

DAILY REPORT

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A Whirlwind Tour at the Mexican Border Cuts Through the Noise

► COMMENTARY



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THERE IS PERSISTENT noise and confusion surrounding the plight of migrants seeking to enter the United States. At the invitation of former Atlanta Mayor Shirley Franklin, the National Center for Civil and Human Rights and Tahirih Justice Center's Atlanta office, we, along with a delegation of other lawyers, grant-makers and community advocates took a whirlwind tour of El Paso, Texas, and Juarez, Mexico, last November, to get a look for ourselves.

We toured Otero Detention Center, an all-male ICE facility (where the average detainee's age is mid-20s); the detention center's immigration court; the El Paso Immigration Court; nonprofit and advocacy organizations that provide housing, support and legal assistance; a "know your rights" presentation in a Mexican

government building to asylum-seekers by the Hebrew Immigrant Aid Society (HIAS); as well as a Juarez tent city and shelter. The trip did not so much surprise us, given our experience here in Georgia representing detained and nondetained asylum seekers and U and T visa applicants. But, some of what we witnessed and learned has stuck with us since November.

Last year's establishment of the Migrant Protection Protocols (MPP) requires some migrants to stay in Mexico to wait for their U.S. immigration hearings. However, it is not clear what criteria is used to determine who is detained in a U.S. detention center versus sent to Mexico while navigating the incredibly backlogged immigration process. Although being detained in the U.S. is not ideal, staying in Mexico can be incredibly dangerous. Some of the

migrants we met in Juarez complained about shootings, kidnappings and Mexican cartels that take advantage of the migrants' situation. Also, migrants are not always able to stay at the same address while waiting for their court hearings, which can take months. Therefore, the migrants may not be able to receive U.S. court notices about critical events that could affect their proceedings, and their precarious living situation in Mexico also makes it almost impossible to seek out or communicate with counsel. Less than 3% of migrants placed in MPP are represented by an attorney, in part because communication is so difficult.

We met detained individuals whose next hearing date was six months away, making us wonder at the cost and inhumanity of keeping people in prison for so long before allowing them to present their requests for asylum to a judge. We met families with young children in Juarez, who had been sent back from the border by U.S. Border Patrol and were not even sure whether they were in line to be able to request asylum in the first instance. The feelings of danger and uncertainty for people in this process on both sides of the border was palpable.

A positive result from a "credible fear" interview can lead to an expedited asylum proceeding

before an immigration judge and guarantee that the applicant will not be removed from the U.S. during the asylum process. The asylum applicant must show that they have a fear of persecution or torture if returned to their home country or Mexico, given MPP, due to their race, religion, nationality or membership in a particular social group or political opinion. However, recently Border Patrol agents, rather than asylum officers, are conducting these "credible fear" interviews. Asylum officers are trained in U.S. and international law; interviewing; U.S. policy and procedures and country conditions, while an agent's job is to secure the border as a law enforcement official. Allowing border patrol agents to undertake this crucial role weakens the process and requires agents to take on a responsibility outside of their role.

Here, in Georgia, there are other obstacles when applying for asylum. The immigration courts in South Georgia (at the Stewart Detention Center) and Atlanta have the second- and third-highest average asylum denial rates in the nation; at 95% and 94% respectively. The national average is 58%. There is not a clear answer as to why the Georgia denial rates are so high. However, there is no right to a lawyer in these circumstances, and having one has been

seen to improve an applicant's chances.

What You Can Do to Cut Through the Noise

1. See the plight yourself. Non-profit, legal and community organizations at the border and in Georgia need your help. Be a court monitor or provide legal support.
2. Visit the National Center for Civil and Human Rights' spring exhibit to further understand what our delegation witnessed at the border and how these same dynamics affect the legal rights of immigrants in Georgia.
3. Spread awareness about the urgent plight and how we can improve a flawed system that affects people's lives every day.
4. Help fund further legal, policy and community advocacy. 