



Safer Deportations Practices: Recommendations

The repatriation of Mexican nationals is governed by a February 20, 2004 Memorandum of Understanding between the United States and Mexico on the **“Safe, Orderly, Dignified and Humane Repatriation of Mexican Nationals.”** To implement this, Regional Technical Working Groups (RTWG), comprised of regional staff from Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), the Mexican National Institute of Migration (INM), the Mexican Consulate General and the Secretariat of Governance for the United States of Mexico craft Local Arrangements for Repatriation (LAR), which address times and locations for repatriation, as well as points of contact to receive and/or convey information about incidents involving reported mistreatment or potential human rights concerns. In addition to the 30 LAR that cover the border, various programs and Department of Homeland Security (DHS) policies affect the way in which the deportation process is conducted.

Unfortunately, a number of **current U.S. policies and practices endanger the health, welfare and safety of deported individuals.** The concrete commonsense recommendations below would much improve the security situation for newly deported migrants.

Immediate

- 1. End all night-time deportations:** At each port of entry, U.S. authorities transport migrants to a predetermined location, often a public plaza. This allows local gangs, smugglers, traffickers and organized crime to easily identify and prey upon migrants and target them immediately upon arrival. When deportations happen in the middle of the night when shelters and other nongovernmental organizations (NGOs) are closed, migrants are especially vulnerable to attack, extortion or exploitation.
- 2. End family separation during the deportation process:** When a group of migrants is apprehended, existing protocols in many sector do not require agents to inquire as to familial relationships. DHS should develop and implement a standardized process to determine familial relationships among apprehended migrants and take steps to ensure that deportation practices do not needlessly separate family members, especially by deporting family members to different ports of entry from one another.
- 3. Return all belongings prior to deportation:** All belongings should be returned to migrants. In particular, the return of money, identity documents, medications and cell phones are especially crucial for survival in the first few days after deportation and allow Mexican nationals to communicate with their families and interface with the Mexican government. Specifically, money should be returned in a usable form—for example, not as a U.S. domestic check that is difficult to cash in Mexico. *(While the need for interagency coordination may mean that ensuring the return of*

all belongings cannot be guaranteed immediately, the urgent nature of this concern and its impact on migrant survival should compel action as quickly as possible.)

- 4. Provide prior notification to Mexican authorities of people with special needs:** Unaccompanied children, pregnant women, people with disabilities, people with serious medical conditions and elderly individuals may all require additional care, preparation and special transportation. Providing information to Mexican officials well in advance of implementing a deportation would help these vulnerable individuals get the prompt and adequate care they need. This safeguard is already in place for deportations to Coahuila and should be extended throughout the border.

Short-term

- 1. Do not deport individuals to particularly dangerous locations:** Because of lateral repatriation policies, male migrants are increasingly deported to border towns so dangerous that U.S. government personnel are prohibited from being outside at night. For example, INM reports that deportations to the Mexican border state of Tamaulipas increased five-fold between 2006 and 2012, despite the fact that homicides—a key indicator of increasing danger—were rising.
- 2. Provide opportunities for border NGO input:** Provide a clear, transparent and public process through which NGOs can supply U.S. authorities with information and input in advance of renegotiations of the LAR. NGOs often have crucial information about what services are available at what time, as well as challenges associated with safeguarding migrants' lives in the context of current practices. When governments and NGOs work together, recently deported migrants are better served and protected.

Medium term

- 1. Review all migration deterrence programs:** Migration deterrence programs, as demonstrated by the May 2013 Congressional Research Service report, have failed to demonstrate significant deterrence effect and often have unintended and secondary consequences including: migrant deaths, increased vulnerability to trafficking and unnecessary family separation. All migration deterrence programs should be reviewed for impact on family unity, migrant safety and well-being, due process protections, human trafficking risks, and actual migration deterrence impact.

For more information, please contact Shaina Aber, Jesuit Conference, saber@jesuits.org; 202-629-5918, Mary Small, Jesuit Refugee Service, msmall@jesuits.org, 202-629-5942, or Jennifer Podkul, Women's Refugee Commission jenniferp@wrcommission.org, 202-507-5385.