bill provision intended to keep Title 42 in place even after the termination of the COVID-19 Public Health Emergency declaration.
- Vote no on all anti-immigrant amendments, such as those intended to keep Title 42 in place, proposed during the upcoming reconciliation process. Vote-a-rama is not an appropriate time to make changes to immigration policy. Rather, these changes require careful consideration of the potential consequences and should be informed by directly impacted communities and non-profit organizations working with migrants.
- Publicly support the need for Title 42 to end on December 21st and oppose proposed immigration legislation, as its current framework would continue to put asylum seekers in grave danger and is not responsive to the majority of the American public that supports access to asylum.
Summary of Recommendations to Congressional Offices

Address CBP Abuses by Enacting Accountability Measures

Over the course of 2022, various events have brought increased attention to CBP abuses, such as the Southern Border Communities Coalition's discovery of Border Patrol Critical Incident Teams (BP CITs) which act without Congressional mandate to investigate BP crime scenes and mitigate BP liability, media coverage of BP confiscating Sikh turbans upon apprehending migrants, and Government Accountability Office focus on the treatment of migrant's belongings.

However, much work remains, as there is still no Congressional oversight structure for CBP; questions remain about BP internal investigations in the CBP Office of Professional Responsibility; and migrants continue to arrive daily at KBI without their personal belongings after BP confiscated them. These are only a few examples of the challenges that remain to hold BP accountable for systemic abuse of migrants.
11 Summary of Recommendations to Congressional Offices

**Lethal Force and BP CITs**

- Continue to pressure the Department of Homeland Security to implement adequate investigation and oversight bodies to respond to allegations of abuse and excessive force, especially given the recent fatal shooting of a Mexican man by a Border Patrol agent near Douglas, Arizona.
- Given the alarming lack of transparency in the recent murder of a migrant by a Border Patrol agent near Douglas, AZ, echo border organizations’ call for the Biden Administration to shut down BPCIT’s and strengthen the integrity of such investigations through legislative solutions.
- With the upcoming termination of CBP’s problematic Critical Incident Teams (CIT) at the end of this fiscal year (memorandum), request a full investigation of unjustified use of lethal force in past cases in which the CIT may have compromised the investigation, such as Marisol Garcia Alcantara’s, and Carmelo Cruz Marcos’.
- Given the Supreme Court’s recent decision to further shield Border Patrol from lawsuits when agents use lethal and/or excessive force against migrants, and the record of impunity for Border Patrol agents in these cases, insist on external oversight mechanisms for the agency when lethal and/or excessive force is used.
- Oppose any increases for CBP funding until comprehensive measures have been implemented to address Border Patrol abuse and impunity.
Summary of Recommendations to Congressional Offices

**Lethal Force and BP CITs**

- Inquire with CBP leadership about protocols related to handling migrants’ personal belongings, including but not limited to the application of administrative sanctions to the last responsible agent in the chain of custody.
- Join the 23 Members of Congress demanding answers from CBP and ICE on migrants’ missing documents and possessions, including religious items.
- Uplift the recent NGO letter to CBP Commissioner Magnus regarding the treatment of migrants’ personal belongings, and conduct a thorough investigation of CBP regarding these practices.
- Publicly support and echo Representatives Grijalva and Castro’s request that the US Government Accountability Office review CBP activities, policies and procedures for the handling of personal property of individuals in their custody.

**Other Abuses**

- Request detailed information from the DHS Office of Civil Rights and Civil Liberties regarding the number of complaints they are closing due to pending litigation.
- Urge CBP leadership to reassess Local Repatriation Agreements given that nighttime expulsions unnecessarily expose migrants to inhumane conditions and danger.