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# In Search of Refuge: Mexican Refugees and Asylum Seekers to the U.S. from 1980 to the Present

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IN SEARCH OF REFUGE: MEXICAN REFUGEES AND ASYLUM SEEKERS  
TO THE U.S. FROM 1980 TO THE PRESENT

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## **Dedication**

*...for anyone who has been forced to flee their home due to violence or insecurity*

IN SEARCH OF REFUGE: MEXICAN REFUGEES AND ASYLUM SEEKERS TO THE U.S.  
FROM 1980 TO THE PRESENT

by

TAYLOR KRISTINE LEVY, B.A.

THESIS

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The University of Texas at El Paso  
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for the Degree of

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## **Abstract**

An estimated 130,000 Mexicans have been murdered since 2006, with another 27,000 having been officially “disappeared;” approximately 2-3% of the adult Mexican population has been forced to leave their homes due to this violence, many of whom have entered the United States seeking refuge (Molloy, 2013; Olivares, 2012). These refugees have emigrated using a variety of both authorized and unauthorized channels, with a significant (and increasing) number applying for political asylum in the United States (Lyst, 2013). This thesis seeks to provide a historic background and comprehensive analysis of the identity and struggles of the four types of modern Mexican refugees. The U.S. government has a moral and legal obligation to provide refuge to the thousands of Mexicans who have been persecuted and displaced since the beginning of the hyperviolence in 2006. Ultimately, I argue that political bias has caused Mexican asylum seekers to be treated unfairly by the U.S. government despite moral and legal *nonrefoulement* obligations to protect asylum-seeking migrants from persecution, torture, and death in their countries of origin. My research seeks to address this bias and give voice to the experiences and struggles of the modern Mexican refugee.

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## Chapter 1

President Felipe Calderón's declaration of a "War on Drugs" in 2006 sparked the beginning of a period of extreme violence in Mexico which subsequently led to the massive internal displacement and emigration of hundreds of Mexican citizens fleeing violence in their home communities (Molloy, 2013). Academics from the *Universidad Iberoamerica* in Mexico City estimated that between 2010-2011, approximately 2-3% of the adult Mexican population has been forced to leave their homes due to violence, many of whom have entered the United States seeking refuge (Olivares, 2012). The year 2006 therefore marks the beginning of a new era of violence-driven Mexican refugee migration, the likes of which have not been seen since the Mexican Revolution of 1910 (Cardenas, 2013). These individuals, therefore, are also contemporary Mexican refugees because the primary impetuses behind their decisions to migrate were *violence and persecution*, not economics, family reunification, or adventure as has been generally observed in prior Mexican immigration flows (Gamio & Burma 1971; Durand, Massey, & Zenteno 2001; Massey, Durand & Malone 2003; Zúñiga & Hernández-León 2006).

Unfortunately, the Mexican migration literature is lacking in terms of rigorously investigating the linkage between violence and emigration (Alvarado & Massey 2010; Morales et al. 2013). One exception is the research of Alvarado and Massey (2010), who found that violence in Mexico actually has "a significant negative effect on the likelihood of out-migration to the United States, acting to deter rather than instigate movement north of the border" (p.9). The authors postulate that violence may serve as a deterrent for migration for low-income families who face increased travel risks, while encouraging migration among higher-income individuals who possess a greater degree of the economic and "transnational capital" needed for successful migration (Morales et al. 2013, p.95). However, Alvarado and Massey (2010) only looked at homicide rates,

failing to include other indices of rampant violence in Mexico such as kidnappings, car-jackings, assaults, and extortion (all potential push-factors for emigration).

Rios (2012), on the other hand, argues that Mexican hyperviolence has led to increased emigration. He estimates that 264,693 Mexicans have migrated to the U.S. in “direct response to drug-related homicides” and extortion (p.4). Conversely, Escobar Latapí, Lowell, & Martin (2013) recently found that violence in Mexico is negatively correlated to emigration, once again only taking into account homicide rates. However, they did observe that violence-driven emigration is more common in the US-Mexico border region due to the close proximity of a feasible escape route; persecuted individuals living in the interior regions of Mexico are likely deterred by the dangers associated with northbound migration (Escobar Latapí, Lowell, & Martin, 2013). Thus the migration effects of violence are not felt equally across all segments of the population.

Therefore, Mexican refugee migration is understandably more prevalent in some regions than others, especially given the fact that the violence has not been distributed evenly throughout the country (though few could argue that there is anywhere left in Mexico that could be characterized as a safe haven, as even Mexico City has begun to experience higher rates of cartel-linked violence and extortion in recent years). For example, in notoriously-violent Ciudad Juárez (estimated to have population of 1.3 million inhabitants at the start of 2008), a significant number of people have fled the city and surrounding areas since the period of hyperviolence began in that region. The highest estimates (developed by academics at the Ciudad Juárez Autonomous University) conclude that “approximately 250,000 people fled Juárez from 2008 to 2010” with approximately 124,000 of those people immigrating to El Paso, Texas (Cardenas, 2013, p.223). Lower estimates, however, put the number of Mexicans having fled to El Paso due to the violence at 30,000 (according to Police Chief Greg Allen in 2010) or even 10,000 (according to the Mayor,

John Cook). Likewise, analysis of public school enrollment figures from 2010-2011 indicate only moderate increases (Cardenas, 2013). However, this metric is likely artificially-low considering that students frequently attend school in El Paso while actually living in Ciudad Juárez; therefore if the families of these children chose to move to El Paso, their migration would not be reflected statistically in terms of increased school enrollment (Ibid.). The disparities between these estimates illustrates the common frustration at the difficulty involved with trying to obtain accurate estimates of this population, especially considering that many of these migrants have safety incentives to stay in the shadows.

### **Mexican Refugee Typology**

Like Cardenas (2013), Morales, Morales, Menchaca, and Sebastian (2013) also provide a fascinating analysis of the various types of individuals who have migrated to the U.S. after having experienced violence in Ciudad Juárez, Mexico. The authors conducted “63 in-depth interviews with Juárez-El Paso border residents,” and constructed a three-part “typology of international migrants who are represented in the Juárez exodus: the Mexican business elite, the ‘Refugees without Status,’ and those who resided in Mexico but who are U.S. born or have legal permanent residency in the U.S.” (Morales et al., 2013, p.80). The first group—the business elite—did leave Mexico due to the violence in Ciudad Juárez, but their exodus was hugely aided by their socioeconomic ability to secure costly “U.S. business investor visas” (Morales et al. 2013, p.87).

The second group—“Refugees without Status”—consists of migrants who entered the U.S. fleeing violence, but who were unable to obtain political asylum and are therefore residing in the U.S. without the proper immigration documentation. The final group—U.S. citizens and legal permanent residents—consists of individuals who were living in Ciudad Juárez despite having the

ability to reside in the U.S. with legal status, but who then decided to leave Mexico because of the violence. Using this typology as an analytical framework, Morales et al. (2013) identify the various similarities and differences among the three groups in relation to their experiences of violence-based migration. The authors conclude that the “migration stream mostly represents the upper and middle-class residents of Juárez,” since even the “Refugees without Status” group possessed “transnational capital” in the form of student or visitor visas that enabled them to cross the international border without seeking political asylum (Morales et al. 2013, p.95-96).

Inspired by the work of Morales et al. (2013), I have developed a similar, four-part typology of victims of violence in Mexico who have subsequently migrated to the U.S. seeking refuge. Shifting the focus somewhat away from socioeconomic status, my typology centers instead around the migrants’ immigration status, though the two characteristics are often inextricably linked. I have chosen to employ a legal framework of analysis because an individual’s status within the eyes of the U.S. immigration bureaucracy has a substantial impact on their ability to survive and thrive in this country. Legality, documentation, authorization, “papers”—whatever one chooses to call it, people on the correct side of these bureaucratic delineations are blessed with varied set of rights and privileges labeled by Payan (2012) as economic, political and legal “enfranchisement.” Building on this framework, I use the following five categories to identify the various types of modern Mexican refugees:

1. *Asylum Seekers*: Mexican nationals who are currently in the process of seeking political asylum in the U.S.; and Mexican nationals who have successfully obtained political asylum in the U.S. and are thereby eligible to become Legal Permanent Residents and, subsequently, U.S. citizens;
2. *U.S. Citizens and Immediate Relatives*: individuals with U.S. citizenship who were living in Mexico until deciding to migrate to the U.S. due to violence in their home communities; and individuals who decided to apply for legal permanent residency through their immediate relatives in response to violence in their home communities.

3. *Refugees with Non-Immigrant Authorization*: Mexican nationals who migrated to the U.S. due to violence in their home communities who are *not* currently seeking political asylum, but who do possess various forms of non-immigrant authorization including valid student visas (F1), and business/investor visas (E1/E2);
4. *Refugees without Authorization*: Mexican nationals who migrated to the U.S. due to violence in their home communities who are *not* currently seeking political asylum, and who do not have valid immigration authorization.

There is a wide degree of heterogeneity among and within each category, in terms of background, history, and socioeconomic standing. Moreover, the categories are not bound, and a great deal of movement between them is to be expected. However, this status-based typology provides an ideal framework within which to analyze the varied experiences of the contemporary Mexican refugee.

## **Paper Outline**

This thesis seeks to provide a historic background and comprehensive analysis of the identity and struggles of the four types of modern Mexican refugees. The U.S. government has a moral and legal obligation to provide refuge to the thousands of Mexicans who have been persecuted and displaced since the beginning of the hyperviolence in 2006. Ultimately, I argue that political bias has caused Mexican asylum seekers to be treated unfairly by the U.S. government despite moral and legal *nonrefoulement* obligations to protect asylum-seeking migrants from persecution, torture, and death in their countries of origin. My research seeks to address this bias and give voice to the experiences and struggles of the modern Mexican refugee.

Chapter 1 introduces the concept of the modern Mexican refugee. Chapter 2 is made up of a four-part literature review: first, I briefly survey existing literature pertaining to general refugee experiences looking at both adversity and resilience; next, I provide an overview of the period of Mexican hyperviolence that began in 2006; and, finally, I review various scholarly articles that



have been published concerning contemporary Mexican refugees. In Chapter 3 I discuss my personal background and research methodology. Chapter 4 consists of a general refugee and asylum-law overview, focusing specifically on the history, development, and flaws of the current U.S. asylum bureaucracy, especially in relation to Mexican nationals. In Chapter 5 I discuss Mexican refugees from a historic perspective from the 1980 Refugee Act to the current era. Chapter 6 includes the stories and experiences of select Mexican asylees and asylum seekers, including both well-publicized and anonymous cases. Similarly, Chapter 7 tells stories of these Mexican refugees who fled violence without formally applying for political asylum from the U.S. government. Finally, Chapter 9 concludes with a discussion of the limitations of my study, ideas for what future researchers should explore, and policy change recommendations.

## **Chapter 2: Literature Review**

### **Adversity Experienced by Refugees**

Prior to having decided to emigrate, refugees, by definition, have been subjected to extreme trauma and persecution in their countries of origin, and these experiences have significant psychosocial repercussions. As stated by Lusk, McCallister, and Villalobos (2013): “The psychosocial effects of war and armed conflict are well documented and known to contribute to human suffering, poor mental health, diminished quality of life, increased burden of disease, and chronic disability” (p.4). Refugees are also likely to experience additional stress and trauma during the migration process, such as “lack of shelter, food, and water; exploitation, physical abuse, including rape; extortion; and police harassment” (Ibid.). All of these experiences lead to heightened risk of PTSD, anxiety, and depression among refugee populations (Ibid.). High rates of one or more of these psychological conditions have been observed among Sudanese refugees (Schweitzer, Greenslade, & Kagee, 2007); Tamil asylum seekers and refugees (Steel, Silove, Bird, McGorry & Mohan, 1999); asylum seekers and refugees from Chechnya, Afghanistan, and West Africa (Renner & Salem, 2009; Riolli, Savicki, & Cepani, 2002); Kosovar refugees living in Albania; unaccompanied asylum seeking adolescents in the UK (Hodes, Jagdev, Chandra, & Cunniff, 2008); Guatemalan refugees living in Mexico (Sabin, Cardozo, Nackerud, Kaiser, & Varese, 2003); Bosnian refugees living in Croatia (Mollica et al., 1999); and Latino immigrants in the U.S. who had experienced political violence (Fortuna, Porche, & Alegria, 2008 and Eisenman, Gelberg, Liu, & Shapiro, 2003).

Refugees, as immigrants to a new country, also face a great deal of post-migration adversity, including “detainment, discrimination, unemployment and poverty, homelessness, separation from family, social isolation, and possible deportation” (Lusk et al., 2013). Migration

in and of itself is a certain kind of prolonged stressor (Grinberg & Grinberg, 1989); because an immigrant feels the ongoing stress of “prolonged separation from one’s place of origin and loved ones” (Castañeda & Buck, 2011, p.88). Migration can also lead to a loss of one’s sense of identity (Akhtar, 1995). Additionally, economic and employment concerns for many newly-arrived immigrants are particularly salient sources of stress (Parra-Cardona, Bullock, Imig, Villarruel, & Gold, 2006; Wong & Song, 2008; Tutu, 2012; Sellers Campbell, 2008; Graham & Thurston, 2005). Finally, asylum seekers to the U.S. are frequently held in prison-like immigration detention centers, despite findings that post-migration detention among asylum seekers has a significant effect on “worsened mental health status” (Kerwin, 2012; Schoenholtz, 2004; Ichikawa, Nakahara, & Wakai, 2006, p. 344). All of these post-migration stressors further aggravate psychological conditions such as depression, anxiety, and PTSD among refugees (Ibid; Eisenman, Gelberg, Liu, & Shapiro, 2003; Lie, 2002; Marshall, Schell, Elliott, Berthold, & Chun, 2005; Eisenman et al., 2003; Miller et al., 2002).

## **Refugee Resilience**

Research related to resilience—most often seen in the fields of psychology and social work—seeks to understand the ways in which individuals, families, and social groups are able to respond effectively to trauma and hardship. Most early research on this topic focused on childhood resilience (Garmezy, 1974; Werner, Bierman, & French, 1971), paying particular attention to individual personality traits held by “resilient” children (Masten & Garmezy, 1985). According to Luthar, Suniya, Cicchetti & Becker (2000), “Resilience refers to a *dynamic process encompassing positive adaptation within the context of significant adversity*” (543; emphasis theirs). Recent resilience literature has expanded to also address adults and can be loosely divided into three main

areas: “internal personal strengths,” “interpersonal resources and skills,” and “external supports” (Killian, 2004, p. 45-47). This model offers a more comprehensive view of resiliency that takes into account various factors and the ways in which they interact and contribute to positive outcomes. Resiliency thereby consists of multiple areas of positive adaptation including physical and psychological health, financial stability, and overall well-being following adversity. According to Cardoso and Thompson (2010), an “individual is considered resilient if he or she meets the cultural and societal expectations for adaptation and if this status was achieved in the presence of perverse adversity” (p.257).

In recent years resiliency has been used to examine the ways in which migrants and refugees are able to positively adapt to their new situations following trauma, such as witnessing/experiencing violence, and/or migration. These studies focus primarily on psychological resiliency in terms of mental health status—defined by rates of depression and PTSD—following trauma and/or migration. All have demonstrated that resiliency among this population is strongly affected by individual personality traits, familial support, and/or external support structures. However, it is important to also note that several researchers found that psychological symptoms were also significantly impacted by factors related to social and economic capital including acculturation, education, language-acquisition, and socioeconomic status (Guinn, Vincent, & Dugas, 2009; Graham & Thurston, 2005; Sellers Campbell, 2008; Tutu, 2012; Wong & Song, 2008; Parra-Cardona et al., 2006).

A significant portion of the existing literature addressing psychological resiliency among migrants and refugees focuses on the protective role of individual personality traits. For example, Riolli et al. (2002) demonstrate the positive effect various personality traits have on resiliency among Kosovar refugees and Albanian immigrants, including “optimism, extraversion, openness

to experience, conscientiousness, and control coping” (p.1604). Bromand et al. (2012) found that extraversion and self-efficacy had a strong protective effect on mental health resiliency among Turkish migrant women living in Germany. Aroian and Norris (2000) found that resiliency, defined as personality traits and coping resources, had a strong negative effect on depression among recent Russian immigrants to Israel. Graham and Thurston (2005) identified the strong resiliency effect of hope and optimism among recent immigrant women in Calgary, Alberta. Similarly, Sellers Campbell (2008) found that “inner strength” was the most important resiliency factor among unauthorized Mexican women in South Carolina (p.239). Religiosity and spirituality have also all been shown to have a significant effect on resilience among migrant and refugee populations (Schweitzer, Greenslade, & Kagee, 2007; Hull, Kilbourne, Reece & Husaini, 2008; Thompson & Gurney, 2003). Finally, several scholars have found that unique cultural traits, rituals, and belief systems among Latino immigrants serve as protective resiliency factors in the face of adversity (Trueba, 2002; Castro et al., 2007; Chapman & Perreira, 2005; Parra-Cardona et al., 2006; Perreira & Chapman, 2006).

In addition to the role of individual personality traits, much of the literature related to psychological resiliency also discusses the role of familial support—both material and emotional—as a protective factor for migrants and refugees. In a study comparing unaccompanied minors seeking asylum and children to their accompanied peers, the latter group was found to have much lower instances of posttraumatic stress symptoms and depressive symptoms, a finding primarily attributed to the protective role of familial support in reducing the negative effects of war-related trauma and migration strain (Hodes et al., 2008). Parra-Cardona et al. (2006) found extended family support to be a major protective factor for low-income Mexican-origin migrants in Michigan. Additionally, marriage, and the resulting familial/spousal support was found to

positively correlate to stress resilience among Mexican American women living in the lower Rio Grande valley of Texas (Guinn et al., 2009). Likewise, while less statistically significant than economic/material factors, marital status was found to positively correlate to mental health among male Chinese migrant workers (Wong & Song, 2008). Similarly, Tutu (2012) found that having a boyfriend/girlfriend was the most important form of social capital operating as a resiliency factor for slum-dwelling migrant youths in northern Ghana.

Finally, several scholars have also demonstrated the ways in which non-familial external supports, such as community-based social networks, impact resiliency following experiences of trauma and/or migration. Involvement with neighborhood associations, church membership, peer groups, and schools has all been shown to have a positive effect on psychological health among Latino immigrant populations (Hull et al., 2008; Thompson & Gurney, 2003). Community support has been shown to be extremely helpful for recent Latino immigrants who are charged with “navigating new social systems (e.g. health care, school, and employment), cultural differences, and language barriers” (Cardoso & Thompson, 2010, p.261; Perreira et al., 2006). Developing strong support networks through “church groups, immigrant service organizations, ethno-cultural groups, and friends who lived nearby” proved to be the most effective strategy for coping with adversity among recent Latino immigrant women respondents in Calgary, Alberta (Graham & Thurston, 2005, p.74).

## **Violence in Mexico**

The goal of this section is not to deliver a comprehensive analysis of violence in Mexico, but to provide a brief context with which to contextualize trauma experienced by contemporary Mexican refugees fleeing violence in their home communities. Other scholars, and many

journalists, have written extensively about contemporary violence in Mexico (e.g. Ainslie, 2013; Bowden, 2010; Bowden & Molloy, 2012; Campbell, 2009; Carpenter, 2013; Corchado, 2013; Estévez, 2012; Flores Perez, 2012; Grillo, 2011a; Hernandez, 2013; Lopez & Juárez, 2013; Molloy, 2013; Valenzuela, 2008).

In December 2006, Felipe Calderón assumed the Mexican presidency after promising throughout his campaign to fight a “War on Drugs.” Almost immediately, Calderón “deployed the Mexican army into the streets and countryside,” beginning a period of militarization and “hyperviolence” that has continued unabated to this day (Molloy, 2013). An estimated 130,000 Mexicans have been murdered during this time period, with another 27,000 having been officially “disappeared;” most of the disappeared are presumed dead, but their bodies have yet to be found or identified (Ibid.). Throughout Calderón’s presidency, the murder rate averaged 56 people per day, a figure that has mostly continued since the inauguration of Calderón’s successor, Enrique Peña Nieto, in December of 2012 (Ibid.). In Ciudad Juárez alone, which can be considered the “epicenter of violence” in Mexico from 2008-2011, more than 11,400 have been murdered since 2007, with an average daily murder rate that topped out at 12 homicides per day (Ibid.). These homicides rates have included victims of drive-by shootings, beheadings, bombings, deadly beatings, dismemberments, attacks on rehabilitation centers and large-scale massacres (Ibid.). Some scholars and journalists have revealed that there is also evidence of “social cleansing aimed at those deemed worthless to society” in which paramilitary-style groups commit killings-for-hire on behalf of “organized crime, private businesses, and the state” (Molloy, 2013; Alvarado, 2010; Carrasco Araizaga, 2013; “La Limpieza Social,” 2013). Mass graves are uncovered frequently, often holding hundreds of bodies in varying states of decay (Molloy, 2013).

Though the Mexican government consistently claims that 90 percent of the homicide victims were members of organized crime, they are unable to provide any hard evidence to support these assertions, especially considering widespread impunity; the vast majority of murders in Mexico are neither investigated nor solved (Molloy, 2013). In Ciudad Juárez, for example, the impunity rate for homicides is estimated to top 97 percent (Ibid). In 2010, the Mexican government even admitted that, on a national level, “fewer than five percent of the crimes were ever investigated” (Molloy, 2013). Amnesty International’s (2013) most recent Annual Report for Mexico states that “the criminal justice system remained gravely flawed with 98% of all crimes going unpunished.” Likewise, most murder victims are found dead without any weapons near their bodies (e.g., 98% of homicide victims in Ciudad Juárez from January 2010-July 2011), yet another fact that calls into question the assertion that they are all violent criminals (Molloy, 2013). According to Molloy (2013), a New Mexico State University Research Librarian who has been recording and investigating this topic since 2008, most of the people who have been murdered in Mexico since 2006 are “civilian:” (Ibid.):

*...considering what we know, it appears that in this war, the overwhelming majority of the deaths are people shot down on the street, in their homes or workplaces, on playgrounds, etc. In my reading of the daily accounts of the killings, it is clear that most of the victims are ordinary people, exhibiting nothing to indicate they are employed in the lucrative drug business.*

Finally, it is reasonable to argue that even homicide victims who *were* involved with criminal activity do not deserve to be murdered with impunity.

In addition to homicides, generalized insecurity and impunity have caused petty crime to skyrocket; kidnappings, rapes, armed robberies, extortions of individuals and businesses, and violent car-jackings have become the norm in many parts of the country (Campbell, 2009). Extortions, in particular, have become a particularly serious problem in Mexico, with both private



individuals and business owners being forced to pay large sums to organized crime in the form of weekly or monthly *cuotas* (Cawley, 2013). Across the country, filed reports of extortion are at a record high and have grown by 170 percent between May 2013 (737 reports filed) and May of 2006 (272 reports filed), the year that President Felipe Calderón took office (Ibid.). These numbers likely only represent a fraction of the total instances of extortion, considering that many victims are unwilling to report this crime due to general fear and distrust that government officials will be able or willing to provide protection from criminal threats; one study has estimated that only 15% of such crimes are reported officially (Cullinan, 2011). In Ciudad Juárez, “an estimated 80 percent of food vendors are regularly extorted for amounts ranging from \$50 to \$500” (Ibid.). Failure to pay extortionists is often met with extreme violence, including beatings, arson, kidnappings, and murder; due to these threats, many businesses unable or unwilling to pay the *cuota* have instead chosen to shut their doors (“Negocios cierran por extorsion del narco,” 2010).

Throughout this time period, scores of Mexican journalists have been threatened, kidnapped, tortured, disappeared, and murdered by members of organized criminal organizations (and their governmental allies) who are opposed to the publication of certain stories. According to Mexico’s National Human Rights Commission (Comission Nacional de Derechos Humanos), 82 Mexican journalists had been murdered as of July 2012 (Olsen, 2013). Most of these murders remain unsolved. According to Olsen (2013), “as 2012 ended, no major border newspaper had been left untouched on the Mexican side by killings, threats, or kidnappings” including several instances of their buildings being bombed (p.245). Because of these occurrences, some Mexican media outlets throughout the country have even decided to cease all crime reporting, in order to protect the lives of their journalists (Ibid.). Dozens of other journalists have since left Mexico, fleeing for their lives and seeking protection in the U.S., Canada, and elsewhere.

The Mexican government clearly fails to provide sufficient protection for its population. Some portray President Calderón as a “heroic but tragic figure...who courageously challenged Mexico’s drug cartels” (Molloy, 2013). High rates of violence are attributed to mismanagement, the relative strength of the cartels, warring between the different factions, and the difficult nature of the “War on Drugs.” According to some, the “Mexican government is arguably unable to protect individuals from drug-related violence by drug-trafficking organizations” (Buchanan, 2010, p.42). For example, the U.S. Department of Defense estimated in 2009 that Mexican cartels employed approximately “100,000 foot soldiers,” a figure “on a par with Mexico’s army of about 130,000” (Carter, 2009). As part of Plan Merida, the U.S. government has supplied millions of dollars in military equipment and training to the Mexican government to strengthen their ability to fight the “War on Drugs” (Carpenter, 2013; Molloy, 2013).

However, many scholars have determined that the Mexican government is integrally involved with the violence occurring in the country, with widespread instances of corruption affecting every level of government (Blake, 2012; Buchanan, 2010; Harville, 2012; Lyst, 2013; Molloy, 2013). According to one estimate, drug trafficking organizations “wield more influence behind the scene than the authorities” in 8% of Mexican counties (Luhnow & Cordoba, 2009). Corrupt governmental officials are both complicit and active participants in criminal operations, including drug-trafficking, extortions, kidnappings, and murders; such corruption is so widespread that, many times, persecuted individuals do not feel safe reporting instances of crime to the authorities (Buchanan, 2010). Municipal police officers are highly corruptible, due to both low police salaries and fear of reprisal for non-compliance with criminal demands; it has been argued by some that the “nature of local police officers has converted many municipal police forces into little more than armed wings of the particular drug trafficking organization controlling smuggling

in the area” (Harville, 2012, p.5). Corruption similarly plagues the armed forces and the federal police force, with arrests for collusion with organized crime entities commonplace (Ibid.; Molloy & Bowden, 2011). Private international organizations have reported widespread human rights violations perpetrated by members of the Mexican police and military including “arbitrary detentions, torture, enforced disappearances and extrajudicial killings” (Amnesty International, 2013; Human Rights Watch, 2011). Likewise, the U.S. Department of State *Country Reports on Human Rights Practices for 2012: Mexico* concurs, identifying frequent instances of “human rights-related problems...widespread impunity and corruption...in the security forces, and in the judicial sector” (p.1).

