

April 20, 2020

Via Email

U.S.-Mexico Border Mayors Association

cc: DHS, ICE, USCBP, EOIR.

RE: Regarding the Protection of Migrants, Asylum Seekers, and Refugees during the Coronavirus / COVID-19 Crisis.

Dear U.S.-Mexico Border Mayors Association:

As civil society organizations that provide services, legal representation and advocacy with migrant communities, asylum seekers and refugees in situations of vulnerability in the Mexico-United States border region, we write to share our concerns about the situation of those in transit and living within our border communities during this global health crisis caused by COVID-19. As we have witnessed, COVID-19 does not respect artificial or arbitrary limits, therefore, we must think of ourselves as binational communities, intrinsically connected to protect our health, the economy and those most vulnerable -- including migrants, asylum seekers, and refugees -- in order to best offset the effects of this pandemic. We bring to you our recommendations for the treatment and protection of these populations, along with our pledge to work with you to address their needs in these urgent times.

Many members of our communities are among the unprecedented number of people fleeing armed conflicts, serious violations of human rights, environmental disasters, and extreme levels of poverty. Worldwide, many have risked their lives through dangerous journeys, only to face further obstacles to safety at borders. These situations of heightened vulnerability for people in migration-- due to economic, humanitarian or environmental reasons, among others, have been recognized by governments around the world in the recent negotiations and approval of the Global Compact for Migration at the United Nations, which set out principles, objectives, and guidelines towards cooperative and shared responsibilities in this environment of complex global migration.

On March 11, the World Health Organization declared a public health pandemic and requested the activation of the United Nations crisis management and public health protocols to help countries prepare for and respond to COVID-19.¹ This combination of the current global pandemic, along with the unaddressed humanitarian crisis for migrants and asylum seekers on the Mexico-

¹ WHO Director-General's opening remarks at the media briefing on COVID-19 - 11 March 2020

United States border, further threatens the lives of migrants and asylum seekers in shelters, camps and detention centers where health and safety conditions are cause for serious alarm. Our concerns here are shared in other border regions and at the international level. In fact, United Nations agencies recently sounded the alarm about the “heightened” risk for refugees, forced migrants, stateless people and others who have been displaced.²

It is a particular concern that the turnback or deportation of unaccompanied children from the border, without giving them access to an immigration judge and an attorney, without screening for protection needs, and without placing them in the custody of the Office of Refugee Resettlement (ORR), violates their rights under the Trafficking Victim Protection Reauthorization Act (TVPPRA). Reports of turnbacks of Mexican unaccompanied children without any screening for risk of human trafficking or persecution also violate the TVPPRA and fly in the face of child welfare principles, leaving children vulnerable to human trafficking, persecution, and other harm.

The United States government decision, on March 20, to close the border for non-essential transit, with the aim of reducing the spread of COVID-19, added further pressure for those in the process of migration, local civil society organizations and the international protection agenda, violating the right to seek and receive asylum and the principle of access to territory on the Mexico-United States border. Likewise, it leaves to the cities, counties, and states and civil society in Mexico the responsibility to manage this global public health emergency. The probable increase in the expulsions and repatriations of migrants can exponentially grow this humanitarian crisis.

In the United States, human rights and humanitarian organizations are deeply alarmed by the number of people detained in overcrowded and dangerous conditions. Men, women, and children often detained for minor immigration violations are sent to a vast network of 200 jails and detention centers under unsafe, unsanitary conditions,³ while evidence shows these networks as highly conducive to rapid widespread transmission.⁴ Urgent action is needed by governments to release migrants, asylum-seekers as well as children and high-risk populations to their families, sponsors, or other safe, and secure housing. Joint action and coordination are needed between local governments and civil society organizations to identify safe and secure housing where migrants can appropriately practice social distancing and be permitted to continue their cases in immigration court.

² [OHCHR, IOM, UNHCR and WHO joint press release: the rights and health of refugees, migrants and stateless must be protected in COVID-19 response](#)

³ Amnesty International [Responding to the COVID-19 Crisis While Protecting Asylum Seekers](#)

⁴ World Health Organization [Report of the WHO-China Joint Mission on Coronavirus Disease 2019 \(COVID-19\)](#)

In recent days, the United States government announced an increase in the number of military troops on the border, based on the unsubstantiated claims of “preventing the spread of COVID-19.” Not only does this deployment further threaten the safety of impoverished migrant families and their children seeking asylum, many of whom are fleeing violence and persecution by militarized forces, but the Trump Administration’s request for additional funding for “quarantine facilities” along the United States-Mexico border contravenes the advice of medical experts and the World Health Organization’s guidance against “densely populated spaces.”⁵ These actions unnecessarily expose migrants, custodians, janitors, and all other personnel at risk of infection and will add increased public health risks for the wider community.

