Catholic Charities
of Southern New Mexico
Legal Services Program

125 W MOUNTAIN AVE.
LAS CRUCES, NM 88005

July 19, 2019

Written Testimony before the Democratic Policy and Communications Committee
"America Speaks Out: Stomp Trump's Cruel Treatment of Children at the Border"

Thank you, Members of the Committee, for inviting me here today to detail the cruel treatment of children and families at our nation's border

My name is Imelda Maynard and I am the senior attorney with Catholic Charities of Southern New Mexico. Catholic Charities of Southern New Mexico provides low-cost and free legal services to migrants and their families in southern New Mexico, West Texas, and now, as a result of Remain in Mexico, our sister city of Ciudad Juarez in Mexico. We are one of a small handful of agencies providing these services in our service region of approximately 55,000 square miles. Catholic Charities of Southern New Mexico is also a member of the Borderland Immigration Council, a binational coalition of immigration advocates and advocacy groups seeking justice, fairness and transparency in the implementation of our nation's immigration laws.

I have practiced immigration law since 2010. Over the course of almost a decade in practice I have had the opportunity to represent immigrants and their families and I have seen the full breadth and complexity of their cases. My work on the border has opened my eyes to the systematic cruelty experienced by immigrants and the disregard for both the rule of law and human dignity by the current administration. In our experience, the Trump administration simply does not relent in finding new ways to pervert and subvert the rule of law, all in an effort to deter immigration, including the legal pursuit of asylum. The administration's policies have disproportionately targeted our border communities, migrant families and in a particular way, the most vulnerable, children.

Our Declaration of Independence states that it is a self-evident truth, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. The United States of America was founded on Jefferson's words. Since then, people from all over the globe have flocked to these United States in pursuit of life, liberty, and happiness. The people coming to our borders today are no different from the founders of our nation or from prior generations of immigrants--many of our own ancestors--that have come to America's shores. These asylum seekers, these families, come fleeing oppression, violence, famine and war. Like our founders and forbearers, they are pursuing life on behalf of themselves and their children.

Over the course of the last two years, as part of my work with Catholic Charities, I have had the opportunity to speak with hundreds of migrants who are mothers, fathers, brothers, sisters, aunts, uncles, and grandparents who are fleeing horrible conditions in their home countries and come to the U.S. in pursuit of life, liberty, and happiness. Despite one of the

founding documents of our nation stating that it is a self-evident truth that all men are endowed with the unalienable right to this pursuit this administration has turned a blind eye to these ideals.

Our immigration system really is broken, riddled with inefficiencies, and grossly long, expensive and cumbersome processing and adjudication. The administration's current policies do nothing to alleviate these problems and only exacerbate them. Because the administration has criminalized the unalienable rights of life, liberty, and the pursuit of happiness, we all suffer. Migrants and their children suffer because instead of being allowed their day in court to fully present their evidence they are made to jump over ever increasing bureaucratic hurdles.

As a resident and legal service provider at our nation's southern border, I would like the American public to know that we are a vibrant bi-national and bi-culture region. We are not a war zone and the only crisis that currently exists is the one created by this administration. Families should not be separated. It is inhumane to tear a child from the arms of their loved ones. Children who travel to our borders in the care of their siblings, their grandparents, and their extended family members are not fake families. Many children have lost their parents to the very violence their family members seek to shield them from, and instead of receiving these kids and their families with compassion, this administration criminalizes them and separates them from the only family they have left.

Families should not be separated nor do they belong in cages. We recently toured the Border Patrol processing facility in El Paso Texas located at the Bridge of the Americas. During our tour we witnessed overcrowding on the inside and outside. We saw parents and children being processed outside in the elements, in cold and rain. This facility was designed and equipped only for expedited processing, but many had been there for days. Children and adults were sick and many stated they had arrived healthy, but their health worsened as their days in the center increased. On a shelf inside the facility, I saw a sign that read "black hole," which is where migrants records were kept. It was a miserable sight to behold and made all the more miserable because I knew what these migrants would soon have to endure.

The lucky families would be released into the U.S., to a shelter like the ones in my city of Las Cruces, there they are welcomed by volunteers who offer a smile and things to care for a families' needs like a shower, clean clothing, medical care, and food. The shelters are staffed by volunteers, who are there to do right by their fellow man. Many volunteers work countless hours at the shelter assisting migrant families with communication and travel arrangements. These families are the lucky ones as they will have the freedom to pursue their claims for asylum or any other form of relief before our nation's immigration courts, while being non-detained and surrounding by a community of people who love and support them.

But there are many who are fated to make their asylum claims from behind bars, in immigrant detention, typically at a for-profit institution, where conditions are often worse than those at a jail. Many of these migrants will be separated from their children and family members. If they are "lucky" their child may be housed at a shelter in the same state where they are detained, but often that is not the case. This can be traumatic for the emotional and physical health of children.

It is difficult to imagine what it must feel like to seek refuge in this land of the free only to be separated from family and treated as a criminal. And yet, it can be worse. Now migrants are often sent to spend months pursuing their asylum claims in Mexico, a country not their own, foreigners in a foreign land, where societal conditions often mirror and may be worse than those

which they are fleeing. This new policy is called the Migrant Protection Protocols, MPP, better known as Remain in Mexico, and perhaps more appropriately called the Migrant Persecution Protocols. These migrants have little to no support system within Mexico and are easy targets for criminals Those with children must find shelter but that is becoming harder and harder as many of the shelters find themselves operating beyond capacity, forcing many migrants families to live on the streets. Migrants are often beaten, robbed, kidnapped, raped and some have been killed. We have seen mothers testifying in open court to being robbed and assaulted in front of their children.