### **Contemporary Mexican Refugees**

While a number of journalists have examined the case of contemporary Mexican refugees, (Casey, 2011; Martinez, Alvarado, & Chavez, 2011; Giovine, 2011; Aguilar, 2011b; Camargo, 2011; Green Sterling, 2011; del Bosque, 2012a; Katel, 2012; Bowden & Molloy, 2012; Spagat & Stevenson, 2013; Hastings, 2013; Matalone, 2013; Dinan, 2013; Cave, 2013; Truax, 2013), there have been fewer studies of this issue published in academic journals or scholarly books. This is understandable considering that the current period of Mexican *hyperviolence*—and subsequent refugee emigration flows—only began in 2006 and did not reach peak levels until 2010; given the typical time-lag of academic research and publishing, it makes sense that only a limited number of scholarly articles have been published on this topic. However, within the past two years (2012-2013), the body of literature has been growing at an increasingly-fast pace, a trend that can be expected to continue given the popularity of the topic among researchers.

Several of the scholarly articles that have been published concerning modern Mexican refugees can be found in Law Journals and University Law Reviews. In one of the earliest publications available on this topic, Buchanan (2010) summarizes international and U.S. asylum law and then provides a detailed legal analysis of the “potential viability of claims for refugee status brought by Mexican asylum seekers fleeing drug-related violence” (p.28). Ultimately, Buchanan (2010) identifies several “possibly insurmountable obstacle[s]” facing these claimants, though she is more optimistic in relation to specific Mexican asylum seekers such as “journalists and police officers” since they can be classified within the social group category of asylum law (p.59). Similarly, Garcia (2011) puts forth a strong argument for why former Mexican police officers who refused to cooperate with cartel demands should be considered a particular social group for the purposes of political asylum. Likewise, Mann (2012) provides a detailed legal argument in favor of persecuted Mexican journalists receiving political asylum in the U.S. as members of a particular social group. To illustrate her argument, Mann (2012) relies heavily on the case of Jorge Luis Aguirre, the publisher of the online news site *LaPolaka.com*, who, in September 2010, “became the first known journalist from Mexico to receive asylum in the United States” (p.150). Corona (2010-2011) concurs with these arguments, once again contending that there is the need for wider legal interpretations of the social group classification.

Balderini-Poterman (2011) offers a similar assessment in an immigration briefing regarding Mexican asylum seekers, discussing specifically the relevant case law surrounding Mexican asylum claims based on political opinion, family members of slain activists as a social group category, and the social group of “Americanized” returning migrants who are targeted in Mexico for kidnapping and extortion due to their supposed ties to wealthy relatives and friends in the U.S. The author seems somewhat pessimistic about the possibility of asylum grants for this

latter group, especially considering a 2010 Ninth Circuit Court ruling addressing “Mexican aliens returning home from the United States and held that it did not constitute a particular social group” due to it having been too broadly defined (p. 7). Balderini-Poterman (2001) seems more optimistic about Mexicans fleeing violence in their communities receiving protection in the U.S. under the Convention against Torture (CAT) and Withholding of Removal.

Unlike the scholars discussed above, Blake (2012) branches out from the social group category, instead extolling the “often overlooked” political opinion ground for asylum (p.36). Blake (2012) argues that refusal to join a gang or cooperate with drug cartel activities constitutes political opinion due to government corruption/complicity and should therefore be seen as grounds for asylum. Furthermore, while Blake (2012) recognizes that these arguments have previously been struck down by both the eighth and ninth circuit courts, she contends that legal representatives should continue to make these claims on behalf of their clients in the hopes that they may one day prove successful. Blake (2012) also argues in favor of a “humanitarian” and “human rights” based approach to U.S. asylum adjudication that more fairly adheres to international refugee law while capturing the original altruistic spirit in which these international agreements were drafted (p.41-42).

Harville (2012) provides the most detailed legal analysis of Mexican asylum adjudication, once again discussing the relative merits of both the “particular social group” and “political affiliation” grounds for asylum. Harville (2012) argues that the former should apply to several classes of professionals while the latter should work for “whistleblowers” who have spoken up against government corruption (p.9). The author then provides a lengthy analysis of another potential avenue for immigration relief by Mexican refugees, protection under the Convention against Torture (Harville, 2012). Harville (2012) also discusses why government attorneys are

incorrect if they try and make the claim that members of some professions—such as police officers or journalists—should be barred from asylum because they knew the potential risks of their profession when they chose to enter that field. He also provides several legal arguments against internal relocation (Harville, 2012). Finally, Harville (2012) contends that U.S. officials are not meeting their *refoulement* obligations under international law because they are unjustly denying asylum claims of Mexican nationals due to an irrational fear that such action will spark a “‘flood’ of Mexican refugees at our ports of entry” (p.18).

In addition to the articles published within the field of law, there have been several pieces related to modern Mexican refugees that have been published in the social sciences during the past few years (including Morales et al., 2013 and Cardenas, 2013, discussed above). Rexton Kan (2011) first wrote about this population in October of 2011, accurately labeling these migrants “*narco-refugees*” while simultaneously adopting a menacing tone by calling them a “looming challenge for U.S. national security.” Rexton Kan (2011) advocates “greater understanding and vigilance at all levels of U.S. government” in response to the threat that “allowing Mexicans to claim asylum could potentially open a floodgate of migrants to the United States” (p.vi). Likewise, Rexton Kan (2011) strongly cautions against the “spillover effects of cartel violence” despite offering only minimal evidence to back up his claim (p.8). All in all, Rexton Kan (2011) offers a good, broad analysis of cartel operations in Mexico and the impetus behind refugee migration, despite adopting an alarmist tone that is overly-paranoid concerning the prospect of Mexican violence “seep[ing]” into the United States (p.17).

In the introductory chapter of *Social Justice in the U.S.-Mexico Border Region*, Lusk, Staudt, and Moya (2012a) mention the plight of modern Mexican refugees seeking asylum in the U.S., referring specifically to the high-profile cases of exiled journalist Emilio Gutierrez and

human rights activist Gustavo de la Rosa Hickerson (p.18). The three scholars likewise address the topic again in the volume's concluding chapter when discussing social-justice oriented policy change recommendations (Lusk, Staudt, & Moya 2012b). Finally, a few other chapters in this compilation also discuss the huge influx of Mexican migrants fleeing violence in their home communities, including the chapters penned by Payan (2012) and Staudt (2012).

During that same year, Lusk and Villalobos (2012) also published an article in the *Journal of Borderlands Studies* that consists of the replication and analysis of a lengthy, verbatim *testimonio* [testimony] of Eva, a Mexican refugee living in El Paso. The article excels in its ability to enable the reader to hear Eva's voice directly as she tells her story in a manner that is both poignant and moving. The authors pull out five central themes from her testimony: "Life in the Shadows, Deportation Panic, Suffering, Human Rights, and Hope vs. Despair" (Lusk & Villalobos 2012, p.23). In their conclusion, Lusk and Villalobos (2012) take a hardline stance towards Mexico's ability to protect its citizens, stating:

*Now, in the context of the US-Mexico Border, she [Eva] is articulating the struggle of a new type of refugee—one that is not escaping religious, political, or ethnic persecutions (and thus not eligible for asylum status), but one who is equally in danger of persecution and death by virtue of living in a failed state (p.24).*

Though some make take exception with the notion of Mexico as a "failed state" (Garza, 2009; Krauze, 2009; Morton, 2012), Lusk and Villalobos (2012) do succeed in bringing to life a prime example of a contemporary Mexican refugee. Lusk, McCallister, and Villalobos (2013) later published additional, complementary research offering a qualitative analysis of in-depth interviews conducted with two dozen other contemporary Mexican refugees. Once again, they found the same common themes amongst their interviewees' responses as were attributed to Eva's testimony in their earlier publication. Additionally, the authors reported that all of their subjects had experienced Post Traumatic Stress Disorder and moderate to severe clinical depression.

Calderón Chelius and Gonzalez Cornejo (2012) also highlight the stories of several contemporary Mexican exiles living in El Paso, Texas, many of whom they met at an unnamed migrant shelter located near the international border. Their chapter is part of a larger compilation focusing on different aspects of contemporary Mexican migration. The authors place their focus primarily on the phenomenon of violence-driven migration and the role of the Mexican state in creating these contemporary refugees. They also touch on the emotional pain associated with living in fear and in exile, along with the parallel issue of internally displaced persons living within Mexico. Finally, Calderón Chelius and Gonzalez Cornejo discuss the process of seeking political asylum in the U.S. and the difficulties associated with gaining this coveted status.

Similarly, Lyst (2013) also investigates the experiences of modern Mexican refugees; however, he focuses less on their personal stories of trauma in Mexico and instead spotlights the various ways in which their human rights were violated when seeking asylum in the U.S. In the same manner of legal scholars discussed earlier, Lyst (2013) begins by summarizing the political/legal history and development of the modern U.S. asylum bureaucracy. He also provides statistical information illustrating low asylum grant rates for Mexican applicants, especially in comparison to asylum seekers coming from Colombia or China. Lyst (2013) then provides insights gathered while working with and interviewing a portion of the 154 Mexican asylum-seeking clients who were represented by the law offices of Carlos Spector from January 2008 to June 2012. He explains that the exiles he interviewed “told the same story over and over again;” regardless of their socioeconomic background, respondents reported that “militarization had intensified the violence and the severe violations of human rights among the population” (Lyst, 2013, p.95, translation mine). Upon arriving in the U.S., these refugees face the threat of prison-like detention, separation from their families, monitoring via ankle-bracelet, long court back-logs, and meager



economic opportunities despite educational credentials. Lyst (2013) ends with a summary of the various experiences of two high-profile Mexican asylum seeking families: the Reyes-Salazar family and the Escobedo family.

Estévez (2012; 2013) also addresses militarization and human rights in Mexico, offering a highly theoretical analysis of the hyperviolence and modern Mexican asylum seekers. In her first publication on the subject, Estévez (2012) uses theorists Agamben and Foucault to analyze Mexican asylum seekers in North America, specifically addressing the political symbolism surrounding these claims. Later, inspired by the Foucauldian notion of “biopolitics,” and its opposite, “necropolitics,” Estévez (2013) argues that organized crime and the Mexican government are so deeply entwined that they have formed a sort of political hybrid in which one is indistinguishable from the other (p.7). Estévez (2013) goes on to explain how this hybrid structure works against the interests of exiled Mexican asylum seekers who are bound by mainstream human rights and legal discourses that only allow for state-centric view of “*true*” persecution (p.12). Therefore, Mexican asylum seekers are at a severe disadvantage in the eyes of the law since it is often difficult to effectively prove the Mexican government’s involvement in or acquiescence to their persecution, a problem that is further compounded by Mexican federalism.

Like Lyst (2013) and Estévez (2013), Querales Mendoza (2013) offers a similar analysis of Mexican exile experiences in El Paso, Texas from 2008 to 2012. Querales Mendoza (2013) bases her analysis off extensive field work conducted in the fall of 2012 and detailed interviews with several high-profile asylum seekers including Juan Fraye Escobedo, Saul Reyes Salazar, Jorge Luis Reyes Salazar, Alfredo Holguin, and Emilio Gutierrez. Her work attempts to bring to light the various stages of the Mexican exile experience, from violence experienced in Ciudad Juárez to crossing the U.S.-Mexico border to establishing oneself anew in the U.S.

Finally, a number of unpublished dissertations, theses, and articles waiting on review have also been written on the topic of the mental health of recent Mexican refugees. For example, Taylor's (2010) psychology dissertation entitled: *The Impact of Cartel Related Violence on Ongoing Traumatic Stress and Self-Medication in Young Adults Living along the U.S./México Border*. In his research, Taylor (2010) found that neither amount of time spent in Ciudad Juárez nor citizenship status positively correlated to rates of "trauma stress," indicating that migration alone to the relative safety of the U.S. does not automatically lead to improved mental health (p.68). Furthermore, Taylor (2010) also argues that this finding may be the result of "proxy stress" experienced by U.S.-residing respondents who are still worried about their loved ones who remain in Ciudad Juárez (Ibid). McCallister (2012) similarly investigated mental health among Mexican refugees in her Health Sciences dissertation. Using the theoretical framework of Risk and Resilience, McCallister (2012) concluded that her subjects "exhibited an incredible resilience" despite having experienced significant violence that preempted their decisions to migrate (p.1). Finally, O'Connor (2013) wrote an unpublished departmental paper for the University of Texas at El Paso's Department of Nursing based on mental health surveys filled out by 240 "border university students" and accompanying free-form narratives. O'Connor (2013) concludes that while the former measurement revealed "elevated symptomatology for post-traumatic stress, depression and anxiety," the latter indicate "a slightly different story, one of resilience" (Abstract).

## **Chapter 3: Methodology**

### **Participant Observation**

I have been heavily involved with the Mexican immigrant community of El Paso during the past several years. I moved to El Paso from Colorado in August 2009 to begin work as a full-time, live-in volunteer at Annunciation House, a migrant house of hospitality—I continued working at this organization full-time until June 2012, and have continued as a part-time volunteer ever since. Founded in 1978, Annunciation House (and its sister shelters) have provided housing and related services to over 100,000 migrants from all over the world. Annunciation House has always sought to direct its limited resources to those migrants who are most in need of assistance, meaning that most guests have been unauthorized immigrants and asylum seekers. Since the period of hyperviolence began in Ciudad Juárez and the surrounding areas, Annunciation House has given priority to Mexican migrants fleeing violence in their home communities. In the past few years, Annunciation House has provided hospitality to hundreds of individuals and family members who have fled to El Paso in fear for their lives, many of whom have decided to seek political asylum from the United States. Others—while still refugees for all intents and purposes—have chosen to seek new lives for themselves outside of the formal political asylum bureaucracy. These guests have included well-known human rights’ activists, survivors of high-profile massacres, former Ciudad Juárez police officers, small-business owners, and innumerable people who were simply caught at the wrong place at the wrong time—all, however, have had their lives irrevocably changed by the violence plaguing their city.

My time with Annunciation House enabled me to gain a unique understanding of the common issues facing violence-driven Mexican migrants, including post-traumatic stress, adjusting to a new cultural reality, and struggling to provide for oneself and one’s family. I worked

with several guests on their asylum applications and I am well-versed on immigration law and the various complexities associated with achieving this legal status. During the summer of 2013, I also volunteered as a legal intern at Las Americas Immigrant Advocacy Center, a legal aid organization for low-income individuals in immigration proceedings. In January 2014 I was hired by Las Americas as the Family Immigration Program Coordinator and have since been granted Full Accreditation in front of the Board of Immigration Appeals, meaning that I am accredited to practice immigration law in front of U.S. Citizenship and Immigration Services and the Executive Office of Immigration Review. These experiences have granted me even greater insight into the legal realities faced by unauthorized immigrants as well as those seeking political asylum.

This paper, therefore, has been influenced by my experiences working directly with my research population, migrants to El Paso who left after experiencing or witnessing violence in their home communities in Mexico. Though I rely most heavily on published materials and formal interviews, my research includes recollections of lived experiences known as participant observation. These observations are based on hundreds of hours spent proving case management, assisting with asylum applications, translating documents, socializing with guests, offering condolences, playing with children, attending press conferences, and organizing vigils, protests and other consciousness-raising events. Whenever I recount personal communications, it is clearly marked as such and identifying details have been changed in order to protect the privacy of my informants, unless they themselves have sought to widely publicize their stories. Furthermore, permission to share my observations has been obtained from both Annunciation House and Las Americas Immigrant Advocacy Center.

## **Primary Sources**

Along with participant observations, I employ a wide variety of primary sources for this paper. For example, I utilize various government publications from the U.S. Department of State and the Department of Justice to clarify U.S. asylum policies and procedures. I likewise gathered extensive data from these agencies regarding by-country rates of asylum applications, withdrawals, approvals, and denials. While most of these data are available to the public online, some were obtained via a Freedom of Information Act request. Throughout the paper I also cite various conventions, agreements, laws, and court decisions. Finally, I also make use of several primary texts that pertain to activist Mexican asylum seekers in the United States. This includes copies of press releases, speech transcripts, and fliers given out at protests and other events.

In addition to all of these primary sources, I make extensive use of newspaper sources from both the United States and Mexico, having found most of these records through online databases and list-serves such as [www.newspaperarchives.com](http://www.newspaperarchives.com), *Hemeroteca de Chihuahua* [Archive of the State of Chihuahua], Google News Archives, and the Frontera List. The use of these sources adds richness to the research, especially considering that so little has been published in academic journals on this topic; periodicals, however, have frequently featured stories about the lives and struggles of Mexicans driven by violence to migrate. Several journalists have written well-researched investigative pieces on this topic and their articles provide ample data for this paper, especially in regards to individual Mexican refugee stories.

## **Interviews and Personal Communication**

Throughout this paper, I utilize personal interviews conducted by myself and by colleagues who agreed to share their interview transcripts. Sharing of quantitative data is standard in the social

sciences, and such collaboration can also be reasonably employed within a qualitative framework. While notable drawbacks do exist, such as the inability to ask follow-up or clarifying questions when not directly involved in the interview process, there are also some benefits. For one, it allows for the possibility of greater knowledge-gathering since researchers will naturally vary as to what follow-up questions they see as important. In this manner, one interviewer might ask a question that would have never entered another researcher's mind, thereby eliciting a wider breadth of participant responses. Furthermore, data sharing, especially across disciplines, ensures that interview participants' time is well utilized by ultimately contributing to multiple scholarly investigations. Finally, this process saves time and resources that can then be invested in other parts of the research, including in the gathering of additional interviews.

Pseudonyms (first name only) were used for all case studies in this thesis that are based on interview data, with the exception of María Salazar, who requested that I use her complete name. One set of case studies comes from a focus-group of four high school sophomores (Julia, Layla, Octavio, & Eli) conducted by an undergraduate sociology student (Julia Sosa) under the supervision of Ernesto Castañeda. Ms. Sosa was enrolled in Dr. Castañeda's undergraduate research methods course in the spring of 2012 and conducted the focus group as part of her coursework. The group consisted of her younger brother and three of his friends. The students were compensated with pizza during the interview process.

An additional case study (María) is based on a personal interview conducted by the author in the fall of 2012. The participant was found by word of mouth; the interviewee is a friend of one of the author's colleagues. The interview was conducted in Spanish in a private residence after the participant was notified verbally about voluntary consent and confidentiality. The interview took approximately one hour, and the participant received a thank you letter and a \$15 gift certificate

to a local grocery store as compensation. The audio of the interview was recorded and was later loosely transcribed and translated into English.

Gabriel's story is based on several interviews with him during the summer of 2013. The other two case studies—Rosa and María Salazar—were conducted in the spring of 2014. Snowball sampling techniques were used to recruit participants. Potential respondents were drawn from existing relationships and references from friends, community members, and staff members of local social service agencies. Participants were also asked to recommend other individuals to interview. Participation was strictly voluntary and there were no negative consequences or refusal of services to those who declined to participate. A total of five individuals declined to be interviewed after having previously agreed to participate; none gave any explanation for their decisions.

Informed consent was obtained prior to the beginnings of the interviews with Rosa and María Salazar (Appendix C). The interviewees were advised that they could quit the study at any time, refuse to answer any questions, or request that certain data not be published. The participants were able to choose where they wanted to be interviewed in order to ensure maximum participant comfort and confidentiality; this include offers of my campus office, Las Americas Immigrant Advocacy Center, participants' houses, or public venues such as coffee shops or restaurants. Care was taken to ensure that participants had complete decision-making power over interview location. Rosa chose to be interviewed in her home while María Salazar chose to be interviewed at her place of work.

I conducted oral, semi-structured interviews with participants using an interview guide that consisted of several open-ended questions. Follow-up questions were also asked. Participants were asked at the end of their interviews if there was any additional information that they wanted to

share. Interviews were conducted in Spanish according to participant preference. Both interviews were digitally audiotaped after permission was given explicitly. Participants' real names were not used during the audiotaped interviews. The interviews were transcribed verbatim, translated into English, coded and analyzed for common themes. Rosa was given pseudonyms in all research notes and transcriptions

Research for this paper was also gathered through various semi-structured interviews conducted with professionals who work with members of my target community, including attorneys and social service providers. I conducted formal interviews with Ruben Garcia, Executive Director of Annunciation House, and immigration attorney Carlos Spector in the spring of 2013. I conducted several informal interviews with other legal providers during the spring of 2014; these are cited as personal communication in the body of the thesis.

Finally, I have formed long-term personal relationships with several of the high-profile asylum seekers whose cases are profiled in Chapter 6. However, instead of conducting additional interviews with these individuals, I relied primarily on existing publications. This was based on the desire to reduce the burden on these asylum seekers who are frequently asked to share their stories. When necessary, I contacted them for follow-up information and cited it as personal communication in the text.



## Chapter 4: Refugee and Asylum Overview

*“When we think of borders as barriers to immigration, we picture the imaginary lines separating the United States from Canada and Mexico. Perhaps we think of physical signs such as fences or border patrol checkpoints. But, there are other borders that have a much greater impact in determining who we accept and who we keep out. Congress, by enacting substantive immigration law, defines our selective admission system. These laws erect legal borders that reflect the policy choices Congress has made about who may enter to work or to join family in the United States. But beyond this initial border, the agencies that implement the immigration laws have erected powerful process borders. These process borders, fostered by congressional neglect and strengthened by a lack of coordination among the agencies, distort substantive immigration policy. Far too often, the bureaucratic process borders control who immigrates”*

--Lenni B. Benson, “Breaking Bureaucratic Borders: A Necessary Step toward Immigration Law Reform, 2002, 203.

### Historical Creation of the Contemporary Refugee and Asylum system

The United States has a long history of providing (limited) refuge to immigrants fleeing violence and persecution in their countries of origin; in fact, one could argue that the past and current prosperity of the United States has been directly related to these immigrant flows. Modern political/legal notions of ‘refugee’ and ‘asylum,’ stem directly from the 1950 creation of the United Nations High Commissioner for Refugees (UNHCR) and the 1951 Convention Relating to the Status of Refugees (the Convention) (Mann, 2012). Originally intended to provide for the resettlement of individuals displaced during World War II, the Convention defined “refugee” and established the principle of *non-refoulement* in which member states were prohibited from returning migrants to countries in which their lives would be threatened on the basis of “race, religion, nationality, membership of a particular social group, or political opinion” (Ibid., p.156).

While refugee status was originally limited to people displaced prior to January 1<sup>st</sup>, 1951, the 1967 Protocol Relating to the Status of Refugees (the Protocol) expanded the definition to all displaced persons with a “well-founded fear of being persecuted” based on the previously-established protected classes (Helton, 1983, p.246). While signatories to the both the Convention

and the Protocol, refugee and asylum policy in the United States, especially prior to 1980, can be seen as ad-hoc and highly politicized—asylum during this period was primarily awarded to migrants fleeing communism. In the year 1980, Congress passed the Refugee Act, attempting to bring greater uniformity and neutrality to the US asylum process (Helton, 1983).

While beneficial in some ways, the Refugee Act can also be seen as the starting point of a highly-organized and strictly-regulated asylum bureaucracy within the United States. During the 1980s, applicants from communist countries continued to be favored over applicants from “friendly” nations, including migrants fleeing civil wars in Central America (Evans & Kohrt, 2004, p.8). This culminated in the 1991 American Baptists Churches (ABC) Settlement Agreement in which claims of discrimination in asylum policy were upheld and applicants who had been denied during this time period were able to reapply (Ibid., p.9). These re-filed applications, coupled with others, overwhelmed the existing Asylum Corps which consisted of “82 specially trained personnel in eight national offices,” leading to a system that was “under-funded and understaffed” (Ibid., p.9). A Presidential mandate was issued in 1993 aiming at reducing the back-log of cases and curbing the filing of frivolous asylum claims—per this mandate, asylum applicants were not allowed to receive employment authorization until 180 days after having filed their asylum application (Ibid., p.10).

The bureaucratic asylum process was further articulated as part of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). This law included a number of key reforms to the asylum application process, including the formal codification of the previously-established restrictions barring asylum applicants from applying for work authorization until 150 days after submitting their application (plus 30 days for the application to be approved or denied by the government) (Kerwin, 2012, p.24). IIRIRA also established the one-year asylum filing

deadline, which went into effect on April 16<sup>th</sup>, 1998 (Ibid., p.22-23). The one year filing deadline means just that—barring “changed” or “extraordinary circumstances,” immigrants must file for asylum within one year of entering the country (whether they entered with or without proper legal authorization) (Ibid.). Researchers have found that the one year filing deadline has had a significant negative effect on many refugees who otherwise should have been granted political asylum had they met timely filing requirements (Schrag, Schoenholtz, Ramji-Nogales, & Dombach, 2010). According to Kerwin (2012) 71% of affirmative Mexican asylum applicants from FY2008 to FY2010 did not meet the timely filing deadline, resulting in 65% of all affirmative Mexican applicants having their claims denied for this reason.

Finally, IIRIRA also led to the creation of “credible fear” interviews and “expedited removal” (Kerwin, 2012, p.24). Under these regulations, individuals who come to air and land ports of entry without valid immigration documents are assessed for “legitimate” fear of returning to their home country (Schoenholtz, 2005, p.325). <sup>1</sup> If the immigration officer who receives them does not consider their fear to be legitimate, they are immediately removed (i.e., deported) from the country under the expedited removal process. However, if the immigration officer believes their fear to be “legitimate”—or the migrant formally requests political asylum—he or she is placed in mandatory administrative detention while awaiting a formal “credible fear” interview with an asylum officer (Ibid., p.326). These interviews usually take place within about a month, are non-adversarial, and generally do not include attorneys, though attorneys are permitted (at the applicant’s expense) (Ibid.). Immigrants who have been deported previously are subjected to “reasonable fear” interviews instead of “credible fear” interviews (Human Rights Watch, 2013).

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<sup>1</sup> Expedited removal was expanded in November 2002 to include sea arrivals and in 2004 to include immigrants caught by immigration officials (mainly the Border Patrol) within “one hundred miles of the land borders between ports of entry” (Schoenholtz, 2005, p.326).

Reasonable fear interviews have a high standard of proof and also have a longer waiting time (Ibid.). Once the individual is determined to have reasonable or credible fear, he or she is placed in formal removal proceedings and is able to request political asylum from an asylum judge (Kerwin, 2012, p.19).

Following IIRIRA, the most recent federal legislation to make substantial changes to the political asylum process was the Real ID Act of 2005. Under this act, asylum applicants have to “show that the ground on which they are seeking asylum [race, religion, nationality, social group membership, or political opinion] is ‘at least one central reason’” for their persecution (Bohmer & Shuman, 2008, p.77). While not entirely different than previous requirements, this law creates a “heightened burden of proof” for applicants because they must establish the motivations behind their persecutor(s)’ actions, something that is difficult to achieve (Kerwin, 2012, p.26). The act also requires applicants provide corroboration for their testimony, unless “they do not have or cannot reasonably obtain such evidence” (Ibid.). Finally, the act codifies preexisting norms regarding the adjudicator’s ability to make assessments based on the alleged “credibility” of the applicant, focusing on factors including “demeanor, candor, or responsiveness” (Bohmer & Shuman, 2008, p.77).