We recognize the tremendous pressure on local governments dealing with this health pandemic, and the immediate and long term economic and social issues that are a consequence. In the spirit of cooperation and support, we present the following guiding principles and recommendations to mayors, local governing bodies and border governors to ensure the safety and integrity of all people, including migrants, regardless of their status, and asylum seekers, who reside in each border jurisdiction.

These recommendations require timely responses and have been formulated based on the international protocols for crisis management frameworks provided by the World Health Organization,⁶ the International Migration Response Guides for Migrants in Countries in Crisis,⁷ as well as the United Nations’ Global Compact for Migration and the Global Compact for Refugees. Most urgently, we call on local governments to guarantee equitable access to prevention and medical care, especially for people in vulnerable situations,⁸ rather than exacerbating the conditions that will lead to an even greater health emergency. **Any public health initiative that excludes migrant communities puts the entire border region at risk.**

In this emergency, cities and local governments on the frontlines bear critical responsibility for protecting the human rights of migrants, regardless of migration status, as well as asylum seekers and others who have been displaced.

⁵ Human Rights First: [Responding to the COVID-19 Crisis While Protecting Asylum Seekers](#)

⁶ World Health Organization [COVID-19 Strategic Preparedness and Response Plan OPERATIONAL PLANNING GUIDELINES TO SUPPORT COUNTRY PREPAREDNESS AND RESPONSE](#)

⁷ Guidelines To Protect Migrants In Countries Experiencing Conflict Or Natural Disaster

⁸ Interim Guidance on Scaling-up COVID-19 Outbreak in Readiness and Response Operations in Camps and Camp-like Settings (jointly developed by IFRC, IOM, UNHCR, and WHO)

Recommendations for the Protection of Migrants, Asylum Seekers, and Refugees during the Coronavirus / COVID-19 Crisis

GUIDING PRINCIPLES:

- 1. Protection of life.** Local governments must protect the lives of migrants and refugees in the face of this global pandemic. We recognize the unprecedented nature of this crisis and urge governments to extend humanitarian assistance to all members of our society, particularly those facing the highest levels of vulnerability. Immigrants, regardless of their status, should have equal access to economic support, and at work, access to all health and safety protection. Local governments have the primary responsibility to protect all people within their jurisdictions, including migrants and asylum seekers. The immigration status of migrants should not be used as a basis for denying emergency assistance.
- 2. Right to information.** During these times of crisis, local leaders and responses must foster open, transparent, and accessible communications in inclusive languages, to ensure that everyone, including migrants and asylum-seekers, is informed and ready to assist in contingency plans. The situation of vulnerability -- resulting from violence experienced in their countries of origin and during their journey, coupled with the lack of status, protections, and fundamental language differences, among others -- creates fear, mistrust, and limits access to critical and timely information and essential services in the face of this emergency.⁹
- 3. Right to health and other public health protections.** Governments must ensure that effective prevention and mitigation strategies of COVID-19 include migrants, asylum seekers, and refugees. Public health plans, from prevention to the full range of physical and mental health care, and recovery for these communities must be guaranteed. All migrants, regardless of immigration status, should be reassured that they can safely seek help. Governments should create safeguards for all migrants to have access to essential healthcare, without fear of detention, loss of immigration status, family separation or deportation. Similarly, Local cities must enact policies to decongest and protect migrants in camps and camp-like settings and detention centers. These overcrowded conditions are cause of great concern to medical experts, including the World Health Organization.
- 4. Right to seek and travel to safety, access medical, care and other humanitarian services.** We call upon local governments to advocate for the suspension of travel restrictions at local checkpoints and other immigration enforcement operations that impede ac-

⁹ Inter-Agency Standing Committee: How to include marginalized and vulnerable people in risk communication and community engagement

cess to critical care for migrant communities, including those at heightened risk for performing “essential work.” We urge governments to erect “firewalls” against arbitrary detentions and deportations.

