

US Border Officials Pressured Asylum Officers To Deny Entry To Immigrants Seeking Protection, A Report Finds

A DHS report obtained by BuzzFeed News found the controversial Trump program to keep asylum-seekers in Mexico has caused significant issues at the border.

By Hamed Aleaziz

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A CBP officer checks the documents of immigrants who are on their way to apply for asylum in the US.

Fernando Llano / AP

A team of senior Department of Homeland Security officials who examined a controversial Trump administration program to keep asylum-seekers in Mexico found that US border officials apparently pressured asylum officers to deny immigrants entry into the US, according to a draft government report obtained by BuzzFeed News recommending significant and wide-ranging improvements to the program.

The report's existence comes after months of consistent claims from immigrant advocates of irregularities and problems with the Trump administration's Migration Protection Protocols program, which was implemented earlier this year and has forced more than 50,000 people to

remain in Mexico as their cases move through US immigration courts.

The Trump administration has repeatedly cited the program as an achievement that has helped reduce the number of border crossings. On Thursday, Mark Morgan, the acting commissioner of US Customs and Border Protection, told reporters at the White House that it has “absolutely been successful.”

But a group of senior DHS officials — who were not involved with MPP but were organized by Kevin McAleenan, the recently departed acting secretary, to review the implementation of the program — made a number of recommendations that suggest the program has created significant issues at the border. In a memo from McAleenan prior to his departure, the former acting secretary called on DHS subagencies to deliver a plan within a month to address the recommendations and three months to implement the changes.

“The big takeaway from it is that MPP is not working,” said a former DHS official. “This seems to align with every criticism you hear of MPP. Some of these recommendations are phrased mildly but suggest they found serious problems that need to be remedied.”



Immigrants wait at the El Chaparral US–Mexico border crossing in Tijuana.

Sandy Huffaker / Getty Images

DHS spokesperson Heather Swift told BuzzFeed News that the MPP "has been successful at every metric, improving the asylum process for more than 55,000 individuals, and the Department is committed to continually strengthening the program. The former acting secretary requested this independent, internal review of MPP because it has been such an effective program and will

continue to be for the long term.

"The department is committed to the integrity of MPP and will continue to assess and improve the program if and when necessary. Successful organizations continually audit and review their programs to develop best practices and seek ways to improve effectiveness and efficiency, which is why this report was requested," Swift said. "The independent group was composed of officers from the offices of privacy and civil rights and civil liberties, and lawyers who were not involved in the creation of the program. We thank the independent team for their recommendations and look forward to the review and response by the subject matter experts."

The "Red Team" recommendations call on agencies within DHS, including CBP, to provide immigration court hearing notices in multiple languages, improve language access for immigrants and ensure that they understand the "questions asked and can make informed decisions," standardize procedures for screening vulnerable populations like children and people with disabilities, and clarify the role of CBP officers in the process.

To that end, the program requires immigrants to affirmatively tell CBP officers that they fear for their safety in Mexico in order to have a chance of avoiding being returned to the country. In those cases, CBP officers should refer immigrants to be interviewed by US Citizenship and Immigration Services asylum officers.

The recommendations, however, indicate that asylum-seekers have not been allowed to be interviewed by those officers, who have faced pressure to rule against those seeking protection.

"Modify fear screening process protocols to clarify the role of CBP officers and agents versus USCIS officers in making determinations on MPP amenability based on the migrant's claimed fear of persecution or torture in Mexico," the recommendation reads. "At some locations, CBP uses a pre-screening process that preempts or prevents a role for USCIS to make its determination. Interviewees also indicated that some CBP officials pressure USCIS to arrive at negative outcomes when interviewing migrants on their claim of fear of persecution or torture," read the report.

Immigrant advocates, the ACLU, and even asylum officers have said the process is flawed because immigrants don't know that they can express the specific fear, are too intimidated to bring it up, and don't find out that they are being forced back to Mexico until it's too late.

The report calls for CBP to create guidelines that spell out the "appropriate use of restraints during the interviews," ensure that the biometric information of those who have proven a fear of being persecuted in Mexico is not shared with Mexico, facilitate access to attorneys, and significantly improve communication with the immigrants sent back to Mexico.





A pregnant woman from Guatemala, recently released from federal detention with fellow asylum-seekers from Central America, sits on a bus in McAllen, Texas.

Loren Elliott / Getty Images

DHS officials found that some immigrants have had to give up their shelter space in Mexico when they depart for the US for a court hearing and are then left without an address to follow up on their cases. The officials recommend CBP create a “reliable method of communication” so immigrants can be reached during their wait. This will allow, they said, access to counsel and communication between migrant families — including cases when family members were not processed at the same time or when children are separated.

According to the report, CBP officers have also placed Mexican nationals into the program, a group that is supposed to be explicitly excluded. CBP officers, the recommendations say, need to “address situations where families are placed in MPP and returned to Mexico despite having at least one immediate family member who is Mexican (e.g. the child was born in Mexico to a non-Mexican mother).”

The procedures currently in place at the border appear to be the cause of the issues.

“At some locations, DHS sends pregnant women back to Mexico under MPP. It’s unclear how DHS will treat families who claim fear of persecution or torture in Mexico when they return to the US with a child who was born in Mexico (and may have Mexican citizenship),” the recommendation reads.

The report also calls on DHS to establish measures of effectiveness of the program, such as tracking the movements of immigrants pushed into the program, recording the number of proceedings missed due to people who did not show up, maintaining a count of the number of individuals asserting fear at the border, and those who have had to remain overnight in the US, among other items.

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