In addition to formal laws concerning the asylum process, there are vast non-legislative policies and regulations that have been established by case law and Board of Immigration Appeals (BIA) directives. While too numerous to explain at length, some of the most important BIA directives pertain to the established definition of “membership in a particular social group” (Kerwin, 2012, p.26). Since 1985, the BIA has determined that members of a social group “share a common, immutable characteristic” that they “either cannot change or should not be required to change because it is fundamental to their individual identities or consciousness” (Ibid.). While

“immutability” generally refers to a characteristic that is unchangeable, the latter part of the definition (“fundamental”) also allows for identities that one should not be expected to change, such as sexual orientation (Mann, 2012, p.165). In 2007, the BIA further limited the social group definition by adding that members must have a certain degree of “social visibility,” once again putting making asylum cases more difficult to win “since persecuted groups often seek to maintain a low profile” (Kerwin, 2012, p.27).

### **Contemporary U.S. Asylum Bureaucracy**

The Real ID Act, the IIRIRA of 1996, their legal predecessors, and various non-legislative regulations stemming from court decisions and BIA directives have largely determined the structural framework of the modern U.S. asylum bureaucracy. Today, there are two paths through which immigrants can apply for political asylum: affirmatively and defensively. The affirmative process begins when an individual already present in the United States “seeks asylum on her own initiative and voluntarily identifies herself to the Department of Homeland Security (DHS)” (Ramji-Nogales et. al., 2009, p.11). It does not matter if the individual entered the United States without legal authorization or if he or she entered with a valid tourist/student/work visa but subsequently allowed the visa to lapse—as long as an immigrant is not currently in deportation proceedings, he or she is permitted to file an affirmative asylum application (Ibid.). Affirmative applicants are assigned an interview with an asylum officer at one of eight regional asylum offices (Ibid., p.12). These interviews are considered “non-adversarial” during which the asylum officer plays an inquisitive role, seeking to determine if the applicant “meets the statutory definition of a

refugee” (Ibid., p.12-13). The asylum officer can then either grant asylum or refer the applicant to immigration court for removal proceedings<sup>2</sup> (Ibid.).

Once referred to the immigration court for removal, affirmative applicants become “respondents” and have another opportunity to seek asylum, this time from an immigration judge (Ramji-Nogales et al., 2009, p. 13). At this point, the asylum application process becomes identical for “respondents” and “defendants,” the latter group made up of individuals who were apprehended by DHS prior to filing an asylum claim and are therefore applying “defensively” in response to their pending removal charges (Ibid., p.14). There are three main types of defensive asylum applicants: individuals without proper immigration status who were caught by immigration officials in the country’s interior; individuals who were apprehended by immigration officials while attempting to enter the U.S. illegally or with false documents; and individuals who voluntarily presented themselves as asylum seekers at a U.S. port of entry and passed a credible or reasonable fear interview. Unlike affirmative asylum interviews conducted by asylum officers, immigration court hearings are “adversarial proceedings” in which a DHS attorney is responsible for arguing that the applicant should not be granted political asylum (Ibid.). Respondents and defendants in these proceedings are allowed personally-financed legal representation, but they are not provided with representation at the government’s expense (Ibid.). If denied asylum, these applicants are usually ordered deported, unless they are granted other, less common, forms of immigration relief, such as Withholding of Removal or the Convention against Torture<sup>3</sup> (Ibid.).

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<sup>2</sup> Unless the affirmative applicant applied for asylum while in possession of another valid form of immigration status, in which case their asylum claim would simply be denied. 93% of affirmative applicants, however, are out-of-status when they submit their affirmative asylum applications (Ramij-Nogales et al., 2009, p.17).

<sup>3</sup> Both of these forms of relief are less frequently granted than asylum and relate to U.S. obligations under international law—applicants must meet a higher burden of proof than is required for asylum, demonstrating that they will “more likely than not” face persecution or torture if returned to their country of origin (Kerwin, 2012, p.4). These forms of relief are available to applicants who would otherwise be barred from asylum, including those who missed the one-year filing deadline or who were previously “resettled” in a third country (Ibid). CAT, in particular,

Asylum applicants (and the government) have the right to appeal the decisions of immigration judges to the Board of Immigration Appeals (BIA), which consists of “eleven to fifteen members appointed by the attorney general of the United States” (Ramji-Nogales et al., 2009, p.14). According to Schoenholtz (2005), the BIA is “single most important decision-maker in the immigration system” because it “reviews cases nationwide and sets precedents that Immigration Judges and Asylum Officers must follow” (p.353). The BIA is able to do the following: uphold a judge’s denial of asylum, “remand” the case back to immigration court to be reviewed again in relationship to a specific procedural or legal mistake, or grant asylum (Ramji-Nogales et al., 2009, p.65).

Following a negative BIA decision, the asylum applicant has the opportunity to appeal once again, this time to the U.S. Court of Appeals. The federal appeals court is able to remand (send) cases back to immigration court if they feel as though the BIA “rendered a decision contrary to the law or abused its discretion” (Ramji-Nogales et al., 2009, p.14). The courts also very rarely grant asylum outright; however, they have been directed by Congress to “show extreme deference to the BIA,” meaning that such appeals are generally unsuccessful (Ibid., p.61). Decisions made by the Court of Appeals do function in creating precedential case-law, but only within the limited scope of that Court’s jurisdiction (Schoenholtz, 2005, p.353). Finally, asylum applicants are also allowed to appeal their cases to the U.S. Supreme Court, but these appeals are almost never accepted by the Court (Ramji-Nogales et al., 2009, p.15).

There are a number of benefits available to applicants who are successfully granted asylum, whether by an asylum officer, an immigration judge, or through an appeal process. Perhaps most

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is potentially available to almost anyone, including applicants who have “persecuted others, committed a ‘particularly serious crime’ or a serious non-political crime before arriving in the US, or who represent a security risk” (Ibid.). Both statuses can be revoked pending changes in country conditions and neither provide a path to legal residency or citizenship (Ibid.).

importantly, individuals who receive asylum status are able to apply for derivative asylum status on behalf of their immediate family members (spouse and children) who are living both within and outside the country (Ramji-Nogales et al., 2009, p.14). They are also able to apply for legal permanent residency status (green card) after one year, and can then apply for US citizenship after five years (Ibid.). Previously, the 1996 IIRIRA legislation capped the number of asylum applicants who could adjust their status to 10,000 annually, meaning that the wait time for receiving legal residency was approximately 15 years (Evans & Kohrt, 2004, p.11). However, this limit was removed in May 2005; an unlimited number of asylees can receive legal permanent residency each year (Immigration Equality, 2013). Asylees are also entitled to a number of other benefits including financial assistance and limited access to public assistance programs such as TANF, food stamps, and Medicaid (Ibid.).

### **Problems with the U.S. Asylum Bureaucracy**

Applying for political asylum is a highly regulated, formalized, and bureaucratic process; it is also overly-complex, marred with inequalities, and far from efficient (Morales et. al., 2013). Theoretically, decisions within the asylum bureaucracy are wholly determined on the basis of formulaic rules and regulations employed by dispassionate, impartial bureaucrats. However, the U.S. asylum system is rife with contradictory regulations and numerous opportunities for bias to influence immigration officials' decision-making. Many of the ways in which the U.S. asylum bureaucracy fails to treat applicants fairly revolve around the vast amount of discretion granted to immigration officials.

The expedited removal system one portion of the asylum bureaucracy characterized by unequal and unfair implementation of rules and regulations. First, policies and procedures



governing expedited removal are somewhat nebulous and at times contradictory (Pistone & Hoeffner, 2006). Furthermore, the United States Commission of International Religious Freedom (USCIRF) has found that the policies governing expedited removal are frequently violated or ignored by immigration officials going about their daily routines, even when they knew they were being monitored (Ibid., p.194). The following are some of the examples of violations found by USCIRF:

- *DHS regulations require immigration inspectors to follow a standard script informing each alien that (s)he may ask for protection if (s)he has a fear of returning home. In approximately half of inspections observed, inspectors failed to inform the alien of the information in that part of the script. Aliens who did receive this information were seven times more likely to be referred for a credible fear determination than those who were not (Pistone & Hoeffner, 2006, p.178).*
- *One in six aliens who expressed a fear of return during the Secondary Inspection interview [used to determine expedited removal or referral for a credible fear interview] were placed in Expedited Removal or allowed to withdraw their application for admission (Ibid., p.179).*
- *Distressingly, USCIRF's researchers witnessed several persons withdraw after expressing fear, with the withdrawals seemingly as a result of improper [and prohibited] encouragement by inspectors (Ibid., p.180).*

Based off of the results found by USCIRF, Pistone & Hoeffner (2006) statistically extrapolated that an estimated 10,300 individuals each year are placed in expedited removal when, legally, they should have instead been referred for a credible fear interview with an asylum officer (p.196).

Another way in which asylum seekers are treated unfairly by immigration officials is by way of prosecution for the federal crimes of illegal entry (“the misdemeanor of entering the country without authorization) and illegal reentry (the felony of reentering the country after deportation) (Human Rights Watch, 2013, p. 2). These two charges make up the bulk of all federal prosecutions annually, having increased exponentially since the early 2000s (Ibid.). The maximum sentence for the misdemeanor is 6 months while the maximum sentence for reentry is between 5 and 20 years

depending on prior convictions (Ibid.). Penalizing asylum seekers for illegal entry is explicitly prohibited in Article 31(1) of the 1951 Refugee Convention, of which the U.S. is a signatory; however, the nonprofit organization Human Rights Watch has found “that prosecutions for illegal entry or reentry may include a number of defendants with a colorable claim to asylum” (Ibid., p. 28). The organization goes on to state the following (Ibid.):

*The criminal prosecution of individuals fleeing violence or persecution at home is problematic for at least two reasons. First, the prosecutions impede the asylum process, which is intended to assist the most vulnerable migrants. Criminal prosecution and incarceration can delay asylum applications, exacerbate trauma or psychological problems, and potentially discourage people from pressing their asylum claims at all. Thus, illegal entry and reentry prosecutions can be at cross purposes with another goal of US immigration law the recognition and protection of genuine refugees.*

Criminal prosecutions of asylum seekers can also be seen as a punitive tactic aimed at discouraging other arriving immigrants against seeking political asylum (Ibid.).

Detention policies and practices for asylum seekers are also characterized by inequities, inefficiencies, and excessive discretionary decision-making powers possessed by immigration officials. For example, IIRIRA mandates that “arriving alien” asylum seekers (those who presented themselves to immigration officials at a port of entry seeking asylum) be detained while awaiting their credible fear interview (though, in practice, some arriving aliens are released with humanitarian parole prior to their interviews) (Schoenholtz, 2005, p.325). Government regulations mandate that both credible and reasonable fear interviews be conducted within 10 days of arrival to the U.S. (Linthicum, 2014a). However, the wait time for a credible fear interview is usually about a month (Schoenholtz, 2005). Reasonable fear interviews, on the other hand, currently have an average wait time of 111 days, during which most asylum seekers are kept in immigration detention (Linthicum, 2014a). In April 2014, the American Civil Liberties Union and the National Immigrant Justice Center filed a lawsuit in the U.S. District Court in San Francisco alleging “the

government violated the law in thousands of cases, with individuals waiting in detention for many months for a ruling on their case and in some instances more than a year” (Ibid.).

According to Schoenholtz (2005), virtually all asylum seekers pass the credible fear interview—in FY 2000, 98% of those interviewed met credible fear requirements, while this figure rose to 99% for FY 2001, FY 2002, and FY 2003 (p.334-335). That being said, more recent figures indicate that only 85% passed their credible fear interviews in FY2013, which is a significant change from ten years ago (Preston, 2014). Furthermore, the U.S. Department of Homeland Security released an internal memo on February 28, 2014 instructing asylum officers to only approve credible fear claims if the applicant can “demonstrate a substantial and realistic possibility of succeeding in court” (Caldwell, 2014). This memo was leaked to the press in April 2014 by the National Immigrant Youth Alliance (NIYA) and sparked outrage among immigrant advocacy organizations and attorneys (Ibid.). A spokesperson for NIYA said that the memo was in “‘retaliation’ for the group’s advocacy efforts” while prominent El Paso immigration attorney Carlos Spector said that the memo’s message to asylum offices is, “you are now empowered to send people back” (as quoted in Caldwell, 2014).<sup>4</sup> The managing attorney for another advocacy organization, the Immigrants’ Rights Project, told reports that the memo is “‘a signal to asylum officers to be very wary about finding credible fear’” (as quoted in Linthicum, 2014b).

Upon successfully passing their credible or reasonable fear interviews, defensive asylum applicants can then, in theory, be released from detention while awaiting their court dates, especially since a 2009 decision by the Obama administration to cease mandatory detention of

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<sup>4</sup> NIYA is most well-known for their civil disobedience campaigns (“Dream 9” etc.) in which Mexican activists who used to live in the U.S. (some of whom were deported and some of whom left the U.S. voluntarily) arrive, *en masse*, to U.S.-Mexico ports-of-entry and demand readmittance to the U.S., generally under the umbrella of “credible fear” (Williams, 2013) It is worth nothing that their tactics have earned criticism from some immigration advocates who worry that the demonstrations perhaps trivialize the severity of fear-based claims made by “authentic” Mexican asylum seekers (see Williams, 2013; Dzubow, 2013; Schmidt, 2014; Dibble, 2014).

asylum seekers (Bohmer & Shuman, 2008, p.75; Hernandez, 2009a).<sup>5</sup> However, decisions to release or detain “arriving alien” asylum seekers are “entirely within the jurisdiction of the Department of Homeland Security,” vary greatly depending on geographic location, and cannot be appealed to a judge—they are discretionary decisions made on a case-by-case basis by individual immigration officers (Ibid.). Therefore, whether or not an “arriving alien” asylum seeker remains detained while they await a legal decision on their case becomes largely a matter of fate—to what extent does their randomly-assigned deportation officer sympathize with their case? Defensive asylum seekers who are not classified as arriving aliens are permitted to request bond hearings from immigration judges (Gottlieb, 2014).

The ability to be released from detention is important because immigration courts are incredibly backed-up; for example, as of February 2014, there were 363,239 immigration court cases pending nationally, with an average waiting time for an initial court hearing of 577 days (Transactional Records Access Clearinghouse [TRAC], 2014a; TRAC, 2014b). While court proceedings are sped-up substantially for detained respondents, many detained asylum seekers wait months or even year until their legal cases conclude (Hernandez, 2009a). This can be emotionally-devastating for detained asylum seekers, even though immigration detention centers are classified as short-term administrative holding centers that are *not* meant to be punitive. However, these facilities are very prison-like, complete with color-coded jumpsuits, armed guards, strict rules, and heavily restricted freedom of movement (Lyst, 2013). Furthermore, since these facilities are classified as “short-term,” detainees have no access to the types educational or

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<sup>5</sup>If released, these individuals are permitted varying degrees of liberty under “alternative monitoring protocols” ranging from GPS-enabled ankle bracelets to weekly/monthly/semi-annually check-ins with aptly-named “deportation officers” (Gottlieb, 2014). Depending on their particular circumstances, these individuals are generally permitted to apply (and reapply) for employment authorization on an annual basis (though the application must be completed in English, merits legal assistance, and includes a \$380 filing fee) (Lyst, 2013).

recreational amenities provided to long-term federal prisoners. Conditions in detention centers are so bad that many scholars and activists believe that detention of asylum seekers is used as a tool by the U.S. government to deter others from seeking asylum in the future, despite such a practice being in direct violation of United Nations guidelines (Evans & Kohrt, 2004, p.12; Kerwin, 2012, p.19, n.101).

Another source of inequity within the U.S. asylum bureaucracy is the lack of mandatory legal representation for asylum seekers. Immigrants seeking asylum are permitted to employ legal counsel in both affirmative and defensive hearings. However, since immigration court is considered a civil proceeding, asylum applicants, including unaccompanied minors, are not provided with legal representation if they cannot afford to acquire such representation themselves (Schoenholtz, 2005, p.351). Therefore, many asylum applicants file their applications and proceed with their cases without legal representation—these *pro se* applicants comprise approximately one-third of all asylum seekers in immigration court (Ramji-Nogales et al., 2009, p.33). However, statistical analysis of asylum adjudications undertaken by Ramji-Nogales et al. (2009) found that “whether an asylum seeker is represented in court is the single most important factor affecting the outcome of her case” (Ibid., p.45). The asylum grant rate for applicants with legal representation from January 2000 to August 2004 was 45.6%, “almost three times as high as the 16.3% grant rate for those without legal counsel” (Ibid.).

These statistics can be attributed to a number of different factors. First, immigration attorneys have limited time and resources, and are cognizant of the extent to which their asylum grant rates affect their professional reputations; therefore, attorneys tend to only select cases in which they feel relatively confident about the possibility of a positive outcome (CITE). This means that asylum applicants with legal representation tend to have stronger cases from the outset.

However, there are many more factors contributing to these discrepancies. For one, immigration attorneys are clearly better versed on the complexities and nuances of immigration law than the average asylum seeker. Furthermore, judges are likely somewhat biased towards clients with representation since it allows court to proceed more smoothly and because immigration attorneys have facility with the relevant legalese. This is especially true considering that immigration judges themselves are lawyers. Finally, asylum cases rely heavily on textual documentation of persecution and written affidavits by applicants, corroborating witnesses, and scholarly experts (Bohmer & Schuman, 2008, p.116; p.125). Clients who are financially able to secure private counsel are also more likely to have the social and economic capital necessary for securing expert witnesses and supporting documentation from their countries of origin. For all of these reasons, represented and unrepresented asylum-applicants are clearly not being treated equally within the asylum bureaucracy; instead, the financial privilege necessary to hire legal counsel makes a significant impact on an applicant's ability to win his or her asylum claim.

### **Disparities in Asylum Adjudication**

One of the most frustrating features of the U.S. asylum bureaucracy is the lack of uniformity regarding both affirmative and defensive asylum adjudications. Ramji-Nogales et al. (2009) found significant asylum adjudication disparities at all levels of the asylum bureaucracy— independent findings that closely resemble an official, governmental analysis undertaken by the Government Accountability Office in 2008 (GAO). This is despite the fact that steps are taken to ensure that immigration officials and judges are equally prepared to fairly adjudicate claims. For example, new asylum officers complete an “intensive five-week basic training course that includes testing,” which is bolstered by weekly four-hour training sessions on “new legal issues, country

conditions, procedures, and other relevant matters” (Ramji-Nogales et al., 2009, p.17). Next, in order to check for consistency, all decisions are reviewed by “supervisory asylum officers” while selected decisions are also reviewed by quality-assurance officers in charge of notifying the “regional office director on possible inconsistencies in the application of the law and to identify training needs” (Ibid.). Finally, the Asylum Office headquarters employs additional quality-assurance staff charged with supporting regional offices, especially in relationship to cases “involving novel or complex legal issues” and the “implementation of new laws” (Ibid.).

However, despite all of these professional measures aimed at ensuring consistency among asylum officers, large discrepancies in asylum grant rates exist, both within and between regional asylum offices. Ramji-Nogales et al. (2009) statistically analyzed the asylum decisions of 527 officers in 8 regional offices who had each decided at least fifty cases from “Asylee Producing Countries” (APCs)<sup>6</sup> from 1999 to 2005. While they found some regional offices had a great deal of internal consistency in terms of asylum decisions, others were more inconsistent—for example, they identified one regional office in which more than half of the asylum officers’ individual grant rates differed by more than 50% from the office’s mean total grant rate for applicants from APCs (Ramji-Nogales et al., 2009, p.22). Between offices, mean asylum grant rates for applicants from APCs varied significantly between 26% and 62%; however, the authors note that this discrepancy can perhaps be partially attributed to differences regarding which APCs are most frequently represented in each region (Ibid.). Therefore, Ramji-Nogales et al. (2009) decided to perform analyses with applicants from a single country in order to overcome this potential explanation for inconsistency among asylum offices. These results were even more shocking: asylum grant rates

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<sup>6</sup> “The countries on this list had at least five hundred asylum claims before the asylum offices or immigration courts in FY 2004, and a national grant rate of at least 30% before either the Asylum Office or the immigration court...Fifteen countries met these criteria: Albania, Armenia, Cameroon, China, Colombia, Ethiopia, Guinea, Haiti, India, Liberia, Mauritania, Pakistan, Russia, Togo, and Venezuela” (Ramji-Nogales et al., 2009, p.18).

among individual asylum officers for Chinese applicants ranged from a low of 0% all the way up to 90% (Ibid.). Regional asylum office total average grant rates for Chinese applicants ranged similarly from 15% to 72%, depending on the office (Ramji-Nogales et al., 2009, p.26-27).

All in all, these findings illustrate that despite the various bureaucratic measures undertaken to ensure consistency in decision-making among asylum officers, the system is, in fact, characterized by a high degree of inconsistency and inequality. Whether or not an individual asylum applicant is successful in the affirmative process is at least partially determined by chance, not by evenly-implemented bureaucratic regulations. The likelihood of being affirmatively granted asylum is strongly related to the whims of individual asylum officers whose grant-rates vary significantly both within and among regional asylum offices. Furthermore, the substantial power held by asylum officers “places immigrants at a disadvantage in attempting to pass through the immigration labyrinth. Applicants must balance carefully between advocating for their rights and not irritating the officer who has the power to deny the application” (Cruz, 2005, p.816).

The disparities that exist in the grant rates among asylum officers are mirrored in the other branch of asylum adjudication, immigration court proceedings. There are a total of 53 immigration courts in 24 states; some courts handle only detained cases, while other courts serve those who are not being held in immigration detention (Ramji-Nogales et al., 2009, p. 33). Immigration judges are appointed, not elected; however, this does not mean that personal/political bias does not affect decision-making among immigration judges. After analyzing 78,459 asylum court decisions involving applicants from APCs during the period from January 2000 through August 2004, Ramji-Nogales et al. (2009) found a significant number of discrepancies among judges’ asylum grant rates both within and across regional courts (p.34). For example, average asylum grant rates for all APCs combined is only 12% in the Atlanta Immigration Court compared to 54% in the San



San Francisco Immigration Court and 40% nationwide (Ibid., p.37). A Chinese asylum seeker whose case is held in the Atlanta court faces a mere 7% chance of being granted asylum, while his or her chance of approval jumps to 76% if held in the Orlando court instead (47% approval rate nationwide) (Ibid., p.35).

Asylum grant rates also vary significantly within regional courts, depending on the judge assigned to the case. For example, in the New York Immigration Court, one judge granted asylum to only 6% of all APC cases they heard while another judge in that *same* court granted asylum to a staggering 91% of all APC cases (Ibid., p.39). In Los Angeles, the high/low average grant rate between judges for APC cases was 10%/83%; in Miami it was 3%/75% (Ibid., p.41). Even the judge's gender makes a significant impact on whether or not an asylum seeker wins his or her claim—"an asylum applicant assigned by chance to a female judge...had a 44% better chance of prevailing than an applicant assigned to a male judge" (Ibid., p.47). Immigration judges sometimes even admit to the practice of hearing asylum claims as becoming a matter of "routine" due to the large number of cases on the docket each year (Yarbrough, 2013, p.xx). Once again, likelihood of winning asylum is clearly impacted by the luck of the draw, not just by the merits of an individual's asylum claim.

As described previously, once an immigration judge rules on an individual's case, s/he (or the government) is allowed to appeal that decision to the Board of Immigration Appeals (BIA). What is particularly interesting about the BIA is the fact that it was "created by a directive of the attorney general, rather than by statute, and its members serve at the pleasure of the attorney general, exercising his delegated authority" (Ibid.). The attorney general has unlimited power to appoint and remove Board members and to overturn their appellate decisions (Schoenholtz, 2005, p.353). The Board, and its decisions, therefore, can be seen as highly politicized and biased, once

again betraying the impartial, apolitical requirements of an ideal bureaucratic system. For example, in 2002, Attorney General John Ashcroft embarked on a controversial structural reform and downsizing of the BIA, in which 5 of the 6 board members appointed under the Clinton administration were removed (the final member resigned after realizing that she, too, was likely to be removed) (Ramji-Nogales et al., 2009, p.63).

Though billed as apolitical administrative restructuring, several legal scholars and activists believe that the changes were politically motivated and had politicized implications—grant and remand rates decreased significantly following the creation of more conservative Board (Ibid.). Asylum grant and remand rates overall fell from 37% in FY 2001 (the year before the reforms took place) to only 11% in FY 2005 (Ibid., p.69). Likewise, asylum grant and remand rates for applicants from APCs fell from 35% in FY 2001 to 14% in FY 2005 (Ibid., p.70). At yet another step of the asylum process, the likelihood of winning asylum is dictated by chance, this time related to the political party that happens to be in power when an applicant's case finally makes it in front of the Board of Immigration Appeals.

### **Bias against Mexican Asylum Applicants**

In addition to all the issues described above, asylum seekers from Mexico face an added challenge within the asylum bureaucracy: being from Mexico. From the passage of the Refugee Act of 1980 to FY2006, fewer than 1,000 Mexican nationals were likely granted political asylum in the U.S. (Albarran de Alba, 1992; Plascencia, 2000; DOJ, 2008; INS, 2002, 2003; DHS, 2003, 2004, 2012). Simply put, “bias permeates the US asylum system. Persons from Mexico...are at a particular risk of having genuine persecution cases denied as a result of this bias” (Evans & Kohrt, 2004, p.19). Even though each case should be judged equally and impartially *regardless*

of country of origin, this simply is not the case. Mexicans applicants consistently face exceptionally low asylum grant rates, despite well-documented and widespread human rights abuses (Plascencia, 2000).

Finding accurate statistics regarding political asylum applications in the U.S. is exceedingly difficult. While the Department of Homeland Security (DHS) and the Department of Justice Executive Office for Immigration Review (EOIR) both publish asylum-related statistics online annually, a careful review of the various publications exposes significant statistical disparities from one year to the next (DOJ, 2012, 2013, 2014b). This problem is most striking in relation to the *FY 2013 Statistical Yearbook* published by EOIR in April 2014. The document begins with a letter from EOIR Director Juan P. Osuna (DOJ, 2014b):

*...In October 2012, the Department of Justice, Office of the Inspector General released a report consistent with EOIR's plans for an overhaul of our statistical methodology. Overall, we determined that we needed to expand the way in which we evaluate our workload so that the public could more easily receive comprehensible answers to their statistics questions. As such, we have developed a new methodology, which will be used for all future external statistical reports, and on which this Fiscal Year 2013 Statistics Yearbook is based. In the Fiscal Year 2013 report, you will notice several changes. We have rearranged some of the tabs to create a better flow of information, and the Table of Contents reflects those changes. For those of you who are familiar with our Yearbook, the numbers you see in some of the tabs will look different than what you may be used to seeing. For example, in an effort to clarify the agency's workload, EOIR has changed the methodology for counting matters received and matters completed, which will affect the appearance of those numbers in the Statistics Yearbook.*

Upon review of the newly-released data, it becomes clear that data concerning political asylum applications and grants had changed significantly in comparison to previous editions of the *Yearbook*. In some instances, the reported figures only changed marginally: for example, total asylum applications received by immigration courts FY2012 (44,170 applications according to the *2012 Yearbook* versus 44,296 applications according to the *2013 Yearbook*). However, in other instances, the figures changed substantially: total asylum applications received by immigration

courts FY2009 (47,508 applications according to the *2012 Yearbook* versus 30,112 applications according to the *2013 Yearbook*). Therefore, I have chosen to only include the most recently released asylum data in order to ensure that longitudinal analyzes are valid. Unfortunately, this means that immigration court asylum data is only available from FY2009-FY2013.

