

Pro Bono for Immigrant Families: The Journey North

Proskauer For Good on May 23, 2019

Off a side street in a small town in central Mexico, the shelter entrance was hard to find until we noticed a young family sitting under a tree near a gate with a worn sign welcoming “migrant brothers and sisters.” We walked through the gate into a dusty courtyard surrounded by makeshift structures in the shadow of a church, where we were greeted warmly by the shelter’s director. He explained they were currently accommodating approximately 30 migrants from Central America, and that we had just missed 120 others who left to catch the train going north. The shelter, with a staff of five and several volunteers in and out during the day, has served over 3,000 people so far this year. This is a substantial increase over last year, and most notably, they are serving an increasing number of families.

We spent last week in Mexico providing asylum presentations and individual consultations in partnership with the Institute for Women in Migration, [IMUMI](#). The biggest takeaway from our experience was the prevalence of violence. Everyone described stories of domestic violence or gang violence (or both) in their home countries of Honduras, El Salvador, and Guatemala, and the lack of any protection from government authorities. Everyone also described the great danger they faced along their journey through Mexico, detailing robberies, assaults and even an attempted kidnapping.

The situation for these individuals, now desperate, promises to become even grimmer as the U.S. implements its [“Remain in Mexico” policy](#), which requires asylum-seekers from Central America at the southern border, at the discretion of U.S. authorities, to wait in Mexico for the duration of their U.S. immigration proceedings. For those migrants able to make it to the U.S. border many are now staying in overwhelmed Mexican shelters, meant for short-term stays, while others are sleeping on the streets.

It is entirely unclear at this point how people can assert asylum claims effectively in the U.S. from Mexico, and to what extent they will be able to work legally or provide for themselves or their families. Also of concern is that under the new policy, asylum seekers are not being asked by U.S. Immigration whether they have reason to fear being sent back to Mexico. This appears to violate the government's legal obligation of not returning an asylum claimant to a place where he or she may be in jeopardy. In a recent incident, according to [The Washington Post](#), a group of LGBTQ asylum seekers experienced severe anti-LGBTQ violence while waiting in Tijuana, including "having the shelter they were staying in robbed and set on fire." As a [Ninth Circuit Judge noted](#), "One suspects the agency is not asking an important question during the interview process simply because it would prefer not to hear the answer."

The dire situation for migrants is further complicated by the Mexican government's efforts to break up the caravans and to try to prevent migrants from making it to the U.S. border. [The Associated Press reported](#) last month, for example, that 371 people were detained following a raid by Mexican authorities on a caravan of about 3,000 people. Mexican authorities also are now issuing fewer humanitarian visas and increasing deportations in an attempt to curtail migration. These efforts, however, do not appear to be reducing the flow of Central Americans to the U.S. border – but simply making the journey harder and more dangerous for them.

The idea that migrants will be deterred from traveling north by harsh Mexican or U.S. immigration policies is misguided. Take, for example, the 63-year-old man we met who was travelling north with his 16-year-old son by hopping on top of trains. Aware of the dangers and the difficulties, but fleeing a gang's death threat, the father and son simply did not believe they had any choice. Indeed, it is clear that the "push factors," i.e., the conditions in Central America, as opposed to the "pull factors," appear to be influencing this humanitarian crisis, and that only when those conditions are addressed, will we see a decrease in migration. Last December, Mexico's new president announced [a \\$30 billion initiative](#) to invest in Central America as a means to address the root causes of Central American migration. It does not appear, however, that the U.S. will be part of this effort, at least for now, as the Administration since then threatened to [cut off financial aid to Central America entirely](#).

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- **William C. Silverman**

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