5. Protecting people who are victims of multiple forms of discrimination. While the risk of infection affects everyone equally, unequal access to healthcare has a disproportionate effect on those who are victims of intersectional discrimination. Including those who are indigenous, migrants of African descent, older people, those incarcerated, people with disabilities, those discriminated because of their gender, women and girls, and those who are undocumented. These multiple, intersectional forms of discrimination limit access to basic rights but also limit access to emergency help, due to barriers of language, mobility, access to hospitals, immigration checkpoints and others. Governments must work with civil society organizations to pay particular attention to these groups and adopt strategies that support culturally, linguistically, and gender-sensitive measures.

6. Effective partnerships with civil society organizations We urge border cities to coordinate with migrant-serving organizations and include them in COVID-19 emergency preparedness plans. The restrictions in crossings, closures of ports of entries, and the suspension of pending immigration appointments have increased pressure and capacity needs for organizations and shelters on both sides of the border. The World Health Organization has called on governments to mobilize resources and coordinate with civil society and other actors to ensure that all people are protected during this crisis; this is especially important locally, with the development of joint contingency plans to ease burdens on local healthcare systems.

URGENT PREPAREDNESS AND RESPONSE RECOMMENDATIONS:

1. Provide timely and migrant-inclusive information on COVID-19, in accessible languages. Include migrants, and migrant serving organizations in the planning and related mitigation measures.¹⁰
2. Ensure immediate access to COVID-19 screenings, medical care, and recovery support for all community members, including migrants, asylum seekers, and refugees.¹¹

¹⁰ Guidelines To Protect Migrants In Countries Experiencing Conflict Or Natural Disaster

¹¹ OHCHR, IOM, UNHCR and WHO joint press release: [the rights and health of refugees, migrants and stateless must be protected in COVID-19 response](#)

3. Call upon the federal government for the suspension of travel restrictions and the suspension of immigration checkpoints; these impede critical access to testing, treatment, and care for migrants living in rural border communities.
4. Coordinate with federal authorities to release immigrant and asylum seekers from detention facilities following medical screening and in a manner consistent with public health protocols on COVID-19. Similarly, request measures to reduce overcrowding and provide physical distancing in prison and immigration for those detained for non-immigration reasons.
5. Process unaccompanied children according to the safeguards that the TVPRA provides and that child welfare standards compel.
6. Protect the right to seek asylum, and restrict local support, towards the removal and forced repatriation of people fleeing persecution, conflict, and serious abuse of human rights.¹²
7. Provide safe, alternative housing to migrants released from detention facilities to avoid shelter overflow. Border cities must coordinate safe alternative housing and allow those in need of self-quarantine to decrease risks of local transmission. These measures must take into account the specific needs and conditions of elders, children, and women.
8. Mobilize local donors to support organizations and shelters providing critical services to migrant and asylum-seekers. Local organizations need additional support to cover basic operations and essential supplies such as sanitizing, hygiene, and food supplies to address the immediate health emergency.
9. Provide municipal identification. Establish a local mechanism that allows migrants and asylum seekers access to basic rights and social programs in each locality such as health, identity, food, education, and employment.
10. Provide access, regardless of immigration status, to social programs in each border city. Ensure unemployment and economic relief programs to reduce the social and economic consequences of the crisis, fully include migrants, including those working in the informal sector.

¹² UNHCR: [Key legal considerations on access to territory for person in need of international protection in the context of the COVID19 response](#)

11. Coordinate joint actions with other cities and civil society organizations to reinstate the asylum application process in the United States, and find safe, organized, and humane alternatives to detention.

POST-CRISIS & RECOVERY:

12. Guarantee support to local migrant-serving organizations and shelters to continue supporting migrant populations experiencing heightened levels of vulnerability.
13. Remove barriers to social programs. Review applicable social program operating rules and remove barriers to access for communities under heightened levels of vulnerability, such as migrants and asylum seekers.
14. Coordinate joint actions with border governments to advocate the reinstatement of the asylum application process in the United States, and advocate for border policies that guarantee the human, human, political, and social rights of all living in the border region, including those in the process of mobility.

We, the undersigning organizations recognize the challenges for local Governments in confronting this pandemic. We call upon cities and border mayors to coordinate responses with local civic society to generate policies to protect all communities living on the Mexico-United States border.