During the period from FY2009 to FY2013, immigration courts received a total of 186,556 asylum applications from respondents of all nationalities (DOJ, 2014a; Table 1). Immigration judges decided a total of 92,915 asylum cases “on the merits,” meaning that the asylum application was followed through to the end and was either granted or denied (Ibid.). Of that figure, asylum was granted in 48,099 cases, representing overall average grant rate of 52% (Ibid.). For FY2013, the top ten nationalities granted asylum by immigration courts were China, Ethiopia, Nepal, India, Egypt, the Soviet Union, Eritrea, Russia, El Salvador, and, for the first time ever, Mexico (DOJ, 2013; Table 2).

Despite breaking into the top ten, however, grants of political asylum in Mexican cases represented only 1.56% of the total, while successful Chinese cases accounted for a massive 45.63% of total grants (Ibid.). On average, Mexican applicants only had a 9% chance of being granted political asylum by an immigration judge during this time period, while Chinese applicants were successful over 74% of the time (DOJ, 2014a; Table 3 and Table 4).<sup>7</sup> On average, Colombians were granted asylum by immigration judges more than 40% of the time (Ibid.; Table 5).

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<sup>7</sup> Note that journalists frequently state that Mexicans only have a 1% to 2% chances of being granted political asylum (e.g., Cave, 2013b). However, this figure—created by dividing total number of grants by total number of applications filed in a given year-- is incorrect. Asylum applications take several years to be decided by the courts meaning that the number of applications filed in a year is different than the number of cases decided in a year. Furthermore, approximately 20% of all asylum applications are “abandoned” or “withdrawn” each year by respondents who decide against continuing with their applications for a variety of reasons (DOJ, 2014a). This includes changing country conditions, the availability of other forms of relief from deportation such as family petitions, pessimism toward possible court outcomes, and general absenteeism.

**Table 1**

Immigration Court Asylum Statistics FY2009-FY2013: All Countries Combined

	Cases Received	Cases Granted	Cases Denied	Total Cases Decided on the Merits	Grant Rate (Grants/Total Cases Decided on the Merits)
FY2009	30,112	8,800	9,876	18,676	47%
FY2010	32,810	8,518	8,335	16,853	51%
FY2011	42,664	10,137	9,280	19,417	52%
FY2012	44,296	10,711	8,502	19,213	56%
FY2013	36,674	9,933	8,823	18,756	53%
TOTAL	186,556	48,099	44,816	92,915	52%

Note: Adapted from Department of Justice (DOJ), Executive Office of Immigration Review (EOIR). (2014b, April). *FY 2013 Statistical Yearbook*. Retrieved April 25, 2014 from <http://www.justice.gov/eoir/statpub/fy13syb.pdf>

**Table 2**

Top Ten Nationalities Granted Asylum by Immigration Courts FY2009-FY2013

Rank	FY2009	FY2010	FY2011	FY2012	FY2013 Rank	FY2013 Number of Grants	FY2013 % of Total Grants
1	China	China	China	China	China	4,532	45.63%
2	Ethiopia	Ethiopia	Eritrea	Ethiopia	Ethiopia	399	4.02%
3	Haiti	Nepal	Ethiopia	Nepal	Nepal	381	3.84%
4	Iraq	India	Nepal	Eritrea	India	322	3.24%
5	Colombia	Egypt	Egypt	Egypt	Egypt	305	3.07%
6	India	Somalia	Soviet Union	Soviet Union	Soviet Union	252	2.54%
7	Eritrea	Colombia	India	India	Eritrea	240	2.42%
8	Albania	Eritrea	Somalia	Guatemala	Russia	187	1.88%
9	Guinea	Soviet Union	Colombia	El Salvador	El Salvador	181	1.82%
10	Nepal	Armenia	Russia	Pakistan	Mexico	155	1.56%

Note: There is no explanation of the use of the “Soviet Union” as a country. Adapted from Department of Justice (DOJ), Executive Office of Immigration Review (EOIR). (2014b, April). *FY 2013 Statistical Yearbook*. Retrieved April 25, 2014 from <http://www.justice.gov/eoir/statpub/fy13syb.pdf>

**Table 3**

## Immigration Court Asylum Statistics FY2009-FY2013: Mexico

	Cases Received	Cases Granted	Cases Denied	Total Cases Decided on the Merits	Grant Rate (Grants/Total Cases Decided on the Merits)
FY2009	2,490	56	336	392	14%
FY2010	3,996	38	477	515	7%
FY2011	7,425	92	1,010	1,102	8%
FY2012	10,542	113	1,306	1,419	8%
FY2013	8,569	155	1,566	1,721	9%
<b>TOTAL</b>	<b>33,022</b>	<b>454</b>	<b>4,695</b>	<b>5,149</b>	<b>9%</b>

*Note: Adapted from Department of Justice Executive Office for Immigration Review (DOJ, 2014a)*

**Table 4**

## Immigration Court Asylum Statistics FY2009-FY2013: China

	Cases Received	Cases Granted	Cases Denied	Total Cases Decided on the Merits	Grant Rate (Grants/Total Cases Decided on the Merits)
FY2009	8,117	3,085	1,448	4,533	68%
FY2010	9,534	3,419	1,366	4,785	71%
FY2011	10,385	4,299	1,593	5,892	73%
FY2012	9,457	5,015	1,421	6,436	78%
FY2013	5,568	4,532	1,229	5,761	79%
<b>TOTAL</b>	<b>43,061</b>	<b>20,350</b>	<b>7,057</b>	<b>27,407</b>	<b>74%</b>

*Note: Adapted from Department of Justice Executive Office for Immigration Review (DOJ, 2014a)*

**Table 5**

## Immigration Court Asylum Statistics FY2009-FY2013: Colombia

	Cases Received	Cases Granted	Cases Denied	Total Cases Decided on the Merits	Grant Rate (Grants/Total Cases Decided on the Merits)
FY2009	544	294	434	728	40%
FY2010	502	187	327	514	36%
FY2011	496	175	185	360	49%
FY2012	426	98	129	227	43%
FY2013	291	72	118	190	38%
<b>TOTAL</b>	<b>2,259</b>	<b>826</b>	<b>1,193</b>	<b>2,019</b>	<b>41%</b>

*Note: Adapted from Department of Justice Executive Office for Immigration Review (DOJ, 2014a)*

Affirmative grants of political asylum exhibited similar trends, though DHS only releases data regarding total number of asylum grants, without also providing information about applications or denials (DHS, 2013). During FY2009-FY2012, a total of 839 Mexicans were granted asylum affirmatively, making up only 1.55% of all affirmative asylum recipients (Ibid.; Table 6). Chinese nationals, however, were much more successful, claiming more than one-fourth of all affirmative asylum grants (14,256 out of 53,978; Ibid.).

**Table 6**  
Individuals Granted Asylum Affirmatively FY2009-FY2012

	China	% OF TOTAL GRANTS	Mexico	% OF TOTAL GRANTS	TOTAL GRANTS ALL COUNTRIES
FY2009	2,713	22.75%	190	1.59%	11,925
FY2010	2,890	25.85%	136	1.22%	11,178
FY2011	3,885	29.06%	176	1.32%	13,369
FY2012	4,768	27.24%	337	1.93%	17,506
TOTALS	14,256	26.41%	839	1.55%	53,978

Note: Adapted from U.S. Department of Homeland Security [DHS]. (2013, January).  
Refugees and Asylees: 2012. Retrieved April 25, 2014, from  
<https://www.dhs.gov/publication/refugees-and-asylees-2012>

### **Possible explanations for low Mexican asylum grant rates**

As demonstrated above, Mexican asylum applicants consistently face exceptionally low grant rates despite Mexico being ranked by Amnesty International as having the same levels of political terror as the top-five asylee-producing countries in the U.S (Gibney et al., 2011).<sup>8</sup> There are a number of alternate explanations for why Mexican applicants do not receive asylum at the same (or even similar) rate as applicants coming from other nations, despite the high levels of

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<sup>8</sup> The Political Terror Scale website lists political terror rankings given to countries by both Amnesty International and the U.S. State Department. Amnesty ranks Mexico as high as possible with a “5”—“*Terror has expanded to the whole population. The leaders of these societies place no limits on the means or thoroughness with which they pursue personal or ideological goals.*” The US State Department is much more generous, ranking Mexico a “3”—“*There is extensive political imprisonment, or a recent history of such imprisonment. Execution or other political murders and brutality may be common. Unlimited detention, with or without a trial, for political views is accepted.*”

violence and political terror occurring in Mexico today. First, immigration officials frequently argue that high rates of Mexican asylum applications (especially during years in which these numbers spike) can be attributed almost entirely on frivolous claims. The following is taken from a 2005 email from an official at the USCIS Asylum Office (formerly the INS):

*Evidence strongly suggests that most Mexican asylum applicants have been using the USCIS asylum program as a conduit to enter into removal proceedings. Once in removal proceedings, these individuals typically withdraw their respective asylum applications and file applications for another benefit (cancellation of removal), which can only be filed in removal proceedings. Upon filing for cancellation of removal, they become eligible to receive employment authorization...” (Schoenholtz, 2005, p.338, no.62).*

This explanation is also offered as a possibility by Plascencia (2000), who quotes INS officials as having said that ““about 5 percent of all cases”” actually have merit and are deserving of being seen by asylum officers prior to being forwarded on to immigration judges. Plascencia (2000) also describes the high-profile arrests in both 1994 and 1997 of several “financially-motivated individuals” who had been caught charging immigrants between \$100-\$1,000 to file paperwork for work authorization that were actually fraudulent asylum claims (p.75).

Arguments about the high frequency of frivolous Mexican asylum claims continue to persist among some immigration officials and politicians (Rexton Kan, 2011). Take, for example, the ways in which Mexican asylum seekers were referenced in several newspaper articles published in the fall of 2013:

*A sudden influx of illegal immigrants from Mexico requesting asylum is overwhelming immigration agents in San Diego, forcing agencies to rent hotel rooms for some unauthorized families and release others to cities around the U.S... The surge has raised suspicions about what is driving the influx, amid claims that illegal immigrants have learned they can attempt to get asylum by using a few key words -- namely, by claiming they have a "credible fear" of drug cartels....Asylum claims from Mexico are highly unusual and critics say this is an orchestrated sham – it's not about getting asylum, they say, but about overwhelming the system and getting a free pass into the U.S. and a court date for which no one will show up (La Jeunesse, 2013)*



*"Frankly, I don't think the House should pass any bill until the administration shows its willingness to confront and fix this problem," said Sen. Jeff Sessions, R-Ala., a vocal opponent of the current legislation pending in Congress. "This is a direct threat to the orderly administration of our immigration law," Sessions added, predicting that even the perception of easy entry into the U.S. by claiming asylum could create havoc on the border as thousands more try the same tactic (Skoloff, 2013)*

*Mexican drug cartel members are abusing the U.S. asylum system to bypass regular immigration checks and get into the country, where some are setting up smuggling operations and others engage in the same violent feuds that caused them to flee Mexico in the first place (Dinan, 2013).*

Shortly following this rash of alarmist articles, Republican Representative Robert Goodlatte—Chairman of the House Judiciary Committee—penned a letter to Homeland Security Secretary Janet Napolitano expressing concern “that credible fear claims are being exploited by illegal immigrants in order to enter and remain in the United States” (Goodlatte, 2013). Representative Goodlatte went on to say in an interview with the conservative think-tank Center for Immigration Studies that rising Mexican asylum applications are due to unscrupulous individuals taking advantage of the “virtual rubberstamping of applications” (as quoted in Cadman, 2014). Exaggerated fears about Mexican asylum applicants gaming the system exploded even further in early 2014 following the leak of a classified draft report from 2009 allegedly stating that “at least 70 percent of asylum applications showed signs of fraud...[and that] many of those cases had been approved anyway (Dinan, 2014).

In direct contrast to the frivolous claims explanation for low political asylum grant rates among Mexican applicants stands the argument that Mexicans are unfairly denied political asylum due to adjudication biases. One possibility, put forth by Matthew Gibney (2003) and furthered by Evans & Kohrt (2004), is that the U.S. is reluctant to grant Mexicans asylum “out of fear of economic burden” (p.18). This fear is compounded by general anti-Latino/a sentiment, the geographic proximity of Mexico, and worries that granting asylum to Mexican nationals would

open the symbolic floodgates of legalized Mexican immigration to the U.S (Morales et. al. 2013; Mann, 2012). These preoccupations are similarly parroted in journalistic analyses of Mexican political asylum:

*"Clearly, if we start granting asylum to Mexicans, it could start a real flood of applicants, even from people with no plausible case," said Mark Krikorian, executive director of the nonpartisan Center for Immigration Studies in Washington, which seeks tighter enforcement of immigration laws (Becker, 2009a).*

*George Grayson, a professor of government at the College of William and Mary in Virginia and an expert on U.S.-Mexico relations, said that if immigration judges began to grant asylum liberally to people fleeing the cartels, "We'd have literally tens of thousands of police officers coming to the United States, not to mention some mayors, too" (Becker, 2009c).*

*Granting asylum to Mexicans fleeing drug violence also could spur a massive wave of applicants, he [Stephen Yale-Loehr, a Cornell University law professor and asylum expert] said. "The other political reality is we don't want to encourage more immigration from Mexico. We already have a lot of illegal immigration from Mexico, and if Mexicans see that other Mexicans are winning asylum in the U.S. based on this fear of persecution by the drug cartels, that would just encourage more people to try to come to the U.S. and apply for asylum," Yale-Loehr said (Gonzalez, 2010).*

*"The overt policy of the U.S. government is to discourage Mexican asylum applicants," said Spector, the immigration lawyer who is representing Gutierrez. "The judges here have a learning curve because they don't believe what they're hearing. They say, 'How can this be, this nightmare you're presenting?' And then there's the fear that the floodgates will open, as with the immigration debate" (Hayward, 2010).*

Immigration activists and scholars also suspect that low asylum grant rates for Mexican nationals reflect U.S. government worries that granting asylum on a large scale would negatively affect foreign relations ties between the U.S. and Mexico (Plascencia, 2000, p.75). Since political asylum is granted on the basis of persecution by the government or by groups that the government cannot control, widespread granting of asylum for Mexican nationals could raise issues concerning the ethics of the U.S. government providing millions of dollars of aid to the Mexican military while at the same time granting political asylum to refugees fleeing the human rights abuses of that very same military organization. Long-time immigration rights activist Ruben Garcia and prominent

immigration attorney Carlos Spector both believe that low grant rates for Mexican asylum seekers are due to political bias on behalf of the U.S. government (personal communication, April 26, 2013; personal communication, April 26, 2013). Once again, these sentiments are frequently published in journalistic accounts of Mexican asylum seekers:

*Retired immigration Judge Bruce Einhorn, who helped draft the Refugee Act of 1980, which governs modern asylum cases, explained that although the law prohibits the federal government from politically interfering with asylum decisions, he doesn't exclude the existence of diplomatic pressure among U.S. judges. "There is a real sense in the executive branch of our government that the relationship needs to be as smooth as possible and as a result if you read the State Department's human rights reports on Mexico, which are part of the evidence that are used by asylum adjudicators, you'll find that it's a very delicately frayed description of democracy in Mexico," said Einhorn. "The problems that affect human rights in Mexico are handled gingerly" (Camargo, 2011).*

*"The U.S. government is reluctant to grant political asylum to Mexican applicants because doing so means recognizing that aid from Washington is financing military abuses against the Mexican civilian population," said Carlos Spector, an immigration attorney in El Paso, Texas (Camargo, 2011).*

*For one, they say, U.S. immigration attorneys are far more aggressive battling asylum claims involving Mexicans than other nationalities. "The government will put two attorneys on a case with a Mexican and just one for anybody else," says Spector. "And they appoint much more seasoned attorneys. There seems to be a real emphasis on them that, 'You don't lose these cases... There is an institutionalized policy of discouraging Mexican applicants by prolonged detention and serious resistance by government attorneys in immigration court," says Spector. "They don't deal with these cases like any others. They are trying to keep their finger in the border dike for as long as they can, and they want to send a message that if you go to the U.S. for asylum, you're going to get fucked. You are going to be detained and then denied. And it is clearly having an effect." (Vogel, 2010).*

There are likely many factors that contribute to low political asylum grant rates for Mexican nationals seeking protection in the U.S. It would be unreasonable to ignore the very real problem of frivolous applications just as it would be foolish to refuse to acknowledge the prominent role geopolitics and diplomacy play in determining to what extent the U.S. is willing or able to open its arms to foreign refugees.

## **Chapter 5: Mexican Refugees and Asylum Seekers Prior to 2006**

In this chapter, I provide an overview of Mexican asylum seekers to the U.S. during the period from 1980 (formalization of the political asylum process through the Refugee Act) to 2006 (election of President Felipe Calderón and his declaration of a “War on Drugs”). First, I briefly discuss the history of Mexicans seeking refuge from violence in the U.S. prior to 1980. Next, I provide case study examples of asylum seekers from each decade: the 1980s, the 1990s, and the early 2000s. Ultimately, I argue that throughout history, political bias has caused Mexican asylum seekers to be treated unfairly by the U.S. government despite moral and legal *nonrefoulement* obligations to protect asylum-seeking migrants from persecution, torture, and death in their countries of origin.

### **Mexicans Seeking Refuge in the U.S. before 1980**

Understanding the history of modern Mexican asylum seekers in the United States requires recognizing that large numbers of people have fled persecution by migrating within and through the US-Mexico borderlands for centuries; in no way should this be seen as a modern phenomenon. Migration is a common response to danger and imposed political boundaries serve only minor deterrence when seeking safety for oneself and one’s family. More recently, the historical porosity of the US-Mexico border and the transnational character of the borderlands have meant that the U.S. has routinely been a destination for Mexican nationals fleeing violence and persecution, most notably during the period of the Mexican Revolution from roughly 1910-1929 (Aguilar Camín & Meyer, 1993). For example, in El Paso, Texas, a historical marker was erected at Fort Bliss to commemorate the location where 6,000 Mexicans fleeing Pancho Villa’s troops were housed for several months in 1914 (Hernandez, 2009b). Famous Mexican revolutionaries and dissidents who

were exiled (at least for a period of time) to the U.S. during the early 20<sup>th</sup> century include the Flores Magón brothers (1906-1907), Francisco Madero (1909), Pascual Orozco (1913), Francisco Villa (1912), Adolfo de la Huerta (1927), and Elías Calles (1934) (Albarrán de Alba, 1992). Later, political repression of leftists during the Díaz Ordaz (1964-1970) and Echeverría (1970-1976) regimes, including the Tlatelolco massacre of student and civilian protestors in Mexico City in 1968, led to significant influx of Mexican immigrants coming to the U.S. by way of self-imposed political exile (C. Spector, personal communication, April 26, 2013; Albarrán de Alba, 1992).

However, prior to the increase of border enforcement efforts beginning in the 1990s, unauthorized migration into the U.S. was less difficult, and few *exiliados* chose to apply for formal asylum protection (Ibid.). According to prominent immigration attorney Carlos Spector, most Mexicans at this time did not know that political asylum was even an option to them; they believed it was only “available to people involved in civil strife” (Negron, 2010). Since it was difficult to win a political asylum claim, it was easier “to just come and stay with your cousins” (C. Spector, quoted in Hennessy-Fiske, 2012). Instead, these individuals relied on informal familial and social networks to make lives for themselves in the U.S. the same way as any other Mexican immigrant, many eventually gaining legal residency and citizenship by way of marriage, family petitions, and, later, the 1986 amnesty<sup>9</sup> (C. Spector, personal communication, April 26, 2013; Albarrán de Alba, 1992). Furthermore, Spector believes that there was also an ideological impetus against these leftist exiles choosing to file for political asylum from the U.S.: “the left would be damned if they were going to ask Uncle Sam for help” (Negron, 2010).

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<sup>9</sup> The Immigration Reform and Control Act of 1986 enabled some unauthorized immigrants to become legal permanent residents if they could prove they had resided continuously in the U.S. since January 1, 1982, paid a fine, and could demonstrate good moral character (Massey, Durand, & Malone, 2003).

While there are clearly some practical and ideological reasons why Mexican immigrants did not regularly request political asylum from the U.S. during the 1970s, there are a few isolated cases of Mexicans applying for asylum during this period. By far the most famous of all pre-1980 cases is that of young Mexican Socialist Hector Marroquín, who's fight to win political asylum was widely publicized and endorsed by a number of influential U.S. figures and organizations including Angela Davis, Noam Chomsky, Gloria Steinem, the League of United Latin American Citizens (LULAC), the National Lawyers' Guild, and the National Education Association (Hector Marroquín Defense Committee [HMDC], 1979).<sup>10</sup> On January 17, 1974, Marroquín claimed that he, and three of his activist friends, were falsely accused of murdering a librarian at their university in Nuevo Leon, Monterrey (Rudquist, 1979). Labeled a "terrorist," Marroquín went into hiding and eventually crossed into the U.S. on April 9, 1974, fearing for his life (Ibid.). Shortly thereafter, Marroquín discovered that two of his friends, "who were also accused of the assassination of the librarian, were gunned down by police, supposedly for 'resisting arrest'"—the one other suspect was arrested and "disappeared" by officials (Ibid.).

However, Marroquín did not file for political asylum until several years later when he was arrested by the INS for carrying false identification documents in September of 1977 (Katsarelis, 1979).<sup>11</sup> While serving three and a half months of a six month sentence for this crime, Marroquín was notified by his attorney that he could file for political asylum as an attempt to fight deportation (Rudquist, 1979). Marroquín filed for asylum due to persecution by Mexican authorities on the

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<sup>10</sup> Note that Marroquín is included in this thesis because his case was not resolved until after 1980, even though he fled Mexico in the 1970s.

<sup>11</sup> Marroquín's delay in applying for asylum illustrates well the earlier argument that many potential asylum-seekers during this time preferred (and were able) to live without legal immigration authorization, at least until they were caught by immigration officials.

basis of “political opinion,” arguing at his deportation hearing that the Mexican police were trying to frame him for a crime he could not have committed:

*Mexican police claim he was wounded in the shoulder in a gun-battle in Monterrey in June 1974—two months after he left Mexico...[and] that he participated in an armed robbery of a bakery in Monterrey Aug. 19, 1974, when he was in a hip-to-toe cast in a Houston hospital, recovering from injuries from an automobile accident (Appel, 1979).*

Nevertheless, on April 11, 1979, immigration court judge James R. Smith denied Marroquín’s petition for political asylum (Appel, 1979).

Officially, Judge Smith argued that Marroquín had not adequately demonstrated that he would be persecuted by Mexican authorities were he to be deported; specifically, Smith referenced that none of Marroquín’s immediate family members had been persecuted, that he had safely returned to Mexico several times since his original arrival in the U.S., and that a 1978 Amnesty Law for political prisoners in Mexico had led to the release of several activists and would likewise protect Marroquín (Marroquin-Manriquez v. INS, 1983). Marroquín, however, embarked on a national speaking tour and was featured in several newspaper articles arguing that the immigration court’s decision had been politically motivated (Montemayor, 1979; “Mexican Alien,” 1983; Katsarelas, 1979). He was quoted as saying the following in an interview with *In These Times* magazine:

*“So this is a political decision: whether or not they are going to cover up these violations of human rights. They are covering up, which means that support for this regime [Mexico] is more important than human rights or individuals. If I am eventually granted political asylum, it will be only because of the support of the American people” (Appel, 1979).*

In another article, Marroquín is paraphrased as having said that the denial of his asylum petition was due to his socialist beliefs and the U.S. government wanting to “maintain good ties with Mexico” (“Mexican Alien,” 1983). Finally, in an unpublished pamphlet released by the Hector Marroquín Defense Committee (1979), the authors argued that the decision had also been racially

motivated, claiming that Judge Smith had stated in a press interview that “Marroquín’s case paralleled that of the average wetback.”

In March of 1982, (Montemayor, 1982) Marroquín lost his appeal in front of the Board of Immigration Appeals (BIA), who dismissed his claim on the basis that “he had not demonstrated a likelihood that he would be persecuted by the authorities” or that he would “not receive fair treatment” in a Mexican court for his pending criminal charges (Seipp, 2010). He then brought his case to the 3<sup>rd</sup> Circuit Court of Appeals who upheld the decisions of the BIA and the immigration court, stating that both entities had properly upheld their legal obligations in determining Marroquín’s claim (Marroquin-Manriquez v. INS, 1983). After losing this appeal, Marroquín attempted to appeal his case to the U.S. Supreme Court; however, in June, 1984, the Supreme Court officially refused to hear the case (Derus, 1984).

Despite losing all of his appeals, and maintaining a vocal activist presence, Marroquín was never physically deported from the U.S. This illustrates the ease with which some individuals fleeing persecution in Mexico were able to survive (and thrive) in the U.S. during this era, even without legal immigration documents. Eventually, in 1988, Marroquín was awarded legal permanent residency status after “an 11-year battle with the Immigration and Naturalization Service” (Mangaliman, 1988). Marroquín had applied for his green card on May 5<sup>th</sup>, 1987, the first day that unauthorized immigrants were able to do so via the 1986 immigration amnesty program (“Amnesty: Illegal Aliens,” 1987). During the entire period of his legal battle with immigration, “despite his precarious legal status” Marroquín continued “to protest what he call[ed] human rights violations in the United States for intervening in Central America’s civil wars” (Montemayor, 1982).