Under MPP, the only way to be removed from the program is to affirmatively request a non-refoulement interview and then prove to an asylum officer that it is more likely than not that one will suffer persecution in Mexico on account of a protected ground. Countless of the people we have represented have testified to being kidnapped, targeted for rapes, and extortions and have been assaulted all because they are migrants. The mothers I spoke about earlier, they all had their interviews, and despite their credible testimony before an asylum officer, they were returned to Mexico. One of those mothers, whose testimony I will share with you today, opted to not continue with her case after being returned to Mexico for a second time. The following is an excerpt from her affidavit which she wrote to explain why she decided to return to her home country with her child:

Excerpt from written by L.H.:

1. *I and my son entered the United States on 3/28/2019. My son and I were first detained under a bridge for two days, we had to sleep outside, after that we went to some tents and we were there for two more days, then they took us to an office where we were processed, we were there for a day and we were informed we would be sent back to Mexico.*
2. *During the time we were under the American custody my son got sick, he got a cough, a cold, and fever. The officers gave him medicine for the fever but the fever did not go away.*
3. *During our first return my son and I stayed at Casa Del Migrante to await our first court. During my time at Casa Del Migrante my son would always be sick.*
4. *When we went to our first court, my son was still sick, I told the officer after our court, initially they did not want to do anything but then they noticed he was sick and he was hospitalized. He was hospitalized for a day, the next day we returned to Mexico. I had asked for an interview to not return to Mexico because of the uncertainty in the country but we were denied and myself and my son were returned to Mexico.*
5. *After being returned to Mexico on April 20, 2019 after our first court, we tried to return to Casa Del Migrante, but they did not want to accept us. They told us, that the shelter could not receive us.*
6. *Since we could not stay at Casa Del Migrante myself and two other companions decided to rent a hotel room, at the Hotel Maripina in Cd. Juarez. We have been staying at this hotel since April 20, 2019.*
7. *We took a cab to the hotel and the cab driver wanted us to pay him more money than what our trip was because we were migrants. We paid him but the cab driver commented he had people that could help us cross to the United States. We told him no and we later*

found out he would come to the hotel to ask if we were still staying there after hearing this I was very frightened.

8. *On May 11, 2019 in the middle of the night around one A.M. a person tried to break in to our room with a knife. We saw and heard how he tried to break down the door. We were very very frightened because we have heard news reports about migrants being attacked, and then we lived it.*
9. *We asked for help from the hotel's security but he didn't do anything. We asked the gardener for help and he came to see what was going on. He said he called the police, the police came but since the person had left they said everything was fine, they did not take our statements. I was very impacted and I was afraid for my life and my son's.*
10. *That week we returned to court. I had spoken to my attorney who said she would represent me in asking again for an interview so that we would not be returned to Mexico.*
11. *On May 17, 2019 we returned to court and I asked again for an interview so that I would not return to Mexico.*
12. *After court my son and I were again in the "hieleras" [CBP Holding Facility] 4 days waiting to hear if we were going to stay in the United States. During this time my son got sick again he had vomit and diarrhea, my son soiled his clothes because the officer would not listen to us when we would ask him to use the restroom. During this time my son would hardly eat.*
13. *After being returned to Mexico with my son, I decided not to continue with my case because I feared for my life and my son's. We are not safe in Mexico and I fear staying here, I wish to return to my country.*

I should add that this affidavit was written in an effort to ask the Immigration Judge that she not be deported in her absence. Once a family is placed in MPP, if they later decide they cannot continue with their case and fail to appear for their court hearings, they are ordered deported in their absence.

MPP far from making the processing of asylum claims more efficient and fair, have instead been implemented to inject further chaos into an already broken system. Immigration Judges see a constant reshuffling of their dockets and now have even less control and less of an ability to expeditiously handle what had already been an 800.000 case backlog. People like the women mentioned above are sometimes set for hearings which begin in the early morning and require that they present at the ports of entry as early as 4:00 a.m. Under MPP there is no regard for how people are to arrive at the ports, only that they are to get there and cross over to the American side where they are later picked up and held at a CBP holding facility until it is time that they be taken to court.

Even if families are lucky enough to be able to afford to pay counsel to represent them, finding attorneys who are willing to take on these cases becomes impossible because of all the hurdles an attorney must go through to even speak to their client. For instance, if a person does not have access to a phone in Mexico, the only opportunity they will have to speak with their counsel is the day of their hearing. Attorneys are supposed to be afforded at least an hour to speak with their client but we have seen this hour dwindle down to thirty minutes. Furthermore, in El Paso, there is only one room where an attorney can meet with their clients. If multiple attorneys are present that day, they will need to discuss highly sensitive matters with their clients

in the hallways in earshot of anyone passing by. Attorneys are not given access to the CBP holding facilities where their clients are held prior to and after their hearings, meaning if an attorney wants to represent a client in MPP, they will need to travel to Mexico to meet with their client. Non-profits like the one I work at, are at capacity and find it hard to take on more than a few cases because of the lack of access this system imposes upon us and the sheer number of people who need help. The last figure of those returned to Mexico under MPP in the El Paso region was 9,344 people.

Rather than spending billions of dollars on a wall, and further tactics aimed at militarizing our border, money should be invested in hiring more adjudicators and support personnel so that we uphold the rule of law by giving people their day in court and an opportunity to make their case. Rather than spending billions of dollars on detaining families, we should instead invest that money in alternatives to detention which are far more cost effective and humane.

Families belong together but not in cages or outside our borders in cities we know to be dangerous for them, we need to uphold the ideals of our founding and stop criminalizing families who come to the U.S. seeking life, liberty, and the pursuit of happiness.

Thank you for your time and attention.

Respectfully,

Imelda Maynard Esq.