If you have any questions, please contact:

In El Paso:

Alma Maquitico,
National Network for Immigrant & Refugee Rights
amaquitico@nnirr.org
915-231-5360

In San Diego:

Pedro Rios,
American Friends Service Committee
prios@afsc.org
619-370-5908

In Tucson:

Isabel Garcia,
Coalición de Derechos Humanos

chita.garcia78@gmail.com.
520-891-6168

South Texas:

Eduardo Canales,
South Texas Human Rights Center
ecsouthtexashumanrights@gmail.com
361-944-3772

List of Organizations:

A.Y.U.D.A. INC.
Académicas en Acción Crítica
ACCSS
Al Otro Lado
American Friends Service Committee
Arizona Justice For Our Neighbors
Asociación civil Yaotlyaocihuatl Ameyal
Asylum Access Mexico (AAMX) AC
Beckett Law Firm, P.C.
Bloque Latinoamericano sobre Migración
Border Patrol Victims Network
CAIR San Diego
Calotia, Por una Tierra para Todas y Todos
Centro Comunitario de Atención al Migrante de Altar
Centro de Atención al Migrante Exodus (CAME)
Casa de Esperanza: National Latin@ Network for Healthy Families and Communities
Casa de Proyecto Libertad
Casa del Migrante, Saltillo
Catholic Charities of Southern New Mexico
CBFD San Diego Indivisible
Cepodemiac
Chula Vista Partners in Courage
Church World Service
City of Las Cruces, City Councilor
Clínica Jurídica Alaíde Foppa para Refugiados de la Universidad Iberoamericana
Coalición de Derechos Humanos
Coalition for Humane Immigrant Rights (CHIRLA)
Comisión de Acción Social Menonita (CASM)
DHIA, Derechos Humanos Integrales en Acción, A.C (DHIA)
Deportados Unidos en la Lucha
Detained Migrant Solidarity Committee

Diocesan Migrant & Refugee Services, Inc.
Diocese of San Bernardino
Dreamers Moms USA Tijuana A.C
El Rio Community Health Center
End Streamline Coalition
Espacio Migrante
Families Belong Together, México
Filipino Advocates for Justice
First Christian Church (Disciples of Christ), Tucson
FM4 Paso Libre, Dignidad y Justicia en el Camino A.C.
Frontera de Cristo
Fundación México
Fundación para la Justicia y el Estado Democrático de Derecho
Haitian Bridge Alliance
HIAS
Hispanic Federation
House of Mexico/Gente Unida
Hope Border Institute
Interfaith Welcome Coalition
Instituto de Geografía para la Paz A.C.
Instituto de Geografía para la paz A.C. (IGP)
Instituto para las Mujeres en la Migración (IMUMI)
Jobs with Justice- Tucson Coalition
Keep Tucson Together - No More Deaths
Kids in Need of Defense (KIND)
Kino Border Initiative
L.U.C.H.A. MEZCOPH, University of Arizona
La Unión del Pueblo Entero (LUPE)
Las Americas Immigrant Advocacy Center
Little Chapel of All Nations, Inc.
Living Hope Wheelchair Association
MAIZ San Jose
Make the Road
Mantega Tucson Unido/Keep Tucson Together
MAS Central Florida
Mexicanos en Exilio
Migrant Rights Collective
Mijente
Muslim American Society
Muslim American Society if New York
Muslim American Society—Central FL Chapter
National Immigrant Justice Center
National Network for Immigrant and Refugee Rights

NM CAFÉ
No More Deaths
Nuestra Tierra
Organización Mexico Americana para el Desarrollo, A.C.
PANA - Partnership for the Advancement of New Americans
Pastor & Priest
Proyecto Biprovincial en Atención a Migrantes y Refugiados - Servicio Jesuita a Migrantes
Red Jesuita con Migrantes- CANA
Regeneración
RGV Equal Voice Network
Rian Immigrant Center
School of the Americas Watch (SOA Watch)
SEIU- United Service Workers West
Sin Fronteras IAP
South Texas Human Rights Center
Southeast Immigrant Rights Network
Southern Border Communities Coalition
Southside Presbyterian Church
Southside Worker Center
Srs. of St. Joseph of Carondelet, LA Province
St. Francis in the Foothills
The Green Valley/Sahuarita Samaritans
Tucson Peace Center
Tucson Samaritans
Universidad Popular
Uno de Siete Migrando AC
Veterans for American Ideals
Yaotlyaocihuahatl Ameyal A. C.