## **Selected Case Studies: 1980s**

### **Rosendo Burciaga**

On the evening of October 15<sup>th</sup>, 1987, Rosendo Burciaga was driving his pregnant wife to a gynecologist appointment in Monclova, Chihuahua when they were suddenly hit by another car from behind (Garza, 1991). According to Garza (1991), the following is what happened next:

*When Burciaga got out to check out the back end of his car, several men grabbed him from behind, covered his eyes and mouth with medical tape and tied his hands behind him. He lost his glasses, his visa and his dental bridgework, he said. The men beat him about the stomach and face and threw him on the floor of their car. He said they told him: 'You are going to die but first we are going to rape you and rape your wife.' His wife had managed to escape by quickly locking the car doors and biting one of the assailants on the hand as he tried to reach through their open car window and grab their car keys. Burciaga said he was beaten with a baseball bat, fists and rifles, thrown in and out of the car trunk, then into a van, then back onto the pavement. 'After they broke my leg they moved my leg from side to side and the pain was excruciating. After they did this to my leg they put me in a car in the trunk and slammed the trunk on my back,' he wrote in the asylum application. Eventually, around midnight, they tossed him onto the street, naked, with his beard and head shaved, he said.*

When Burciaga was finally released, he landed just yards away from a group of police officers who never left their cars to provide the battered man assistance (Conroy, 1988). Burciaga looks almost dead in a photograph of the scene; however, the image fails to “reveal that Burciaga’s head was split open, that his face was deeply cut, that ribs and an arm and both legs were fractured, and that muscles and bone were plainly visible through the wounds” (Ibid.). Burciaga’s friends eventually came to his assistance, cutting the ties that bound his hands and feet and covering his “swollen genitals with a cloth” (Ibid.). Burciaga spent two weeks in the hospital with a total of eight broken bones (Garza, 1991).

After recovering, Burciaga “fled his country on crutches,” eventually settling in Chicago with the help of family members who lived in the area (Conroy, 1988). Burciaga, a native of Monclova, was a long time politician and activist from the conservative opposition National

Action Party (*Partido Acción Nacional, PAN*); his kidnapping came just ten days prior to mayoral elections in which he was a candidate (Danini, 1991b). According to Burciaga, he had been “detained and interrogated countless times since 1964,” something that usually only “lasted a couple of hours and was done to keep [him] from political activity” (Garza, 1991). He had also previously spent a month in Laredo, Texas “after receiving threats following a heated election” but had eventually decided to return home and resume his political life (Danini, 1991b). This proved to be a mistake; Burciaga is certain that the men responsible for his brutal kidnapping and torture were working on behalf of the incumbent Institutional Revolutionary Party (*Partido Revolucionario Institucional, PRI*) in direct retaliation for his oppositional political activities (Conroy, 1988).

In November, 1991, Burciaga became the first Mexican national since 1987 to be granted political asylum affirmatively by the U.S. government (Danini, 1991b). Burciaga’s attorney, Pat Kuehn, told *Proceso* magazine that winning asylum “was almost a miracle; I am surprised” (Albarrán de Alba, 1992). In a statement made to the Chicago Tribune, Burciaga said that he interpreted his asylum grant to mean that

*“the U.S. government now accepts that this is a reality in Mexico...I think that torture and repression is now an institutionalized practice at every level in Mexico, and if the government of the U.S. gave me asylum, it’s because they accept this”* (Garza, 1991)

However, an Immigration and Naturalization Service (INS) public affairs officer quoted by Garza (1991) disagreed with Burciaga’s statement, saying instead that it was “unlikely” that many others would be granted political asylum because they are from Mexico, a “democratically elected country.” This official was proven to be correct: during FY1999, the INS granted asylum affirmatively to Mexican nationals in only 41 cases out of 2,251 Mexican asylum applications filed that year (INS, 2002a). Assuming hypothetically that all cases filed in FY 1999 were also

concluded during that same year, and that no claims were abandoned or withdrawn, this represents an asylum grant rate of only 1.8%.<sup>12</sup>

### **Ernesto Poblano**

In January 1989, former mayor of Ojinaga, Chihuahua, Ernesto Poblano, walked across the bridge to El Paso, Texas without immigration papers and declared his intent to apply for political asylum (“Ex-Mayor Seeks,” 1991). Poblano, a member of the National Action Party (PAN), had been the first mayoral candidate to claim victory over a member from the ruling Institutional Revolutionary Party (PRI) when he was elected in 1974 (Gamboa, 1991). During his tenure in office, Poblano claims that he “was accused of causing too much trouble” after making allegations that local officials were working as drug traffickers (Ibid.). He then reluctantly agreed to step down from his position as mayor, accepting a PRI-backed tax collector position in Nuevo Casas Grandes, Chihuahua (Ibid.). However, despite not being officially listed on the ballot, Poblano was surprisingly elected mayor by the people of Nuevo Casas Grandes in 1980—according to him, this is when all of his trouble began (Ibid.). The incensed PRI leadership struck back decisively, filing formal charges against Poblano for drug trafficking and even going so far as threatening him with an invitation to the funeral of his still-alive father (Gamboa, 1991).

Eventually, once the threats became too much, Poblano decided to seek refuge in the United States. He became a client of local immigration attorney and long-time political activist Carlos Spector who said the following in a 1992 interview with the Mexican publication *Proceso*: “At the beginning I thought it was going to be very difficult, that we would have about a 10% chance to win; the first thing I did was try and discourage my client” (Albarrán de Alba, 1992).

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<sup>12</sup> Such an assumption is likely inaccurate; however, it provides a reasonable estimate for illustrative purposes.

However, three years later, in January of 1992, Ernesto Poblano became one of the first Mexican nationals to win political asylum from an immigration judge in the United States (Danini, 1992).

While Poblano was one of the first Mexicans to *publicly* win a defensive political asylum claim, he was likely not the first *panista* to be granted asylum after having fled Mexico in the 1980s. For one thing, Rosendo Burciaga, whose story was told in the introduction, had also fled in the 1980s and was granted asylum affirmatively a few months before Poblano (Danini, 1991b). As discussed previously, at least 9 Mexicans were granted asylum affirmatively in 1987, along with 10 Mexican individuals who were granted asylum defensively in 1989 (Albarrán de Alba, 1992; Plascencia, 2000). Though there is little known about these asylees, it is reasonable to assume that many of them were also *panistas* or other political dissidents seeking refuge from PRI-sponsored persecution (Albarrán de Alba, 1992). Additionally, there were likely some asylum seekers hailing from the *Partido de la Revolucion Democratica* (PRD) considering that researchers have documented the politically-motivated killing of over 662 PRD members between 1988 and 2011 (Schatz, 2011).

### **Other Publicized Cases**

Although it is impossible to find information regarding all of the hundreds of Mexicans who applied for asylum during the 1980s, the following represent some of the more well-publicized cases during this decade (all of which were eventually withdrawn or denied):

#### ***Jesus Blancornelas***

In March of 1980, Jesus Blancornelas, a former editor of *ABC*, a daily paper in Tijuana, fled to San Diego after becoming aware that the Mexican government was planning to press

charges against him for the embezzlement of \$70,000 from the paper (Montemayor, 1980). Blancornelas vehemently denied these allegations, claiming that he was being persecuted by government officials in retaliation for having published negative articles about the governor of Baja California (including charges of nepotism and state-sponsored torture) (“Ousted Editor,” 1980). He filed a formal request for political asylum but withdrew this request “after he obtained an immigration visa that permitted him to stay in the United States without problems” (Montemayor, 1981).<sup>13</sup> Eventually, after 529 days of exile, Blancornelas returned to his wife and family in Tijuana after the government dropped the charges against him due to a lack of evidence (Ibid.).

### ***Panista Activists in Piedras Negras, Coahuila***

Widespread political unrest broke out in Piedras Negras, Coahuila, following the December 2, 1985 municipal elections in which *panistas* claimed “outright fraud” by members of the PRI (Vazquez, 1985). On February 18, 1985, a political riot culminated in a “shootout between protestors and police” near the international bridge between Piedras Negras and Eagle Pass, Texas (United Press International [UPI], 1985). Approximately 400 protestors “barged across the narrow bridge” seeking protection; 90 were detained because they lacked proper immigration documentation (UPI, 1985). By February 2, all but 17 of the protestors had returned voluntarily to Mexico; the remaining detainees, including *panista* political activist Jose Gabriel Espinoza vowed publicly to seek political asylum in the U.S. because of threats to their lives (Debo Fairbank, 1985).

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<sup>13</sup> Note that the article provides no further information regarding the type of visa Blancornelas received; nor was I able to find this information from any other sources.

Unfortunately, I was unable to find any more information about Jose Gabriel Espinoza or his fellow *panistas*.

### ***Gustavo Villareal***

In August of 1986, Gustavo Villareal, *panista* mayor of the northern city of Hidalgo del Parral, crossed into El Paso, Texas and requested political asylum after having received death threats due to his political activities (Associated Press [AP], 1986a). Villareal crossed with two other PAN members: businessmen Jose Felix Bueno and Claudio Worley, the three becoming the first Mexican nationals to request political asylum in the El Paso area, according to INS district director Al Giugni (AP, 1986b). Fewer than 15 days later, Villareal and his compatriots withdrew their asylum requests and returned to Mexico (“Salvar la Vida,” 1986). Accused by government officials of applying for asylum as part of a political publicity stunt, Villareal stated that he fled for his life in earnest but no longer feared persecution because the office of the attorney general had made assurances that he would not be arrested upon their return (Ibid.).

It is clear from the examples above that several *panistas* who publicly declared their intentions to request political asylum eventually returned to Mexico on their own accord. This trend has several possible (and not mutually-exclusive) explanations: asylum applications were lodged frivolously and later withdrawn in order to make a political statement; asylum claims were made in earnest but circumstantial changes allowed applicants the opportunity to withdraw their claims and return to Mexico; and/or, asylum applicants during this time period were discouraged by low grant rates and therefore withdrew their claims and sought refuge in the U.S. as unauthorized immigrants.

## **Selected Case Studies: 1990s**

While Burciaga and Poblano's asylum victories in the early 1990s were relatively isolated, they did serve an important symbolic role in demonstrating that it was, in fact, *possible* for a Mexican national to be granted political asylum from the U.S. government. Mexican asylum applications and grants both increased steadily throughout the 1990s. According to an anonymous senior INS official quoted in 1995 by the *San Antonio Express-News*, "most of the claims filed by Mexicans are members of the PRD [Democratic Revolutionary Party], the National Action Party (PAN) and activists of the Zapatista Army for National Liberation" (Durand, 1995a). Plascencia (2000) is able to shed a bit more light on these applicants through his analysis of 22 asylum case files from 1994 to 1998 that were provided to him by the Human Rights Documentation Exchange (p.76). In his analysis, Plascencia (2000) found that the main reasons behind these applications were the following:

*a) treatment of military deserters; b) fear of drug traffickers; c) fear of sexual abuse; d) religious persecution; e) official corruption; f) persecution of indigenous communities; G) persecution because of sexual orientation; h) persecution of peasants; i) threats by PRI and PRD officials, and political persecution; j) fear of organized crime; k) treatment of journalist critical of officials; and l) persecution by organized labor officials" (p. 76).*

Altogether, Plascencia (2002) found that most of the claims he reviewed were based on political persecution.

The cases detailed below represent just a tiny portion of the more than 86,000 Mexican asylum applications that were lodged during the 1990s.

### **Ariel da Silva**

Ariel da Silva, a gay man from Mexico "who has been harassed, beaten, and raped by police in his home country" (Randazzo, 2005, p. 34). Da Silva, using the pseudonym "Jose

Garcia,” testified that “police had arrested him for walking in certain neighborhoods, going to certain bars, and attending certain parties...they falsely accused him of crimes and extorted money from him...as a teen-ager, he was raped by a police officer” (Associated Press [AP], 1994). On March 18, 1994, da Silva became the first homosexual to be granted asylum affirmatively by an INS official (Ibid.). Unfortunately, da Silva died of complications from AIDS just five months after having been granted asylum (Agence France-Presse [AFP], 1994).

### **Ana María Guillen**

Ana María Guillen, a PRD activist, fled Matamoros in 1992 after having been falsely accused “of setting a building afire that she claimed housed evidence of voter election fraud” (Associated Press, 1995). Guillen claimed that she was being persecuted by the Mexican government “because of her role in uncovering environmental abuses in border *colonias* and voter fraud in the 1992 elections” (Ibid.). Guillen’s affirmative asylum application was initially denied by the INS, but she was granted asylum in deportation proceedings by immigration Judge Richard Brodsky in November, 1995 (Durand, 1995b).

### **Unnamed Domestic Violence Survivor**

An unnamed Mexican woman (living without legal documents in the U.S.) applied for political asylum after suffering continuous beatings, rapes, and death threats from her husband between 1991-1996 (Center for Gender and Refugee Studies [CGRS], n.d.). Her Mexican-born husband was eventually deported following a parole violation resulting from domestic violence charges filed by the asylum applicant (Ibid.). He threatened to kill the applicant in revenge for her actions and became a police officer in Mexico. This applicant was denied asylum affirmatively but



granted asylum by an immigration judge who ruled that she was a member of a particular social group defined as “Mexican women married to and domestically abused by Mexican public officials or those charged with protecting the public” (Ibid.).

### **Captain Jesus Valles**

Former Mexican Army Captain Jesus Valles, defected from the military in 1995 and sought political asylum in El Paso, Texas after refusing orders to “kill, rather than capture, suspected rebel” fighters on the outskirts of Chiapas (Ross, 1999). Following his refusal, Valles was transferred to another military unit “where several colleagues warned him that he would be “disappeared” (Ibid.). Represented by Carlos Spector, Valles “became the first member of the Mexican military to ever be granted political asylum in the U.S... [and] the first Mexican to ever be given sanctuary on the grounds of a ‘conscientious objection to killing his fellow Mexicans.’” His case was granted by an asylum judge in March of 1999 (Ibid.).

### **Selected Case Studies: 2000-2006**

According to immigration attorney Carlos Spector, asylum applications based on strictly political persecution (or at least those involving highly-publicized cases) decreased with the electoral fall of the PRI in 2000 and the election of Vicente Fox (PAN) (personal communication, April 26, 2013). However, as demonstrated previously, asylum application and grant rates among Mexicans continued their overall 1990s growth trend well through the first half of the 21<sup>st</sup> century. Several assumptions can be made about these asylum seekers; for example it is reasonable to assume that some of these applicants were seeking asylum due to political repression, perhaps including members of the PRI and PRD parties who experienced problems associated with the

newly-elected PAN government. Likewise, we can assume that many of the applicants fell into the same general categories outlined by Plascencia (2000).

Unfortunately, (and surprisingly) from 2000 to Calderón taking office on December 1, 2006, I did not find a single newspaper article about a Mexican national seeking asylum due specifically to political persecution. Instead, the early 2000s were dominated by stories about applicants seeking asylum due to persecution based on sexual/gender identity and domestic violence.

### **Rosalda Aguirre-Cervantes**

Rosalda Aguirre-Cervantes, a 19 year old Mexican woman who ran away from home and sought asylum in the U.S. after experiencing years of horrific abuse at the hands of her father (Egelko, 2001). Aguirre-Cervantes testified that “her father struck her with a horsewhip, branches, a hose, and his fists from the time she was 3, beat her unconscious, refused to let her seek medical treatment, and threatened to kill her” (Ibid.). Aguirre-Cervantes was first granted asylum by an immigration judge, but that ruling was overturned by the BIA, who argued that her persecution was not the result of membership in a particular “social group” (Ibid.). Upon a directive by Attorney Janet Reno, the U.S. Court of Appeals overturned the BIA’s ruling, granting Aguirre-Cervantes’ asylum claim on the basis that her immediate family constituted a “social group” (Ibid.).

### **Geovanni Hernandez-Montiel**

Geovanni Hernandez-Montiel, a transgender Mexican woman who first sought asylum in 1994 to “escape beatings and rape that he [*sic*] suffered at the hands of Mexican police for adopting female dress and mannerisms” (Randazzo, 2005, p. 37). Hernandez-Montiel testified that she

began dressing like a woman at age 12 and “was expelled from school, thrown out of his [*sic*]home by his [*sic*]parents the next day, and stopped, arrested, and strip-searched numerous times by police” (“Court Grants,” 2000). Later, at age 14, Hernandez-Montiel was raped repeatedly by police (Ibid.). An immigration judge originally denied Hernandez-Montiel’s asylum claim, and that decision was held up by the BIA who argued that “Hernandez-Montiel himself [*sic*] was to blame for the persecution he [*sic*]endured, and he [*sic*]should merely dress differently in order to avoid being persecuted again in the future” (Randazzo, 2005, p. 37). However, in August of 2000, the 9<sup>th</sup> U.S. Circuit Court of Appeals overturned the Board’s decision, stating that Hernandez-Montiel was eligible for asylum as a member of the “social group” defined by “gay men with female sexual identities” (“Court Grants,” 2000). Hernandez-Montiel thereby became the first Mexican to be granted political asylum by the immigration court due to sexual orientation (even though she identifies as a transgender woman, *not* a gay male) (Randazzo, 2005).

### **Jorge Soto Vega**

Following the Hernandez-Montiel verdict, a number of other gay and lesbian Mexicans were granted political asylum in the U.S. Jorge Soto Vega, a gay Mexican who applied for asylum in July of 2002 after “being detained and severely beaten by the police who, while calling him antigay names, threatened to kill him if they ever saw him again” (Lambda Legal, n.d.). An immigration judge denied Soto Vega’s asylum claim, arguing that he could choose to keep his sexual orientation secret since he did not “appear gay” (Randazzo, 2005, p. 47). The BIA affirmed this decision and the case was referred by GLBT rights organization Lambda Legal to the Ninth Circuit Court of Appeals (Lambda Legal, n.d.). In 2007, the court found that Soto Vega should not

be expected to hide his sexual orientation to be safe and granted asylum to Soto Vega (Lambda Legal, n.d.).

### **Jose Boer-Sedano**

Jose Boer-Sedano, a gay, HIV-positive Mexican man first applied for political asylum in 1997 after facing repeated harassment, arrests, rapes, and death threats by a Mexican police officer (“Abused Gay Man,” 2005). Boer-Sedano’s case was denied by an immigration judge who argued that these confrontations with this police officer amounted to a “personal problem,” not systematic persecution (“Abused Gay Man,” 2005). Once again, the Ninth Circuit Court of Appeals overturned this decision, ruling that Boer-Sedano had been a victim of persecution in Mexico and was therefore eligible for asylum (“Abused Gay Man,” 2005).

### **Conclusion**

Contemporary trends can best be understood by also taking into account the historical background of Mexican asylum seekers since formal asylum proceedings were first codified into US law with the 1980 Refugee Act—by looking back, present-day Mexican asylum researchers can add a greater degree of richness to their analyses. The cases described above provide a good illustration of the ways in which political asylum norms changed during the early years of the 20<sup>th</sup> and early 21<sup>st</sup> centuries: from political dissidents to cases based on domestic violence, sexual orientation, and gender identity. While these types of cases continue into the latter half of the decade, the U.S has also experienced an explosion of political asylum claims since 2006 due to Mexican hyperviolence; these cases will be discussed in the following chapters.

## **Chapter 6: Contemporary Mexican Asylum Seekers**

There has been an explosion of Mexican political asylum claims filed in the U.S. during the past several years. Some of these asylum seekers hail from the same persecuted groups discussed in the historical overview provided in Chapter 5: politicians fleeing political persecution, women fleeing domestic violence, and individuals fleeing persecution based on their sexual orientation and gender identity. However, the growth of Mexican political asylum claims in the past several years is due primarily to the increase of other groups fleeing to the U.S. due to Mexican hyperviolence and cartel-linked persecution. These Mexican asylum seekers include persecuted journalists and human rights' activists, former police officers, business-owners targeted by extortionists and kidnappers, and other civilians whose lives have been devastated by Mexican hyperviolence. In this section, I provide information about several Mexican asylum seekers in each of these seven categories (domestic violence, sexual orientation and gender identity, journalists, activists, police officers, business owners, and others), attempting to share the stories of both high-profile cases and of individuals who have received little or no press attention.<sup>14</sup>

### **Domestic Violence**

Bookey (2013) offers a detailed analysis of domestic violence-based political asylum claims in the U.S from 1994 to 2012, using data gathered from the University of California, Hastings College of the Law Center for Gender and Refugee Studies (CGRS). Her study identifies several instances in which Mexican woman have been granted political asylum in the

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<sup>14</sup> Not all Mexicans who have been granted political asylum during the past several years fit into one of these seven broad categories; for example, on September 26, 2013, a USCIS asylum officer granted political asylum to a Deaf Mexican based on persecution he had experience in Mexico as a member of the Deaf Community (Bajramovic, 2014). There are likely other outliers, though their stories have not been widely publicized.

U.S. based on domestic violence and gender-based persecution (Bookey, 2013). One of the most famous cases involving a Mexican woman fleeing domestic violence is known as the *Matter of L-R*. The anonymous asylum petitioner, “*L-R*,” applied for asylum in the U.S. in 2005 after years of physical and sexual abuse by her common-law husband (Preston, 2010). According to court documents, *L-R*’s abuser “repeatedly raped her at the point of guns and machetes, and once tried to burn her alive” (Ibid.). *L-R* argued in front of the immigration court that the Mexican government had been unwilling and unable to protect her due to a cultural tolerance of such abuse; in one instance when she went to a judge looking for protection, he told her he would only help her if she agreed to have sex with him (Ibid.).

*L-R*’s claim was originally denied by the immigration judge and appealed to the Board of Immigration Appeals (BIA) (Bookey, 2013). In 2009, the Department of Homeland Security filed a supplemental brief in front of the Board of Immigration Appeals outlining a new departmental position in support of the following categories being considered particular social groups: “(1) Mexican women in domestic relationships who are unable to leave; or (2) Mexican women who are viewed as property by virtue of their position in a domestic relationship” (Bookey, 2013, p.116). The brief also restated that a particular social group can be based on family bonds (Ibid.). Following this brief, the BIA remanded the case back to the immigration judge who granted *L-R* and her children political asylum on August 4, 2010 (Preston, 2010). Since that time, the *Matter of L-R* has been seen as an important precedential case used in support of other claims for political asylum filed by Mexican women fleeing domestic violence-based persecution (Bookey, 2013). However, many immigration judges also continue to deny these claims, often arguing insufficient nexus between social group and the persecution experienced by the applicant (Ibid.).

## **Sexual Orientation and Gender Identity**

In addition to domestic violence-based Mexican asylum applications, there continues to be a small but significant number of Mexican political asylum claims being granted on the basis of sexual orientation and gender identity based persecution. According to a *Washington Post* article (Connolly, 2008), immigration lawyers interviewed estimated that “dozens” of gay and lesbian Mexicans are granted political asylum in the U.S. each year, even though claims are becoming more difficult as Mexico continues to liberalize its laws regarding sexual orientation. One such example is Francisco Ornelas-Chavez, a Mexican national who suffered years of abuse and violence in Mexico due to their sexual identity and gender expression (Link, 2006). Ornelas-Chavez was beaten repeatedly by both parents as a child and was once drugged and raped by a friend at the urging of their father (Ibid.). Their father also conspired to have them arrested and jailed in order to “teach him to behave;” the police chief threatened to arrest them again if he found out that Ornelas-Chavez was having sex with men (Ibid.) Ornelas-Chavez was also frequently attacked later in life by their coworkers at a state-run prison because of their sexual orientation, who once attempted to smother them to death with a pillow (Ibid.). When Ornelas-Chavez reported the abuse to their supervisors, they did nothing (Ibid.). Ornelas-Chavez also testified as having two gay friends murdered by Mexican police officers (Ibid.).

Both the immigration judge and the BIA rejected Ornelas-Chavez’s asylum, Convention against Torture, and Withholding of Removal claims, ruling that the suffering they experienced was not sufficient to qualify as persecution (Link, 2006). However, on August 21, 2006, the 9<sup>th</sup> Circuit ruled that Ornelas-Chavez had suffered persecution as a member of the particular social group of “gay female-identified men from Mexico” (Ibid.). They furthered argued that Ornelas-Chavez had not been protected by the Mexican government from persecution since they had

reported their abuse while a government employee at the state-run prison. The 9<sup>th</sup> Circuit ruled that the BIA had ruled improperly and remanded the case back to the immigration judge, who granted Ornelas-Chavez Withholding of Removal because they had failed to meet the timely filing deadline necessary for a grant of asylum (McKinnon, 2008).

Interestingly, McKinnon (2008) argues that Ornelas-Chavez actually identifies as a transgender woman, not a gay male, even though their grant of relief from removal was based on primarily on their sexual orientation, not gender-identity. Another example of a Mexican transgender asylum seeker is Alexandra Reyes, who was granted permission to remain in the U.S. by a Denver, Colorado immigration judge in the fall of 2010 (Cardona, 2010). Reyes began living his life as a girl at the age of eight, “infuriating her traditional Mayan family in Cenotillo, Mexico” (Ibid.). She suffered extreme amounts of abuse by her family members, including an incident in which her aunt entered her room in the middle of the night and attempted to murder her with a machete (Ibid.). Reyes says she reported her abuse to the authorities, but that the police refused to arrest her attackers (Ibid.). Reyes entered the U.S. without inspection in 2000 and was not detected by immigration officials until 2009; upon her arrest, Reyes was held for eleven months with male detainees while awaiting the outcome of her court proceedings (Ibid.).

## **Journalists**

Among the most prominent of all contemporary Mexicans asylum seekers in the U.S. are journalists who have fled their country after receiving death threats linked to their coverage of cartel-violence and government corruption. This is understandable given that non-governmental agency Reporters without Borders ranked Mexico the fourth “deadliest country for journalists” in 2012; according to their estimates, 89 Mexican journalists have been “killed in connection with



their work since 2000,” in addition to another 17 journalists who have been disappeared (“RWB Urges Authorities,” 2014). While confidentiality regulations surrounding asylum cases make it impossible to gather official statistics, El Paso-based immigration lawyer Carlos Spector has been quoted in the press as estimating that approximately fifteen Mexican journalists have been granted political asylum since 2006 (O’Connor, 2013). In the following section, I present the stories of six such journalists, four of whom have already been successfully granted political asylum in the U.S.

### **Jorge Luis Aguirre**

Jorge Luis Aguirre is often cited in the press as the first Mexican journalist to have been granted political asylum in the U.S. since the period of hyperviolence began in 2006 (“Special Report,” 2012; Rodriguez, 2010; Schmall, 2010). A veteran journalist, Aguirre is the well-known founder and editor of the widely-read news website *lapolaka.com*, described in one article as an “amalgam of news tidbits and pointed musings” that are a “must-read for Juárez politicians, business leaders and journalists” (Becker & McDonnell, 2009). According to Aguirre, *lapolaka.com* was receiving between 25,000 and 30,000 hits per day in 2009 (“La Polaka Journalist,” 2009). An oftentimes vocal critic of government officials in Ciudad Juárez, Aguirre first began receiving death threats by phone after he published a series of articles questioning the “drug-fighting resolve” of chief city prosecutor Patricia Gonzalez (Becker & McDonnell, 2009). The final straw came when Aguirre was on his way to the funeral of murdered fellow journalist Armando Rodriguez; a menacing voice called Aguirre’s cellphone and yelled at him, “You’re next” (“Mejor el bicentenario,” 2010). Immediately after, Aguirre fled with his wife and three children to El Paso, Texas using “temporary visas” (Becker & McDonnell, 2009).

In news interviews, Aguirre is clear that he never planned on moving to the U.S., stating: ““I was happy in Mexico; I never intended to leave, until they vowed to kill me...When they tell you that in Juárez, you better believe it”” (Aguirre, as quoted in Becker & McDonnell, 2009). In fact, Aguirre lived for several months in El Paso with his temporary visa before eventually deciding to apply for political asylum affirmatively, telling reporters in March of 2009 that he was worried about the possibility of being deported if his application was rejected (Ibid.). However, in September of 2010, Aguirre and his family were granted political asylum affirmatively by a USCIS asylum officer (Schmall, 2010). At a press conference to announce his victory, Aguirre told reporters, ““I can breathe again...this asylum opens the door to journalists caught in the middle in Mexico, where there is no justice and where the [local] governments are part of drug trafficking”” (Ibid.). Today, Aguirre and his family continue to reside in El Paso, Texas, with Aguirre telling reporters in November 2012 that the entire process has made him “more spiritual and focused” (“Special Report,” 2012). Aguirre continues to publish his unique blend of social commentary and journalism at [lapolaka.com](http://lapolaka.com).

### **Alejandro Hernandez Pacheco**

Similar to the press coverage of Aguirre, Alejandro Hernandez Pacheco is often cited by the media as the “second Mexican journalist to receive political asylum since his country’s current war of drug violence began” (Berdfeldt, 2011). Prior to fleeing to the U.S., Hernandez Pacheco was a cameraman for the Mexican TV network *Televisa* (Grillo, 2011b). In July of 2010, he was sent on assignment to cover protests taking place at a prison in Torreon, Coahuila; the protests were in response to the recent arrest of the prison’s director on charges of “releasing prisoners at night to carry out organized crime hits” (Olsen, 2010). Upon completing their

assignment, Hernandez Pacheco and three other reporters (two from a rival television network, *Multimedios*) were car-jacked and kidnapped at gunpoint by “unidentified men” (Ibid.). The four kidnapping victims were held for five days during which they were beaten and tortured (Molloy, 2010c).

Eventually, the abductors contacted *Televisa* and *Multimedios* and demanded that they air a series of videos in exchange for the lives of the kidnapped men (Olsen, 2010.). According to media reports, *Multimedios* agreed to air the videos while *Televisa* refused to comply with the kidnappers’ demands (Ibid.). Nevertheless, all four kidnapped men “got released or escaped” with Hernandez Pacheco running “for his life when kidnappers thought rescuers were closing in” (Ibid.). According to his attorney, Carlos Spector, what happened next caused irreparable damage to Hernandez Pacheco’s ability to ever live safely in Mexico again:

*“Historically the Mexican government has attempted to deflect responsibility by blaming the victim. We’re seeing that play out today in the three journalists I represent for asylum, the latest being Alejandro Hernández who was kidnapped for five days, tortured and starved. He’s picked up July 26. He’s released July 31 at 6 in the morning, by 1 p.m., he’s in Mexico City at a press conference with federal police saying that they’re great and they saved him. They duped him into going to Mexico City, saying that President Calderón was going to meet him. He gets there and the cameraman counts, because he’s a cameraman, 32 cameras. And they’re forced to have a press conference. He’s traumatized. They haven’t been dealt with psychologically, physically or medically, they haven’t bathed, they’re given only a muffin to eat, and they’re exhibited and then released on the streets to face the wrath of the cartels for testifying against them. He complains about that and now the government is saying he’s an ingrate, saying “We saved your life and you’re really a criminal who’s in search of your residency.” So the answer to your question is yes, they have a penchant for villainizing the victim. They’re experts at it.”* (Spector, as quoted in Negron, 2010).

By being thrust into the spotlight, Hernandez Pacheco was identified on national television as having cooperated with Mexican federal law enforcement, a sin that is frequently punishable by death at the hands of angry cartel members seeking to deter other would-be informants.

Moreover, Mexican officials at the press conference linked the attack to the Sinaloa cartel in particular, an organization that is well-known for its use of revenge-killings (Olsen, 2013).

Hernandez Pacheco fled to the U.S. a couple of weeks later in August 2010, carrying nothing more than the “clothes he wore and some documents,” including his Border Crossing Card (Chavez, 2010, Sep 15). He was joined by his wife and two young children a few days later (Ibid.; Molloy, 2010c). Hernandez Pacheco and his family applied affirmatively for asylum in September 2010 and their petition was granted on September 1, 2011 based on membership in the social group of Journalists (Balbina Florez, 2011; Grillo, 2011b). While speaking to the press following the good news, Carlos Spector, called the ruling “historical” and indicated that it would have a positive impact on the future cases of other Mexican journalists seeking political asylum (Berdfeldt, 2011). Hernandez Pacheco, however, was more demur, telling the press sadly, “It is hard to celebrate when it means I am never going back to my country...I miss my family, my friends, my city and my house” (as quoted in Berdfeldt, 2011).

### **Hector Salazar Gomez**

On September 21, 2011—just twenty days after Hernandez Pacheco and his family were granted political asylum affirmatively by a USCIS officer—immigration judge Mimi Tsankov granted Mexican journalist Hector Salazar Gomez’s defensive asylum petition in federal immigration court (Balbina Florez, 2011). Salazar Gomez, his wife, and daughter had been living in Denver, Colorado since 2007 when they entered the U.S. using tourist visas (Ibid.). The family had come to Denver with the original plan of only staying a few months, hoping that the circumstances in Mexico that had caused them to leave would be resolved (Ibid.). Instead, the situation in Mexico continued to deteriorate, causing Salazar Gomez and his family to remain in

the U.S. without lawful immigration authorization on tourist visas that had long-since expired (Ibid.). In a 2011 interview, Salazar Gomez explains that in order to support his family, he ““did the same thing as all of the unauthorized community, cleaning offices, distributing fliers, working as an assistant to people who worked cleaning windows in buildings and homes”” (as quoted in Balbina Florez, 2011).

Eventually, in October 2008, Salazar Gomez was able to get a good job working for a Spanish-language AM radio station on a program called *Palabras* that addresses issues related to Mexican politics and immigration (Balbina Florez, 2011; Ripley, 2012). However, in January 2009, Salazar Gomez was stopped for a traffic violation and put into immigration proceedings after the officer inquired about his immigration status (Balbina Florez, 2011). Following the advice of an attorney, Shawn Meade, Salazar Gomez decided to apply for political asylum on the basis of having been persecuted as a journalist in Mexico (Ripley, 2012).

Salazar Gomez explained in court that he had been forced to flee Mexico after receiving numerous death threats related to editorials he had published in his home city of Yautepec, Morelos, which were critical of government officials, including then-governor Sergio Estrada Cajigal (Balbina Florez, 2011). From 2003-2006, he received numerous threatening messages to “tone down” the content of his articles (Ibid). In 2005, Salazar Gomez expressed interest in running for mayor under the banner of the Revolutionary Democratic Party (Partido de la Revolucion Democractica; PRD) but was deterred by internal party politics and a marked increase in the frequency of menacing phone calls and other death threats (Ibid.). Shortly thereafter, Salazar Gomez was kidnapped, robbed, and tortured by two men dressed as police officers (Ripley, 2012). He was told by his abductors that they had been ordered to kill him, but he was able to secure his escape via a generous bribe (Ibid.).

Even after escaping, Salazar Gomez continued his work as a journalist; however, the threats and strange occurrences continued. For example, he received a letter in the mail from a long-time family friend that consisted of “pornographic cut-outs of naked women” and threatening critiques against him written in pasted letters cut-out from magazines (Balbina Florez, 2011). Later, his family’s mausoleum was demolished; on another occasion, bullets were fired at the front of his house during the early morning hours (Ibid.). Finally, Salazar Gomez and his wife made the decision to visit family members in Denver for a few months hoping that things would eventually settle down; their intention was not to join growing population of violence-driven Mexican exiles living as unauthorized immigrants in the U.S. (Ripley, 2012). When the couple realized that conditions were not improving in Mexico, they decided to overstay their visas in order to protect their family’s lives (Ibid.).

Salazar Gomez is understandably grateful about being one of only a handful of Mexican journalists to have been granted political asylum in the U.S. He continues as a Spanish-language radio reporter for *Radio 1150* in Denver, and occasionally travels to speak at events about his experiences in Mexico and his life as a Mexican exile (Asmar, 2012; “VoV 2014 Forum,” n.d.). However, Salazar Gomez still laments having to leave Mexico, as is evidenced by this statement to *Zocolo* magazine in 2011:

*Any person who fears for her/his life should ask for asylum from the United States or another country, [but] this does not mean that we stop being Mexican or that we will not return to our homeland; yet it's an opportunity, an alternative, I believe that the search for survival is a valid reason. I love my country, the country where my life was in danger, and that was why I sought asylum in the United States, but I would like to consider the possibility of returning to Mexico.*

## Miguel Angel Lopez Solano

Like Salazar Gomez, photojournalist Miguel Angel Lopez Solano has suffered greatly due to attacks made against him and his family in retaliation for their work as newspaper reporters in the Mexican state of Veracruz. The following excerpt summarizes the various attacks endured by Salazar Gomez prior to his decision to flee to the U.S. (Martinez-Cabrera, 2012):

*Early in the morning on June 20, 2011, López's father, mother and brother were gunned down and killed at their home. His father Miguel Angel López Velasco, 55, was a prominent columnist at Notiver [local newspaper]. According to the Committee to Protect Journalists, the father was a former deputy editor of Notiver, edited the newspaper's police section and regularly wrote about politics and security issues. His brother Misael López Solana, 21, was a photographer with the same newspaper. López said he believes the attack on his family was related to a recent column written by his father on drug trafficking.*

*After being informed of the killings, López ran past police officers outside his parents' house and went in. The ground was covered "in a sea of bullet casings." His mother was in a pool of blood. His father's face was disfigured. His brother had three shots in the back of the neck. Miguel López said the precision of the attacks made him believe the attack was carried out by professional hit men. Investigations into the slayings have become stagnant.*

*Miguel López said his family's killings came at the end of a series of previous threats, intimidations and close calls. Once, a decapitated head was thrown outside his father's house. A year before the slayings, Miguel López had been kidnapped and threatened with a gun in his mouth for his coverage as a police beat photographer.*

Immediately following his family's funeral, Lopez Solano flew to Mexico City, having “literally” driven from the “cemetery to the airport” due to fears about his own safety (as quoted in del Bosque, 2012b). He spent approximately six months in Mexico City during which time he obtained a tourist visa to visit the U.S., still thinking that he might be able to continue to find a sense of peace and security somewhere in Mexico. However, after three more journalists were brutally murdered in Veracruz in May 2012, Lopez Solano “woke up with the overpowering feeling that [he] should leave Mexico immediately” (Ibid.). He and his wife packed their bags and left that afternoon, deciding a few weeks later to apply affirmatively for

political asylum with the help of attorney Carlos Spector. Less than 2 months later, Lopez Solano and his wife were granted political asylum (del Bosque, 2013b).

Since being granted political asylum, Lopez Solano continues to demand that the Mexican government conduct an impartial and honest investigation into the murders of his father, mother, and brother (Zavaleta, 2013). He is “extremely frustrated and worried that nothing has been done in Veracruz to investigate the murders of his family and other journalists,” asking rhetorically in a recent interview, “How is it possible that American justice can grant me asylum in one year and Mexican authorities have still not been able to solve the murders of my family, and it’s been two years?” (as quoted in del Bosque, 2013b). Additionally, Lopez Solano remains a vocal advocate for justice for persecuted, missing, and murdered Mexican journalists, citing his father’s teachings that “journalist’s job [is] to uncover injustice” (Ibid.). Most recently, Lopez Solano has been speaking out publicly on behalf of Veracruz journalist Gregorio Jimenez de la Cruz who was kidnapped and murdered in February 2014 (Gomez, 2014; “Periodista exiliado exige,” 2014). However, like his fellow exiled colleagues, Lopez Solano admits that he and his wife are still struggling with their new lives in the U.S. stating, “It’s a hard physical and mental process to survive all the trauma that we suffered in Mexico... We are still recovering from it and trying to adjust to a new culture, a new language” (as quoted in del Bosque, 2013b).

### **Ricardo Chavez Aldana**

On December 5, 2009, six young people were gunned down while watching a soccer game in the *Solidaridad* neighborhood of Ciudad Juárez (Ponce de Leon, 2009). Among the dead were Luis Cristian Fraire Chavez (19) and Giovanni Fraire Chavez (15), both students and



nephews of Ricardo Chavez Aldana, a prominent crime-news radio host who had “long criticized government corruption and drug trafficking” (Borunda, 2010a; Molloy, 2010c). That same day, Chavez Aldana spoke out publicly on the radio against the attack, demanding that the authorities capture the perpetrators and do something about the various armed groups in Ciudad Juárez who seem to travel about freely “as if they were being protected by the police or the military” (Ponce de Leon, 2009). Chavez Aldana went on state that the city prosecutor’s office was likely to wash its hands of the matter by claiming that the boys were murdered because they themselves were involved in criminal activity, something that the family vehemently denies (Ponce de Leon, 2009 Molloy, 2010c).

Fifteen minutes later, Chavez Aldana received a menacing phone call, the voice on the other end of the line telling him that he “better shut up and that he knew why” (Ponce de Leon, 2009). The caller also threatened him by saying that he was going to be “next” (Balbina Florez, 2011). The next day, Chavez Aldana received yet another call, this one promising threatening the physical safety of his entire family (Ibid.). In addition to these more recent threats, Chavez Aldana had previously been victim to the attempted arson of his car (Borunda, 2010a). Sufficiently frightened, Chavez Aldana gathered up his wife and five children under the age of 15 and went to the U.S.-Mexico Bridge seeking political asylum, accompanied by his sister (Molloy, 2010c). Chavez Aldana (who had a border crossing card) was allowed to enter the U.S. with his wife and children under the guise of humanitarian parole (Ibid.). His sister, on the other hand, did not have a border crossing card and was detained by immigration officials for over a month despite the fact that she had witnessed her two teenaged sons get murdered in cold blood only a few days earlier (Ibid.; Molloy, 2010a).

As of April 2014, there has still not been a final decision made regarding Chavez Aladana's defensive application for political asylum. In a 2011 interview, Chavez Aldana said that he and his family were living off a partial weekly salary he continued to receive from his radio job in Ciudad Juárez, supplemented by generous donations from friends and family members, including from donated funds aimed at supporting Mexican exiles (Balbina Florez, 2011). In a more recent article, Chavez Aldana is said to be working "cleaning tables at a fast-food restaurant in Texas, just like any other foreign migrant in the U.S." (Huerta, 2013).

### **Emilio Gutierrez Soto**

Emilio Gutierrez Soto is one of the most well-known Mexican journalists currently seeking political asylum in the U.S., and someone whose case has been pending for the longest amount of time. Gutierrez Soto was a newspaper reporter in his hometown of Ascensión, Chihuahua before having to flee for his life in June 2008. According to Gutierrez Soto, all of his problems began because he violated the sacred rule of Mexican journalism—never reporting on any stories that make the military look bad (Bowden, 2009). In 2005, Gutierrez Soto wrote a brief story about an event in which "six soldiers came to La Estrella Hotel, a run-down boardinghouse for migrants across the street from the Hotel San Francisco, took food off people's plates, and then robbed the customers of their money and jewelry" (Bowden, 2009, p.3). Several days later the army called Gutierrez Soto for a meeting and threatened him with beating and kidnapping, saying he better never publish another story like that one again (Ibid.). Instead, Gutierrez Soto defied the order and published an account of the threats and filed an official report against the soldiers with the police and the National Human Rights Commission (Ibid.). The investigation went nowhere (Ibid.).

Later, on May 5, 2008, Gutierrez Soto and his son were awakened in the middle of the night by fifty soldiers raiding the house, allegedly looking for weapons and drugs (Ibid.). They found neither and left (Ibid.). A few days later, in June 2008, Gutierrez Soto noticed a suspicious vehicle trailing him throughout the day (Ibid.). A friend came by his house and told him that she had heard rumors from her soldier boyfriend that the other soldiers were planning on killing him (Ibid.). Gutierrez Soto gathered his teenage son and their legal documents and fled to the U.S.-Mexico border where they asked the officers for political asylum (Ibid.). Gutierrez Soto was placed in immigration detention in El Paso, Texas while his son was taken to a detention facility for minors; a month passed before they were permitted to speak on the phone (Ibid.). Gutierrez Soto's son was released to friends after two months in detention while he himself was detained for more than seven months (Ibid.).

Gutierrez Soto's first asylum hearing in front of El Paso immigration judge Robert Hough was on January 21, 2011; however, the hearing did not conclude and was continued until October 2012 and then was rescheduled again for September 2015 ("Mexican journalist," 2011; Aguilar, 2011a; Molloy, 2012d). Almost 6 years after fleeing for his life, Gutierrez Soto now lives in New Mexico and makes a sparse living doing yard work and selling picked vegetables ("Special Report," 2012). In 2009 he told *The Los Angeles Times*, "'It's very hard to accept that I can never return to Mexico, but that is the lamentable reality'" (as quoted in Becker & McDonnell, 2009). In 2010 he told *The Texas Observer*, "'None of us wants to leave Mexico, our lives, our jobs. But those who are able to cross the border have no other alternative ... The worst is knowing I can probably never go back. They took my country away'" (as quoted in Hayward, 2010). In 2011, he told *The Texas Tribune*, "'It's like I am living in limbo, like I am just a number...It's a game that both countries are playing. I didn't come here just to leave

Mexico and get immigration papers, the way some people are saying. I came because I feared for my life” (as quoted in Aguilar, 2011a). In 2012, he told reporters “losing my country has been worse than losing my parents” (Ibid.). By 2013 and 2014, Gutierrez Soto has become much less visible in the press. He is patiently awaiting his September 2015 court date.

## **Activists**

After journalists, human rights’ activists are the second most common type of contemporary Mexican asylum seekers.

### **Benita Monarrez**

Benita Monarrez became a human rights activist in 2001 after the body of her 20 year old daughter, Laura Berenice Ramos Monarrez, was found with the bodies of seven other young women dumped in an abandoned cotton field in Ciudad Juárez (Washington Valdez, 2009). This discovery garnered widespread international attention from the media and human rights organizations including Amnesty International and the Inter-American Commission for Human Rights (Ibid.). For years, Monarrez was a vocal activist in Ciudad Juárez, arguing that the Mexican government had done little to bring justice to her daughter’s murderer (Ibid.). Her activism resulted in constant death threats which formed the basis of her 2007 asylum claim (Ibid.). In December 2009, the Inter-American Court of Human rights ruled that the Mexican government had failed to “adequately investigate” the cotton field murders (Vulliamy, 2011, p.203). The report further stated that “Mexico failed to protect the victims and that the government must publicly acknowledge its responsibility, publish the sentence in official government records, and build a monument in memory of the victims” (Ibid.). In the spring of 2009, Monarrez and her family were granted political asylum by an immigration court in San

Antonio, Texas, after being represented *pro bono* by the University of Texas at Austin Law School (Ibid.).

### **Cipriana Jurado**

Like Benita Monarrez, Cipriana Jurado was a long-time political activist in Ciudad Juárez. Born and raised in southern Chihuahua, Jurado came to Ciudad Juárez in the 1970s when she was 13 years old to begin working in the city's well-known multinational factories known as *maquilas* (Fernández, 2011). She later co-founded the labor-rights organization *Centro de Investigación y Solidaridad Obrera* (Center for Investigation and Worker Solidarity), becoming its director in 1990 (Cipriana Jurado, 2011). She was later integrally involved in the anti-femicide movements of the 1990s and early 2000s (Fernández, 2011).

In the late 2000s, Jurado began receiving reports from residents of Ciudad Juárez about their family members being forcibly disappeared by members of the Mexican armed forces (Ibid.). She and her organization began working with other local groups to denounce these disappearances and demand formal investigations aimed at finding justice for the victims and their families (Ibid.). Jurado's activism resulted in her being continually threatened by anonymous callers and members of the Mexican military (Ibid). In April 2008, she was arrested by soldiers for a nonviolent demonstration that had taken place three years prior; upon her release, Jurado began receiving frequent intimidating visits by Mexican soldiers allegedly looking for weapons and drugs (Figueroa, 2011). People tried to break into her home and important documents were stolen from her office (Fernández, 2011).

Throughout this time period, Jurado watched as several of her fellow activists were murdered one by one (Cipriana Jurado, 2011). One day, Jurado was "approached by a stranger who said that if she continued her protests, her name would be added to the list of activists

gunned down in the border state” (Aguilar, 2012). She left Ciudad Juárez in the summer of 2010 with her two children using BCCs and permission to travel to Chicago for six months for an activist fellowship with the Chicago Religious Leadership Network on Latin America (*Cipriana Jurado*, 2011). While originally planning to return to her life in Mexico, Jurado changed her mind following the murder of fellow activist and friend Josefina Reyes in January 2010 (Aguilar, 2012; Fernández, 2011). After learning about the murder of Reyes, Jurado made the difficult decision to overstay her visa and remain in the U.S. She announced at a March 15, 2011 press conference that she had applied affirmatively for political asylum in February and would be having her hearing in front of USCIS the next day (Gomez Licon, 2011). On June 3, 2011, Jurado and her two children were granted political asylum, making her “the first case in recent history in which the U.S. government recognized that a human rights activist was persecuted by the military in Mexico” (Fernández, 2011). Jurado told reporters, “I fear the cartels, but I fear the Mexican military more... The soldiers have killed many innocent people, and any human-rights workers who stand in their way are in great danger” (as quoted in Grillo, 2011b).

Jurado has spoken frequently to the press about her experiences in Mexico and as an asylum seeker living in the U.S. She told reporters in 2011 that she felt guilty about having to uproot her children’s lives, saying that is was especially unfair to her teenage son who had been planning to enroll in the university before they were forced to flee: “He didn’t choose to be a human rights defender. I did” (Fernández, 2011). She also spoke candidly about her emotional turmoil as a Mexican exile, stating “the loneliness you feel is difficult to bare...you are here, minimally safe, but your friends and family are still in Juárez” (as quoted in Fernández, 2011). At a speaking engagement just a few weeks after receiving political asylum, Jurado told a crowded room that while she was extremely grateful for the decision, she is still sad because “we

had to leave out home, our work, to be here. We have found a lot of support, a lot of people in solidarity with us, but it is not the same to be forced to live somewhere else” (*Cipriana Jurado*, 2011).

Jurado has also continued her work as an activist here in the U.S., serving as a co-founder and board member of the politically-active nonprofit organization *Mexicanos en Exilio* (*Mexenex*). She told reporters in the fall of 2013 that the organization now has over 300 members ““struggling to rebuild their lives after fleeing Mexico...It's not easy to start over in another country that has a different language. But at least, they are safe here now”” (as quoted in Washington Valdez, 2013b).

### **Karla Jocabeth Castañeda**

One of the most recent human rights activists to publically flee to the U.S. seeking protection, Karla Jocabeth Castañeda was a well-known leader with the Ciudad Juárez-based nongovernmental organization Comité de Madres y Familiares con Hijas Desaparecidas [Committee for Mothers and Relatives with Missing Daughters] (“Dan ultimatum padres,” 2013). Jocabeth Castañeda’s 13 year old daughter, Cinithia Jocabeth Castañeda Alvarado, went missing in 2008 while on an excursion to exchange a pair of shoes in downtown Juárez (Figueroa, 2013a). Since then, Jocabeth Castañeda has been a vocal advocate demanding justice for her daughter and the other missing women of Ciudad Juárez. In January 2013, she and other members of the organization staged a seven-day march for justice from Ciudad Juárez to the state capital in Chihuahua, Chihuahua (“Dan ultimatum padres,” 2013). Once there, the Chihuahuan governor, Cesar Duarte, refused to see the protestors or listen to their demands (Ibid.).

Upon returning to Ciudad Juárez, Jocabeth Castañeda began receiving a series of threats from state police officers. First, she was visited by a number of municipal police officers who burst into her home and harassed her and her children (Del Carmen Sosa, 2013). Jocabeth Castañeda and her children fled their home to stay with relatives; a few days later, federal agents arrived and ransacked her home (Ibid.). According to news reports, the officers said that they were looking for her because she was ““meddling too much in the search of her daughter”” (Figueroa, 2013). Later, the Chihuahua Attorney General’s

Directly after this incident, Jocabeth Castañeda and her five children under the age of fifteen went into hiding, leaving Ciudad Juárez on February 11, 2013 (Mayorga, 2013; Lizarraga, 2013). They then crossed into the U.S. seeking political asylum in San Isidro, California (Ibid.). The family was granted humanitarian parole and are living in an unidentified location while they await their asylum court hearings (Mayorga, 2013).

### **Escobedo Family**

The Escobedo family are some of the most well-known contemporary Mexican asylum seekers. The family’s matriarch—Marisela Escobedo—garnered international press attention for her activism on behalf of her daughter, Rubí Marisol Frayre, who was murdered at age 16 in the fall of 2008 (Carmona, 2012). Rubí Escobedo’s partial remains were found burned and dumped in the desert (Ibid.). The primary suspect in her murder was her boyfriend, Sergio Rafael Barraza Bocanegra, who originally confessed to the crime, was found guilty by the court, and was then acquitted and released (Ibid.). After his release, Marisela Escobedo protested until Barraza Bocanegra’s acquittal was eventually overturned in the spring of 2010 (Ibid.). However, Barraza Bocanegra remained at large and Marisela Escobedo continued to pressure the



government to increase their efforts to find him and achieve justice for her daughter. She eventually launched a “one-woman protest” across the street from the governor’s office in Chihuahua, Chihuahua (Ellingwood, 2010).

On December 16, 2010, Marisela Escobedo was gunned down in a brazen, point-blank attack directly in front of the governor’s office (Ellingwood, 2010). Amnesty International condemned the killing as demonstrative of the continued “negligence of state and federal authorities” in failing to protect activists and relatives of crime victims (as quoted in Ellingwood, 2010). There is widespread speculation that Marisela Escobedo’s murder was perpetrated by the Mexican government—or their criminal allies—in direct retaliation for her work as an activist (Ayala, 2011). One day after Marisela Escobedo’s murder, armed commandos set fire to a lumberyard owned by her common law husband, Jose Monje Amparan, and kidnapped her brother-in-law, Manuel Monje Amparan (“Queman madererira,” 2010). Shortly thereafter, Manuel Monje Amparan’s body was dumped on the side of the road; his corpse showed signs of torture (“Hallan sin vida,” 2010).

After these attacks, several members of Marisela Escobedo—her brother, granddaughter, and two sons—quickly crossed into El Paso, Texas seeking political asylum (Gomez Licon, 2010b). Following Rubí Escobedo’s murder, Marisela Escobedo had informally taken over guardianship of Rubí’s toddler, Heidi Escobedo (Calleja & Figueroa, 2011). When Marisela Escobedo was assassinated, her two sons—Juan Manuel and Alejandro—took informal custody of the child (Ibid.). When the family presented themselves to immigration officials for political asylum at the U.S.-Mexico port of entry in El Paso, Texas, the entire family was placed in immigration detention: the two brothers were detained locally while the young girl was transferred to a children’s detention facility in Houston (Ibid.). All of the family was eventually

released under humanitarian parole and scheduled for asylum hearings in front of an immigration judge several years in the future (M. Hernandez, personal communication, April 4, 2014).

Marisela Escobedo's daughter-in-law, Monica Hernandez, (who entered the U.S. at a later date using a BCC) was granted political asylum affirmatively along with her six-year-old son in September 2011 (Porter, 2011). She and her husband Alejandro are currently living with their two young sons in an undisclosed location far from the U.S.-Mexico border (M. Hernandez, personal communication, April 4, 2014). As an asylees, Hernandez has the right to petition for her husband and other son as derivatives; however, as of April 2014, they are still waiting for USCIS to approve their petition (Ibid.). Marisela Escobedo's other son, Juan Manuel Fraye Escobedo is still waiting for his asylum court hearing, along with her sister, Elba Escobedo Ortiz (Villalpando, 2013).

Juan Manuel Fraye Escobedo, has been extremely active in demanding justice from the Mexican government for the murder of his sister and mother (Chavez, 2011). In November 2011, the Paso del Norte Civil Rights Project honored the Escobedo Family with an award in recognition of their tireless quest for justice (Alarcon, 2011). In 2011, he told reporters that his quest for justice in his mother's case was due to him not wanting her to become "just another statistic" (as quoted in Green Sterling, 2011).

In October 2012, Mexican authorities arrested José Enrique Jiménez Zavala (alias "El Wicked"), for the homicide of Marisela Escobedo (Ruiz, 2012). In response, Juan Manuel Fraye held a press conference with his lawyer Carlos Spector denouncing the accusations, confirming for the press once again that his mother's true assassin was Andy Barraza, brother of Sergio Barraza, the alleged killer of Rubí Escobedo (Ibid.) In December 2013, Marisela Escobedo's sister, Elba Escobedo Ortiz, spoke again to reporters claiming that "El Wicked" was a framed

scapegoat and demanding that the Mexican government launch a true investigation into her sister's killing (Villalpando, 2013).

### **Reyes Salazar Family**

The Reyes Salazars are a large family of bakers and activists from Guadalupe Distrito Bravos, a violent rural community located in the Juárez Valley.<sup>15</sup> Their troubles first began in August 2008 when one of the family members, Miguel Angel was forcibly abducted from his home by soldiers who did not have a search warrant (Leon & Rosa, 2011). Miguel Angel's mother—Josefina Reyes Salazar—publicly denounced the abduction and spoke out against militarization even after her son was released (Ibid.). Approximately a year later, another one of her sons, Julio Cesar, was gunned down by unknown shooters (Ibid). Josefina continued her activism and advocacy work demanding an end to militarization and justice for her sons (Ibid.). Josefina received frequent death threats as a result of her activism and was murdered on January 3, 2010 by assailants wearing military uniforms and driving vehicles marked with army insignia (Ibid.).

Six months later, on August 18, 2010, Josefina's brother, Ruben, was shot and killed in Guadalupe (Leon & Rosa, 2011). Then, on February 7, 2011, "six heavily armed men wearing ski masks" abducted Josefina's sister, Malena, her brother Elias, and her sister-in-law Luisa Ornelas Soto (Ibid.). The siblings' elderly mother (Sara Salazar Hernandez) her 11-year old granddaughter were present at the time of the murder and both were threatened at gunpoint (Ibid.). Following the abduction, the Reyes Salazar family staged a sit-in and hunger-strike outside of the Attorney General's office in Ciudad Juárez demanding the safe return of Malena,

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<sup>15</sup> Due to the large size of the Reyes Salazar family, I have chosen to use primarily first names in this section

Elias, and Luisa (Ibid.). Shortly after starting the sit-in, the family was notified by a neighbor that Sara's house had been burned down, despite it being located very nearby a military outpost (Ibid.).

On February 21, Sara and another one of her daughters—Marisela Reyes Salazar—went to Mexico City to continue their sit-in and hunger strike in front of the Mexican Senate building (Leon & Rosa, 2011). Just a few days later, on February 25, authorities found the bodies of all three kidnapped Reyes-Salazar family members dumped on the side of the road (Ibid.). The bodies showed signs of having been buried and disinterred, indicating that they were likely only discovered due to the activism around the case (Ibid.). Since this discovery, the Reyes Salazar family has continued to demand justice for their murdered relatives and they have continued to receive death threats.

As of August 2013, a total of 40 members of the Reyes Salazar family have fled to the U.S. seeking political asylum; several family members have been successful in their applications (del Bosque, 2013c). Since fleeing to the U.S, Saul Reyes Salazar, brother of Josefina Reyes Salazar, has been a vocal advocate on behalf of his persecuted relatives, traveling across the country to speak about his experiences (Aguilar, 2012; Molloy, 2012a). On January 23, 2012, Saul Reyes Salazar, his wife, and three children were granted political asylum affirmatively in El Paso, Texas (Davila, 2012 April 2). In 2012, the majority of the surviving members of the Reyes Salazar family—20 people—requested asylum at the El Paso port of entry ("Family of 20," 2012). In February 2013, Claudia Reyes Salazar—sister of Saul Reyes Salazar and Josefina Reyes Salazar—was granted political asylum by an immigration judge along with six other members of her immediate family (del Bosque, 2013a). In August 2013, Marisela Reyes Salazar—another long-term activist and sister of Josefina Reyes Salazar—and her nephew Hugo

were also granted political asylum by an immigration judge (del Bosque, 2013c). Like Saul, Marisela has continued her activism work on this side of the border.

In September 2013, 78-year-old family matriarch Sara Salazar Hernandez was granted asylum affirmatively by a USCIS asylum officer, making her the 16<sup>th</sup> family member of the Reyes Salazar family to be granted asylum (Figueroa, 2013c). Having consistently resisted pressure from her family members to come to the U.S., Sara Salazar Hernandez finally acquiesced after she continued to receive death threats even after having gone into hiding in another part of Mexico (Ibid.) She told reporters, ““I never imagined living in the United States...I had a life in Guadalupe -- a home, my family, my friends, a family business ... everything”” (as quoted in Figueroa, 2013c).

### **Police Officers**

Current and former police officers make up a small but significant portion of contemporary Mexican asylum seekers. In May 2008, Jayson P. Ahern, the deputy commissioner of Customs and Border Protection reported that three Mexican police chiefs had arrived at the U.S. border requesting political asylum during the previous few months (“Mexican police ask,” 2008). Police officers are frequent victims of violence in Mexico, as many are forced to make the infamous choice between “*plomo o plata*” (silver or lead): police officers can either agree to assist with cartel activities and receive handsome payoffs, or they can refuse and pay with their lives (Lavandera, 2011).

## Jose Alarcon

Municipal police officer Jose Alarcon and his family came to the U.S. seeking asylum in 2008 after he was targeted for assassination in Ciudad Juárez. Jose Alarcon's experiences of violence are well-summarized by this 2009 story published in *D Magazine* (Bensman, p.1-2):

*One day in April of last year [2008], four-year police veteran Jose Alarcon and his partner, Capt. Felipe Galindo, detained two armed drug dealers after making a traffic stop in Juárez, Mexico. It didn't take long for the Juárez Cartel to learn about the bust. The Cartel had a network of street spies, and it had even infiltrated the police department itself. On Alarcon and Galindo's squad car radio, the voice of a Cartel thug broke in and ordered the two cops to release their detainees immediately—or else. The duo complied with the order, and the drug dealers, for whatever reason, were gunned down by Cartel soldiers a few minutes after their release. Alarcon and Galindo were then dispatched to the bloody crime scene. On their way, the Cartel voice broke in on their radio with another message: no matter that they'd done as instructed. Both officers were marked to die.*

The next day, Alarcon and Galindo went to work as usual, but avoided taking any calls, worried that their movements would be traced by cartel members who monitored police frequencies (Ibid.). However, later that afternoon, they were attacked by several men with assault rifles, who succeeded in murdering another rookie officer who was in the patrol car with them at the time of the shooting (Ibid.). Galindo was shot several times but miraculously survived, along with Alarcon who escaped with only a bullet wound to the leg and several cuts on his body from flying glass (Ibid., Sols, 2010).

A few hours after the shooting, a large group of armed men showed up Alarcon's house and threatened his mother, the only one who was home at the time (Bensman, 2009c). Alarcon quickly rounded up his wife and two minor children and fled seeking protection at a U.S. port of entry in El Paso, Texas (Ibid.; Lohmeyer, 2011). Alarcon was originally held in immigration detention in Taylor, Texas, but was later granted humanitarian parole after passing his credible fear interview (Ibid.). He and his family eventually moved to the Northern Texas area while

awaiting their asylum court hearings (Bensman, 2009c). Galindo, on the other hand, began living in the El Paso area “more or less illegally,” returning each month to Ciudad Juárez to pick up his police disability check (Ibid., p.4). However, more than a year after the original attack, Galindo was gunned down in the street not far from the bank he had used to cash his disability check (Ibid.).

Alarcon and his wife sought political asylum in the Dallas Immigration Court with the assistance of immigration lawyers Ludo Perez Gardini and Will Humble (Sols, 2010; del Bosque, 2011). They argued that Alarcon deserved to receive political asylum on the basis of political opinion and membership of a particular social group, that of honest municipal police officers, who were being persecuted and not protected by the Mexican government (Lohmeyer, 2011). The further argued that Alarcon would face future persecution if returned to Mexico due to his status as a former police officer (Ibid.). In addition to describing the events discussed above, Alarcon also testified that he had been ordered to not arrest drug cartel members and that when he ignored these orders, the individuals he arrested would be “immediately released” (Ibid., p.13). He stated that his refusal to follow such orders had created ““a lot of problems within the police force,’ including being forced to go on patrol without a partner, not being permitted to go on patrol, and being partnered with an officer known to take bribes from the cartels” (Ibid.). The immigration judge reported finding Alarcon’s testimony to be ““generally consistent, plausible, and otherwise believable”” (Ibid.).

However, despite having been deemed credible, Alarcon was denied political asylum by the federal judge who presided over his immigration hearing in late December 2010 (Sols, 2011). According to Humble, the immigration judge ruled against granting political asylum based on the argument that Alarcon’s experiences were due to routine ““risks police officers have to take””

(del Bosque, 2011). The judge further ruled that Alarcon and his lawyers had failed to demonstrate the likelihood of future persecution or torture by governmental actors or government acquiescence, citing efforts by the Mexican government to combat drug trafficking organizations (Lohmeyer, 2011). The judge thus denied deportation relief under either Withholding of Removal or the Convention against Torture (Ibid.). Alarcon has since appealed the immigration judge's decision to the Board of Immigration Appeals (Ibid.).

### **Marisol Valles Garcia**

Frequently labeled the “Bravest Woman in Mexico” by the media, Marisol Valles Garcia garnered international press attention in October 2010 when she assumed the position of police chief in the small municipality Praxedis G. Guerrero (Brice, 2010). Located in the notoriously violent Valley of Juárez, Praxedis G. Guerrero has a population of approximately 8,500 people and has been the frequent destination for cartel-related violence (Ibid.). In January 2009, the local police chief was found decapitated on the side of the road (Figueroa, 2013). More than a year later, no one had been willing to replace the murdered officer—until Valles Garcia submitted an application for a secretarial position at the station and was instead offered the opportunity to become the chief of police (Garcia Palafox, 2012).

Valles Garcia, who was twenty years old at the time and a criminology student, accepted the position, stating publically that she was going to focus on “social issues,” not fighting the drug cartels (Lavandera, 2011). She told reporters on several occasions that she and her police force would not interfere with any cartel business and that they would leave those matters to state and federal officials (Llorca, 2011). Valles Garcia decided that her small police force would not carry weapons and that they would concern themselves with reestablishing public trust in the police force and bolstering community and educational programs (Brice, 2010; Lavandera,



2011). She told reporters that she was ““doing this for a new generation of people who don’t want to be afraid anymore”” and that ““the weapons we have are principles and values, which are the best weapons for prevention”” (as quoted in Cardona, 2010; Brice, 2010). Valles also told CNN, “We have hope that we are going to exchange fear for tranquility and security”” (as quoted in Brice, 2010).

However, despite her public proclamations of wanting to have nothing to do with fighting the cartels, Valles Garcia began being contacted by cartel members just weeks into starting her new job (Adams Otis, 2011). At first, she was told to ““tone it down”” by anonymous callers who told her that the press attention she was receiving (such as being included in Newsweek magazine’s list of “150 Women Who Shake the World”) was causing problems by bringing international scrutiny to the region (Adams Otis, 2011; Figueroa, 2013). Soon she began receiving requests for information about military activities in the area and other classified information, requests that she refused for months (Ibid.). Just two months after starting, one of Valles Garcia’s officers found a letter written in red ink calling Valles Garcia a pig and threatening to make her young son into an orphan (Garcia Palafox, 2012). She was also constantly notified by her officers about suspicious vehicles driving around her office and her home, cars that were easy to spot given the small size of the municipality (Llorca, 2011). Valles Garcia was offered a bodyguard by the Chihuahuan governor, but turned down the offer when the local mayor warned that widespread corruption could mean that the bodyguard was a spy (Adams Otis, 2011). Valles Garcia became so frightened that she asked her father to start driving her to and from work (Lavandera, 2011).

The final straw came in March 2011 when Valles Garcia received a called from a blocked number demanding that she travel to Ciudad Juárez to meet with a cartel leader “or else” (Adams

Otis, 2011; Garcia Palafox, 2012). Valles Garcia agreed to the meeting as a tactic to buy time; a few minutes later, she received a call from her mother saying that strange vehicles had been driving past their house (Ibid.). Valles Garcia went to the mayor's office and requested a temporary leave-of-absence claiming that her son was sick (Garcia Palafox, 2012). She then gathered her infant son, husband, parents and two sisters and they rode in a friend's truck to the U.S.-Mexico border crossing near Ft. Hancock, Texas (Adams Otis, 2011). They left with nothing more than their birth certificates and the clothes on their backs and presented themselves to immigration officials asking for political asylum (Garcia Palafox, 2012), Valles Garcia was held in immigration detention for a few days before she passed her credible fear interview and was released (Gomez Licon, 2011).

Valles Garcia currently lives in an undisclosed location with family members (Garcia Palafox, 2012). She found out that her family house in Mexico was ransacked a few days after they fled for their lives (Lavandera, 2011). Valles Garcia became a client of El Paso immigration attorney Carlos Spector and has since spoken publically on several occasions about her experiences (Quinones, 2011; Adams Otis, 2011; Soloski, 2013). Valles Garcia speculates that part of the reason behind her death threats was that she was ““helping the people they (the cartels) were recruiting from...I don't think they liked that. We were trying to help them make a better life”” (as quoted in Lavandera, 2011). Spector argues that the cartels ““did not want all of the national and international attention she was bringing to the town...They wanted to shut her up. They wanted to kill her”” (as quoted in Figueroa, 2013). Just three months after Valles Garcia fled Mexico, her police chief replacement—Rosario Rosales Ramirez—was critically injured in a knife attack (*EFE*, 2011). The masked assailants also attacked her husband and adult son and robbed several items from their property, including two vehicles (Ibid.).

Valles Garcia told reporters in 2011 that she feels remorse about having left Mexico, but that ““it’s better to be safe and alive here...than to be dead in Mexico”” (as quoted in Quinones, 2011). Her story continues to garner national and international attention, being adapted in 2013 as two different theater productions in Stockholm and New York (Figueroa, 2013b). Valles Garcia continues to await a final decision in her bid for political asylum.

### **R.R.D**

Similar to Alarcon and Valles Garcia, anonymous former federal police officer “R.R.D.” also sought political asylum in the U.S. with his family after facing several murder attempts and death threats in Mexico, “despite moving constantly to hide his identity and retiring from the force” (“Mexican police officer,” 2014). A former investigator for Mexico’s Federal Agency of Investigations, R.R.D. “arrested hundreds of suspects and repeatedly testified against drug traffickers,” refusing bribes offered by cartel members looking to “get him out of their hair” (*R.R.D. v. Eric Holder, Jr., 2014*). Upon retiring as a police officer, R.R.D. attempted to start a new life by opening a small office-supply business, but fled for his life after strangers came to his house looking for him on multiple occasions (*Ibid.*). R.R.D. entered the U.S. with lawful authorization and then applied for political asylum as a “member of a particular social group of honest former police officers” arguing that he “would face persecution and possibly death should he return to Mexico” (*Ibid.*). Nevertheless, the immigration judge rejected R.R.D.’s asylum claim, ruling that his persecution was in retaliation for his success at fighting the cartels, not because of his status as a police officer in particular.

The Board of Immigration Appeals upheld the immigration judge’s ruling; however, in March 2014, the U.S. Court of Appeals for the Seventh Circuit vacated R.R.D.’s removal order,

“affirming that he has a valid claim to asylum in the United States and ordering the Board of Immigration Appeals (BIA) to review his case” (“Mexican police officer,” 2014). The court held that R.R.D. was a member of the particular social group of “honest police officers” and that he was also a member of an even smaller subset of especially “effective honest police officers” (*R.R.D. v. Eric Holder, Jr., 2014*). The court also affirmed that Mexican cartels clearly exhibit a pattern of targeting former police officers, and R.R.D. in particular. Interestingly, the court also had the following to say about R.R.D. (*Ibid.*):

*We have said enough to show why the order of removal cannot stand without further proceedings. We also wonder why the Department of Homeland Security wants to remove R.R.D. and his family. The IJ found that R.R.D. was an honest and effective police officer in Mexico, willing to bring criminals to justice at substantial risk to himself. He appears to have led an exemplary life in the United States since entering (lawfully) and applying for asylum. He appears to be someone who should be hired and put to work by the Department of Homeland Security itself, rather than sent packing. We do not supervise the exercise of prosecutorial discretion but those who do have that power should review R.R.D.’s situation before renewing any effort to remove him.*

While this ruling does not automatically grant political asylum to R.R.D.—his claim now must be reviewed again by the BIA—it represents a momentous step in the creation of federal case law supportive of political asylum claims by former Mexican police officers (though only among those whose cases are being heard in the Seventh Circuit).<sup>16</sup>

## **Business Owners**

Another group of individuals who have been fleeing to the U.S. due to violence in their home communities are Mexican business owners. As discussed in Chapter 2, extortion of businesses—both large and small—has been reported throughout Mexico, including in regions

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<sup>16</sup> Illinois, Indiana, & Wisconsin make up the 7<sup>th</sup> Circuit

generally deemed as “safe,” such as Mexico City (Cawley, 2013). Failure to meet extortionists’ demands often results in dire consequences, including violent assaults, robberies, arson, kidnapping, and murder (Ibid). However, very few Mexican nationals have been granted political asylum on the basis of extortion, and there has been little case law upholding the relevant particular social group categories such as “small business owners” or “business owners facing extortion.” Likewise, there have been few articles published concerning successful political asylum bids for Mexican business owners; one article published in 2009 briefly mentions the case of a kidnapping survivor who paid a \$250,000 ransom to secure his release and was subsequently granted political asylum by a Harlington immigration judge as belonging to the “social group of wealthy class of merchants” (Bensman, 2009c). In the following section, I discuss the cases of several asylum-seeking Mexican business-owners including one who was granted asylum in 2013, another who was granted Withholding of Removal in 2013, and several others whose cases are still pending.

### **Policarpo Chavira**

Policarpo Chavira was a bus driver and union leader in Ciudad Juárez who faced several threats by extortionists over the years (Chardy, 2013). The final straw came when his 22-year-old son, Edgar Ivan, was kidnapped and held hostage for five days in the fall of 2011 (Ibid.). Shortly after Policarpo paid his son’s ransom, Edgar was released by his abductors and the entire Chavira family immediately fled to El Paso, Texas, entering the country on visitor’s visas (Ibid.).

Policarpo and his family went to the Miami, Florida area in order to visit a daughter who was already living there; Policarpo is clear in media interviews that he did not enter the U.S. “with the intention to seek asylum” but that he had “needed to get away from danger and to gather his thoughts” (Shiundu, 2013). However, upon hearing what had happened, Policarpo’s daughter

urged her father and the rest of the family to seek protection from the U.S. government (Ibid.). They filed for political asylum affirmatively in 2012, but their claim was rejected and referred to immigration court (Ibid.). However, in February 2013, Policarpo and several members of his immediate family were granted political asylum by an immigration judge who ruled that he had been personally targeted for persecution as a political activist and union leader (Ibid.). It is important to note that while Policarpo appears to be the first Mexican bus driver to have been granted political asylum in the U.S., reports indicate that the immigration judge ruled on the basis of his political and union activities *not* solely on his past experiences of extortion-based persecution.

### **Christian Chaidez**

In June 2013, El Paso immigration judge Guadalupe Gonzalez granted Withholding of Removal to Christian Chaidez, a 30-year-old former resident of Ciudad Juárez who had fled to the U.S. in 2011 (Aguilar, 2013a). Chaidez—who was not eligible for political asylum due to a previous deportation—came to U.S. seeking protection after eleven of his family members were murdered (Kocherga, 2013). The Chaidez’ family’s problems first began in 2009 when armed men began showing up at the family businesses demanding extortion payments (Washington Valdez, 2013c). Chaidez’s father, who owned a mechanic shop, refused to make the payments and was gunned down on December 17, 2009 (Ibid.). His cousin, a used car dealer, was murdered in June 2009 for failing to meet the extortionists’ demands (Ibid.). Later, another relative was kidnapped and only released following a \$10,000 ransom payment (Ibid.). Then, on October 17, 2010, armed gunmen showed up in broad daylight at a family barbeque and snuck into the house through a back entrance, catching their victims off guard (Ibid.). The assailants gunned down seven of Chaidez’ family members—his “grandmother, three aunts, two uncles and

a cousin” (Ibid.). Chaidez told reporters that he, too, was supposed to have been at the barbeque, but had skipped it because he was feeling tired (Kocherga, 2013).

After his family’s massacre, Chaidez entered the U.S. without authorization and was later detected by Immigration and Customs Enforcement (ICE) in 2012 (Aguilar, 2013). Chaidez filed a defensive asylum petition and spent more than a year in immigration detention while awaiting his final court hearing (Kocherga, 2013). Chaidez’s attorney, Carlos Spector, told reporters at a press conference that the difficult case marked the first time he has won an asylum grant on behalf of someone affected by extortion, noting that the victory was due to the fact that Chaidez also faced persecution as a member of a family group (Ibid.). Furthermore, Spector said that the killings were ““terroristic and political messages”” aimed at sending a ““message to the others of what would happen to them if they, too, refused to pay the extortionists”” (as quoted in Washington Valdez, 2013c). Finally, the Chaidez case was bolstered by evidence of corruption among Mexican immigration officials who have been known to pass on information about recent deportees to cartel members (Kocherga, 2013). Chaidez’s grant of Withholding of Removal means that he can live and work indefinitely in the U.S., though changing country conditions in the future may lead U.S. immigration officials to reopen his case.

### **Jose Alberto Holguin**

Like Policarpo Chavira, Jose Alberto Holguin was the owner and operator of a small family-owned bus transportation company in Ciudad Juárez (Molloy, 2012c). Holguin entered the U.S. seeking asylum in March of 2011 following the shooting murder of his 26-year-old son (Molloy, 2012c; Hennessy-Fiske, 2012). For over two years, Jose’s business was extorted by members of the La Linea (the enforcement arm of the Juárez Cartel) for \$5,000 pesos per week, which amounted to more than 40% of his weekly revenues (Ibid.; Estévez, 2013; Kolb, 2012).

Jose attempted to organize union members against paying the extortion fees and also helped to plan a public protest and bus strike, both of which never actually came to fruition due to fears about what the cartels might do in retaliation (Estévez, 2013). Jose was called and warned that he better cease his organizing activities or there would be consequences; shortly thereafter, Jose's son was murdered as punishment for his defiance, and his buses were burned (Ibid.; Molloy, 2012c).

Jose was held in immigration detention for over six months after crossing into the U.S. seeking political asylum; the only justification given for his prolonged detention was a previous order of deportation (Molloy, 2012c). He was eventually released on humanitarian parole in October 2011 and continues to await the conclusion of his asylum court proceedings (Ibid.). Jose has become an active advocate for Mexican exiles living in the U.S. and was quoted in a 2012 article stating: "We're not people trying to take advantage of this country's system. Most of the people seeking asylum here in the U.S. suffered a tragedy" (Hennessy-Fiske, 2012). Jose revealed in another article that while he used to live a comfortable, middle-class life in Mexico, he spent his first year in the U.S. without employment authorization, struggling to survive on just \$125 per week, the proceeds leftover after paying the extortion fees demanded from his struggling bus company that continues to operate in Ciudad Juárez (Kolb, 2012).

### **Carlos Gutierrez**

In 2009, Carlos Gutierrez lived in Chihuahua, Chihuahua, operating a successful and well-known beverage and snack company that "served many high profile events" (Washington Valdez, 2013). One day, armed men showed up at his business and demanded that he begin paying a monthly "protection" fee, known in Mexico as the "quota" (Ibid.). Gutierrez met the



extortionists' increasing demands for over a year, until they raised the quota to \$10,000 a month, at which point Gutierrez told them he could no longer afford to pay (Ibid.). A few days later, on September 29<sup>th</sup>, 2009, Gutierrez and his friends were hanging out in a public park in the center of the city when four armed men showed up and forced Gutierrez into the back of his parked SUV (Ibid.). There, while his friends watched, three of the men held down Gutierrez while the third man chopped off both of his feet with a sharp blade (Ibid.). The men left Gutierrez bleeding in the back of his vehicle, telling him that the attack was meant to serve as a warning to others about the dangers of refusing to meet the extortionists' demands (Ibid.). They further threatened him, saying that they would go after his wife and children if he did not pay them what was owed (Calvillo, 2014). Gutierrez's friends rushed him to the hospital where doctors were forced to amputate both of his legs below the knee in order to save his life (Washington Valdez, 2013b).

After recovering, Gutierrez brought his wife and children to the port of entry in El Paso, Texas and requested political asylum (Hastings, 2013). Eventually, with the help of immigration attorney Carlos Spector, Gutierrez' case was "administratively closed," meaning that he was neither granted nor denied asylum, but is able to remain temporarily in the U.S. with employment authorization (Aguilar, 2013b). In November 2013, Gutierrez completed a 700-mile bicycle ride from El Paso, Texas to the state capital in Austin using prosthetic legs that had been provided free of charge thanks to a local prosthetic surgeon (Ibid.). The ride, entitled "Pedaling for Justice," was coordinated by the non-profit organization *Mexicanos en Exilio* and was aimed at raising awareness for the plight of Mexican asylum seekers in the U.S. (Ibid.). Specifically, Gutierrez sought to draw attention to the low asylum grant rates faced by Mexican nationals in comparison to asylum seekers from other nations, and to dispel the notion that Mexicans are

simply trying to game the asylum system (Mosqueda, 2013). Upon his tearful arrival to Austin, Gutierrez told reporters:

*“We’re not here because we wanted to be or because that was our inclination...The circumstances that led me to this country were that I had my feet mutilated. This isn’t a game, we’re not playing with the law, with justice, with the system at all—this is the reality.”* (Gutierrez, as quoted in Mosqueda, 2013).

A few months after the “Pedaling for Justice” tour, the Mexican Senate took the unprecedented act of passing a resolution in support of Gutierrez and his bid for political asylum (Kocherga, 2014). The bill—which was inexplicably introduced by Senator María de Guadalupe Calderón Hinojosa, the sister of former Mexican president Felipe Calderón—decries Mexican corruption and urges the U.S. government to grant political asylum to Gutierrez (Ibid.). According to Gutierrez’s lawyer, Carlos Spector, this resolution is a “game changer...the first time in the history of a country that we know of that a Congress has come out and said facilitate the asylum claims of our citizens because we are incapable of defending them” (as quoted in Kocherga, 2014). Spector told reporters he plans on reopening Gutierrez’s case in the future (Aguilar, 2013b).

## **Others**

Not all contemporary Mexican asylum seekers fit neatly into one of the aforementioned categories; in this section, I present an amalgamation of individuals who were essentially in the wrong place at the wrong time.

### **Cristina Roman**

At around 10pm on March 31, 2011, a group of armed men with assault rifles entered El Castillo bar—located just steps away from a municipal police station in Ciudad Juárez—and

began firing indiscriminately (“Sicarios revientan” 2011). Original reports indicated that 7 men were killed in the attack, though subsequent articles placed the murder count as high as 10 (“Massacran a siete” 2011; “Tu vas a ser” 2011). The bar was owned by a man who had previously shut down his other bar after it was attacked in retaliation for unpaid extortion fees (Ibid.)

According to a newspaper interview with an anonymous survivor of the massacre (“Paty”), the bar had opened around 6pm and was then visited by a group of federal police officers around 8:30pm (“Tu vas a ser” 2011). The federal police officers began harassing and searching the bar patrons and employees, confiscating several items including cell phones. One of the female employees got angry with the officers, demanding they return the items; an officer then turned to the employee and told her that “she better shut up because she was going to be the first...” a loosely veiled threat that foreshadowed the massacre that took place only a few minutes later (Ibid.). Sure enough, the female employee who had spoken out was shot and killed (Ibid.). According to “Paty,” the massacre was conducted not by a group of men but by a lone shooter who also attempted to light a car on fire that was parked in front of the bar prior to escaping (Ibid.). Shortly after the shooting, another group of federal police officers arrived, though this time they were wearing full face masks—“Paty” reported being unsure if they were the same officers as from the original group, since she could not see their faces (Ibid.). The officers ransacked the bar, stealing plasma television screens, imported bottles of liquor, and personal items from the murder victims including jewelry and wallets (Ibid.).

Cristina Roman, a single mother in her early 30s, is another survivor of the El Castillo massacre who fled to the El Paso, Texas area in April 2011 where she is currently seeking political asylum (Hernandez, 2012). Roman has spoken out publicly on numerous occasions

about the ways in which “the epic violence and criminal impunity in her native Ciudad Juárez invaded her own life” (Ibid.). Prior to surviving the bar massacre, Roman and her family were the victims of another violent attack (Ibid.). Early in the morning in May 2010, she and her husband were awakened by a loud pounding on the door, followed by several gunmen pushing their way into the house (Ibid.). The men beat Roman and her husband, while also threatening to execute them and their two small children (Ibid.). Eventually, the gunmen allowed Roman to take her children into the other room where they listened as the men beat Roman’s husband for more than a half hour (Ibid.). When the noise finally subsided, Roman cautiously exited the room and discovered that her husband had been kidnapped (Ibid.). A few hours later, her brother-in-law was called and given ransom instructions; Roman and her brother-in-law spent the next couple of days frantically coming up with the ransom money by selling everything associated with their small used-car dealership (Ibid.). Shortly after paying the ransom, however, Roman’s husband’s dead body was discovered dumped on the street (Ibid.).

Due to her husband’s murder, Roman moved back in with her parents and began working as a waitress at El Castillo bar in order to support her children (Hernandez, 2012). Her version of the events closely mirror the massacre as reported by the anonymous survivor “Paty,” though Roman states that there were actually two, not one gunmen (Ibid.). Roman survived the massacre by cowering on the floor under a pile of dead bodies, and only ran when she began to smell smoke from the burning building (Hennessy-Fiske, 2012; Ibid.). When she left, she noticed that several cars were on fire and that the federal police were stationed nearby, despite having done nothing to prevent or react to the massacre (Ibid.). Roman claims that the only reason why she was able to get away was because members of the municipal police showed up at the same time and the two groups of officers began arguing with each other (Ibid.).

After the massacre, Roman refused to give statements to the police out of fear of retaliation (Hernandez, 2011). She then heard from another waitress who had survived the attack that gunmen had begun visiting other nightclubs in the area looking for the other living witnesses (Ibid.). For that reason, Roman decided against seeking work in another nightclub (Ibid.). Despite taking these precautions, Roman was attacked shortly thereafter by masked men in a Dodge Ram who tried to run her off the highway with her kids in the car (Ibid.). The next day, Roman took her three children to the U.S.-Mexico Bridge and requested political asylum (Ibid.).

Unfortunately, the fear experienced by Roman and her family has not fully subsided since moving to the U.S. In 2012, Roman's father was kidnapped in Mexico after he refused to cooperate with armed gunmen who showed up at his door demanding Roman's U.S. address (Hernandez, 2012). Roman's father has not been heard from since and is now presumed dead (Ibid.). Following these events, several other members of Roman's family including her "mother, sister, brother-in-law, and nephews" have also come to the U.S. seeking political asylum (Hernandez, 2012, p.6). Additionally, Roman says that the threats against her life have also followed her across the border: in February of 2012, four men came to a house in which she was working and pounded on the doors ordering her to come out (Kocherga, 2012). The FBI was assigned to investigate the event, but the results of their investigation were never publicized. At this time, Roman and her family continue to await their upcoming asylum court hearings, which are scheduled for the summer of 2014 (C. Roman, personal communication, April 2014).

### **Ernesto Gutierrez Martinez**

Ernesto Gutierrez Martinez is a good example of the ways in which Mexican hyperviolence compels individuals from a wide range of diverse social classes to seek protection and political asylum in the U.S. Prior to fleeing for his life, Gutierrez Martinez was wealthy and

successful attorney in Mexico who had “built up a prosperous civil practice of contract law, divorce and—significantly—case involving government property seizures” (Bensman, 2009c). Gutierrez Martinez has since had to “abandon or sell everything: the law practice that supported his family, two homes in Mexico, a \$210,000 house in Brownsville [Texas], a South Padre Island condo, sports cars” (Ibid.). Like so many other asylum seekers, Gutierrez Martinez has also been forced to cut ties with friends and members of his extended family for fear that they may be targeted by cartel members trying to locate him.

Gutierrez Martinez’s difficulties began in 2004 when he reluctantly became part of the legal defense team of notorious Gulf cartel leader Osiel Cardenas-Guillen (Bensman, 2009c). Cardenas-Guillen had been one of Mexico’s and the United States’ most wanted fugitives prior to his 2003 capture following a violent shootout with Mexican authorities in Matamoros (Ibid.). On January 29, 2004, Celia Salina Aguilar de Cardenas, wife of Osiel Cardenas-Guillen, walked into Gutierrez Martinez’s law office and requested his assistance in reclaiming her house that had been seized by the Mexican government (Ibid.). While Gutierrez Martinez eventually decided to take the case, he claims that it was the first time he had ever worked with any cartel members and that he feared the possibility of reprisals if he refused; furthermore, he figured that his public image in Matamoros would keep him safe (Ibid.).

Gutierrez Martinez ended up accepting a few more property-seizure cases for other family members of Cardenas-Guillen, and was eventually asked to visit the cartel boss in prison, located more than nine hours away (Ibid.). Once there, Cardenas-Guillen asked him to join his team of legal defenders working to fight his extradition case to the U.S. Gutierrez Martinez initially turned down the request, only agreeing after the brother of Cardenas-Guillen showed up at his house demanding he take the case (Contreras, 2010). Worried about the consequences of

declining the request Gutierrez Martinez compromised by agreeing only to a “part-time advisory role” (Bensman, 2009b).

Shortly thereafter, Gutierrez Martinez’s fears were confirmed when two other members of the Cardenas-Guillen legal team were gunned down not far from the prison’s gates (Bensman, 2009b). Gutierrez Martinez contends that he never played more than a minor role in the legal defense of Cardenas-Guillen, something that has been confirmed by the cartel leader’s current attorneys (Ibid.). Furthermore, Gutierrez Martinez claims that he had no involvement with helping Cardenas-Guillen continue to run his cartel activities from inside the prison walls, accusations of which have been made against other members of the legal team (Ibid.).

In January 2007, Cardenas-Guillen lost his case and was ordered extradited to the U.S. Gutierrez Martinez states that he was summoned to the prison and interrogated by an angry Cardenas-Guillen who blamed his failed attempt at avoiding extradition on a “missed deadline to file a motion” (Bensman, 2009b). Just a few days later, several Zetas (the enforcement arm of the Gulf Cartel at that time) burst into Gutierrez Martinez’s office and notified him that they were “investigating legal mistakes” and that he “would be killed if faulted” (Ibid.). The following passage describes what happened next, as reported by Gutierrez Martinez to investigative reporter Todd Bensman in June 2009 (Bensman, 2009b):

*Five months later, at about 3 p.m. Aug. 17, 2007, a team of 10 armed Zetas stormed his second-floor office, according to an affidavit from a client who was there. The men hammered Gutierrez with gun butts to the face and head, starting streams of blood. They handcuffed, blindfolded him, then hauled him outside to a waiting vehicle. Some 20 minutes later, the vehicle stopped at what Gutierrez guessed was a detention center. He could tell by the screams and the sounds of beatings, which he would hear from his 6-by-6-foot room day and night. Too often, he would hear someone scream, “‘Oh my God,’ and then you could hear a shot fired and nothing else.” Over the next three weeks, he ate nothing. He was not allowed to use the bathroom. He was beaten most days, often to unconsciousness, by a baseball bat, iron bar, fists and gun butts. Pictures taken later show a festering infection on his broken nose. A medical report notes a right eye socket*

*partly collapsed and eye damage. The handcuffs never came off, digging deep into his skin and causing an oozing infection.*

*But the psychological abuse was far worse. Constant threats that his turn to die had arrived were underscored by murders he was forced to witness. In addition to the prisoner burned to death, he said he was forced to watch as another prisoner was shot through the head. Morticians were called in to clean up the messes. On another day, they brought him out to see a man's throat cut so deeply the head almost toppled off. Gutierrez was splattered by blood. The Zetas then put a knife to Gutierrez's throat and cut, though not quite deeply enough to kill. They told him they'd instead concoct an especially creative way to torture him to death. A thin scar runs horizontally across his two jugulars. Once, the guards sprayed him with a flammable liquid, saying they had finally gotten around to burning him alive.*

After more than three weeks in captivity, Gutierrez Martinez was inexplicably “treated, cleaned up, and released” (Ibid.). Gutierrez Martinez credits his freedom to his previous legal successes—he had won many property seizure cases for the Cardenas-Guillen family, and, for that, his life had value (Ibid.).

Upon his release, Gutierrez Martinez was ordered to represent several other cartel members in their upcoming legal battles (Ibid.). The lawyer quickly agreed to do so, but instead immediately fled to Brownsville, Texas, while his wife—Josephina—and children planned to join him a few weeks later (Ibid.). However, Josephina’s plans quickly changed when armed Zetas showed up at their house demanding that Gutierrez Martinez attend to his newly-acquired legal responsibilities (Ibid.). The Zetas threatened to kill her and her children, causing Josephina to flee to the U.S. just two days after her husband’s departure (Ibid.).

The family settled in the Brownsville home of their older daughter, installing a complicated series of security measures including “steel storm shutters” and a “sophisticated surveillance camera system” (Bensman, 2009b). Despite all of these protections, they family still lived in constant fear, afraid to leave their home any more than was necessary (Ibid.). Neighbors reported seeing men in fancy SUVs driving by the house and taking pictures (Ibid.). Eventually,



Gutierrez Martinez's father was visited by Zetas who warned him that Gutierrez Martinez would be abducted yet again if he did not resume his legal duties (Ibid.). Fearing for his life once again, Gutierrez Martinez took his family and "fled north" taking up residence in an undisclosed location (Ibid.).

In August 2008, Gutierrez Martinez filed affirmatively for political asylum (Bensman, 2009b). Unsuccessful in his bid, Gutierrez Martinez's case was referred to immigration judge David Ayala in Harlington, Texas (Contreras, 2010). His asylum court hearing was held in February 2010; however, there do not seem to be any news reports indicating the results of these proceedings, and inquiries to the two journalists who reported on this case have remained unanswered.

### **Jose Jimenez**

Jose Jimenez is another example of someone who claims to have become a target of cartel violence due to no fault of his own. A skilled mechanic with a small shop, Jimenez was asked by some clients if he would be willing to accompany them to their house to fix a broken-down tractor trailer (Chardy, 2010). Jimenez agreed, but once he got there, he saw "something that didn't quite seem legal" and tried to back out of the assignment (Ibid.). By that point, he was told that it was too late and that he would not be allowed to leave since he had already seen "too much" (Ibid.). Jimenez was then ordered to work for the men building secret compartments inside trucks where drugs could be hidden from border crossing officials; he was told that if he refused, he would be killed (Ibid.). Jimenez says that his family was also threatened and that the men "had a surprising amount of his personal information, including his home address and the names of relatives" (Ibid.).

Jimenez agreed to work with the men, fearing for his life and the lives of his family members if he refused (Ibid.). However, one day he was summoned by leaders of the cartel who were upset with him that some of the compartments had been discovered by border officials, and demanded that he do a better job in the future (Ibid.). Once again, Jimenez refused, trying to extricate himself from this dangerous business; in retaliation, he was visited by a man who told him ominously, ““You are not leaving us. Tomorrow or day after tomorrow you will be killed”” (Ibid.). Jimenez went into hiding and tried to report the events to the police, but was deterred when he was warned that doing so would likely lead to his location being disclosed by corrupt officials (Ibid.). While in hiding, he received repeated threats on his cell phone with the callers indicating that they were close to finding him (Ibid.). Finally, on March 1, 2009, Jimenez entered the U.S. using a BCC and applied for asylum affirmatively approximately one year later, around the same time that he decided to share his story with the Miami Herald; unfortunately, no follow-up stories were published regarding his case (Ibid.).

#### **Unnamed Client of Immigration Attorney Juan Gonzalez**

On June 2, 2011, San Antonio-based immigration lawyer Juan Gonzalez posted a blog entry on his firm’s website announcing the “resounding victory” for an unnamed Mexican national who was granted Withholding of Removal by an immigration judge as a member of a particular social group targeted by cartel persecution (Gonzalez, 2011). The client was not a member of the police but had provided significant assistance to the police in their efforts to combat drug trafficking (Ibid.). He then began receiving numerous death threats, eventually surviving “a kidnapping and four assassination attempts” (Rozemberg, 2011). According to Gonzalez’ blog posting,

*...the Immigration Judge emphasized that the evidence shows that the Mexican National's life or freedom would be threatened if returned to Mexico. In fact, the Immigration Judge pointed out that "the country conditions documentation in the record indicated that drug violence in Mexico has increased since [Mexican National] fled his country... as the brutality and violence used to silence individuals who are perceived to be against or interfering with the operations of the cartels." The Immigration Judge stated that even internal relocation would be a problem because "the country conditions documentation supports the proposition that many Mexican officials in law enforcement are corrupt and assisting the drug cartels." Finally, the Immigration Judge reiterated that "drug related violence in Mexico is a countrywide phenomenon. Even the Department of State has urged American Citizens to use extreme caution when traveling to Mexico."*

Gonzalez (2011) went on to say that this ruling was a "small step and victory for those who are fleeing the violence" in Mexico. His client told reporters, "I hope, and I pray things in Mexico change. It's not going to be easy. But I hope it happens one day. Then I can go back to my country" (Rozemberg, 2011).

### **Alvarado Espinoza Family**

Several members of the Alvarado Espinoza family fled to El Paso, Texas in August 2013, including 18-year-old identical twins Mitzi Paola and Nitza Citlali, their fifteen year old sister Deisy, and their aunt, María de Jesus (Aguilar, 2013c). However, their troubles in Mexico had begun several years earlier on December 9, 2009 (Washington Valdez, 2013c). On that date, the Alvarado Espinoza family was hosting their large annual Christmas gathering in a small village located in the notoriously violent Juárez Valley when a group of Mexican soldiers arrived unexpectedly and arrested Nitza Paola Alvarado Espinoza (mother of Mitzi, Nitza, and Deisy) and her cousin Jose Angel Alvarado Herrera (Ibid.). The family was given no indication as to why their relatives were being arrested though they later learned that yet another cousin, Irene Rocio Alvarado Reyes, had been picked up by soldiers that same day (Ibid.). The next—and only—time that they heard from the three missing cousins was in early February 2010 when

María de Jesus recognized the voice of her sister calling to say that she was alive and in a prison in Mexico City (Aguilar, 2013c).

Since that fateful night in December, the Alvarado Espinoza family has been provided no information about the location of their missing relatives. The Mexican military has repeatedly denied having been involved in the abductions (Amnesty International, 2013b). When the Alvarado Espinoza family tried to file an official complaint with the state prosecutor's office on December 30, 2009, “the prosecutor told them that ‘he had information that the people were being held in the 35th infantry battalion in Nuevo Casas Grandes, Chihuahua,’ and that the family should wait several days before taking any action” (Human Rights Watch, 2011, p. 131). The family continued to pursue the matter for several years, even though their persistence in seeking justice for their missing relatives resulted in continuous death threats against the remaining family members (Ibid.). Their efforts eventually resulted in rulings from both the Mexican National Human Rights Commission and the Inter-American Commission on Human Rights—both agencies ruled that there is significant evidence implicated military involvement in the disappearances (Amnesty International, 2013b).

After the latter ruling garnered a great deal of international press attention, the Alvarado Espinoza family began to be threatened by the military once again (Aguilar, 2013c). María de Jesus—who assumed caretaking responsibilities for her three nieces following their mother's disappearance—originally attempted to protect her family by relocating to another state in Mexico (Ibid.). However, the threats followed the family no matter where they went, eventually causing them to seek refuge in the U.S. (Ibid.). Currently, María de Jesus is pursuing a political asylum claim while her three young nieces have applied for another form of special immigration relief sometimes available to unaccompanied minors (Ibid.). In the meantime, the girls have

enrolled in public high school and have started their own organization (*Hijos de Desaparecidos/Children of the Disappeared*) aimed at providing support for other young people suffering from similar traumatic experiences (Ibid.).

### **Advocacy on behalf of Contemporary Mexican Asylum Seekers**

More Mexicans than ever before are fleeing persecution and seeking political asylum in the U.S. Due to this surge, there are a number of individuals and associations dedicating themselves to supporting contemporary Mexican refugees, a few of which are describe in detail below.

#### **Carlos Spector and *Mexicanos en Exilio***

Many high-profile Mexican asylum seekers are clients of the El Paso-based immigration attorney Carlos Spector, a well-known advocate and frequent legal representative for members of this population. Spector, who has Mexican roots and family on both side of the border, has been a long-time immigration attorney and immigrant rights' activist (del Bosque, 2012). In 1991, Spector became one of the first attorneys to successfully win a defensive asylum claim for a Mexican national, helping to secure political asylum for Ernesto Poblano, a former mayor of a small town near the U.S.-Mexico border (Ibid.; see Chapter 5 for further analysis). Spector's office is currently representing more than 100 Mexican families who are seeking political asylum in the U.S., most of the cases having been accepted on a reduced-cost or pro-bono basis (del Bosque, 2014; del Bosque, 2012). Since 2008, Spector has handled several cases in which asylum or withholding of removal has been granted (Lyst, 2013).

Spector makes frequent use of press conferences and political demonstrations to garner publicity for the plight of Mexican asylum seekers, generally only accepting clients *pro bono* under the condition that they are willing to go public with their stories (Greene Sterling, 2011). These tactics enable asylum seekers to raise awareness about the plight of Mexican refugees and to drum up support for their individual cases. However, there is also some worry that these strategies can potentially further-endanger individuals who are fleeing for their lives in the U.S. and who therefore may be better off keeping a low profile. For example, Spector himself has been the target of death threats due to his legal advocacy on behalf of Mexican asylum seekers; in 2011, a red SUV pulled up alongside Spector's car as he was leaving his office. The driver inside—clad completely in black—pointed a gun at Spector and told him in Spanish "You've taken enough cases" (Hennessy-Fiske, 2012). The driver and his female passenger grinned menacingly before speeding away. Despite this incident, and other threats against his life, Spector has continued with his advocacy work.

Regardless of these critiques, Spector should be applauded for having one of the highest rates of success in winning Mexican asylum cases, not to mention being one of only a handful of immigration attorneys in the El Paso area even willing to take on these highly-complex and time-consuming cases. Spector is highly successful in an arena where failure is the norm, "a true crusader in trying to push the asylum envelope" (Kathleen Walker, former president of the American Immigration Lawyers' Association, as quoted in Hennessey-Fiske, 2012). It is quite possible that Spector's success in the courtroom is at least partially influenced by his prominent public image. Similarly, while immigration judges are meant to impartially decide cases based only on the merits as presented in court, common sense dictates that U.S. press coverage of the

plight of Mexican asylum seekers likely has some sort of impact on their judicial decision-making.

In addition to his work as an immigration attorney, Spector, along with his wife, Sandra Spector, played an integral role in founding the activist organization *Mexicanos en Exilio* [Mexicans in Exile; abbreviated as *Mexenex*] (del Bosque, 2012). Though several fundraising and speaking events were held informally using this name previously, *Mexenex* was officially launched in August 2012 (Molloy, 2011; Mexicanos en Exilio, 2012). Composed of Mexican refugees and their supporters, *Mexenex* stated in their initial press release to represent 153 Mexican asylum seekers who were demanding an end to widespread impunity in Mexico (Mexicanos en Exilio, 2012). According to their website, *Mexenex* does the following:

*“Mexicanos en exilio offers quality legal defense to Mexicans seeking political asylum in the United States. Additionally, we assist our members in continuing to demand justice from the Mexican government, which has failed to investigate the abuses committed against them by members of organized crime, the military or law enforcement. This includes; speaking to the press, church groups, student organizations, and academics in the United States and abroad. Our goal is to eventually be able to offer services to our members such as counseling, language courses, and basic needs upon arrival.”*  
(Mexicanos en Exilio, n.d.a)

At this time, *Mexenex* is a semi-autonomous organization that primarily works out of the Law Offices of Carlos Spector, since they lack their own building. *Mexenex* is currently in the process of obtaining 501(c)(3) non-profit status (Mexicanos en Exilio, n.d.b).

*Mexenex* has been very active in El Paso and across the country during the past few years. Member of *Mexenex* have held several speaking engagements aimed at educating the public about the violence in Mexico and the situation face by Mexican exiles living in the U.S.; this has included talks at the University of Texas at Austin and California State University at Northridge (Aguilar, 2012; Molloy, 2012a). This is in addition to dozens of press conferences and demonstrations that have been hosted in the El Paso area (Mexicanos en Exilio, n.d.a). Press

conferences have been held in relation to several different high-profile asylum-seeking activist and journalist families. Other press conferences have focused on broader issues including the practice of detaining asylum seekers and in opposition to comments made by then-mayor of Ciudad Juárez, Hector Murguía, calling those who have left the city “traitors” (Washington Valdez, 2012).

In the late summer of 2012, three members of *Mexenex* joined Mexican poet and political activist Javier Sicilia on his month long “Caravan for Peace and Justice with Dignity,” driving across country for a month while making stops in several cities to speak out against violence and impunity in Mexico (Molloy, 2012b). On November 2<sup>nd</sup> 2012, the Day of the Dead, members of *Mexenex* also created a memorial altar in the name of their murdered friends and relatives (Molloy, 2012e). In partnership with another organization located in Mexico City, *Mexenex* has also been able to provide therapy to a handful of Mexican asylum seekers via internet-based video conferencing (Molloy, 2012c). Filly, in the fall of 2013, *Mexenex* members—including double-amputee and asylum seeker Carlos Gutierrez—biked from El Paso to Austin in order to raise awareness about Mexican asylum seekers. *Mexenex* has been reported on by several national news sources including *The New York Times*, *Latin American Herald Tribune*, *NBC Latino* and *The Huffington Post* (Aguilar, 2012; Agencia EFE, n.d.; Gonzalez Gomez, 2012). The organization currently boasts around 300 members (Washington Valdez, 2013b)

### **Annunciation House**

Annunciation House, a migrant house of hospitality located in El Paso, Texas, has also been very active in advocating on behalf of Mexican asylum seekers. First, the house routinely houses indigent Mexican asylum seekers who have been released from immigration custody



under humanitarian parole (Ruben Garcia, personal communication, April 26, 2013).

Annunciation House staff volunteers then assist these guests in adjusting to life in the U.S., obtaining employment authorization, and finding immigration legal assistance (Ibid.).

Annunciation House also has organized several consciousness-raising and advocacy events centered on the issue of contemporary Mexican refugees. These include:

- Holding a Press Conference on April 24, 2010 urging the U.S. government to provide protection to Mexican nationals fleeing violence in Ciudad Juárez and the rest of the country (Annunciation House, 2010a). At this event, Annunciation House also released their “Petition for Protection” petition and spent several months gathering signatures from supportive agencies and individuals (Annunciation House, 2010b; Appendix C).
- Organizing several events around the Javier Sicilia “Caravan for Peace and Justice with Dignity” in the late summer of 2012 (Molloy, 2012b)
- Prominently featuring the issue of Mexican asylum seekers and refugees at all-day educational Immigration Forums in 2011, 2012, 2013, and 2014 (Annunciation House, 2011, 2012, 2014; Molloy, 2013b)
- Holding a Press Conference on August 13, 2013 denouncing abuses made against asylum seekers by Customs and Border Protection and Immigration and Customs Enforcement (Annunciation House, 2013a; Annunciation House 2013b; Appendix D).
- Organizing several successful “Urgent Actions” requests in which community members are asked to contact Immigration and Customs Enforcement and encourage them to grant humanitarian parole on behalf of detained asylum seekers.

## **Southwest Asylum and Migration Institute**

The Southwest Asylum and Migration Institute (SAMI)—located in Las Cruces, New Mexico—was founded in 2013 by several individuals with years of experience working with asylum seekers. According to one of SAMI’s founders, the organization’s mission and activities are summarized in the selection below (personal communication, April 26, 2014):

*The Southwest Asylum & Migration Institute (SAMI) was created to provide low cost (and at times) pro bono immigration legal services. The main focus of SAMI’s activities is aimed at representing those fleeing violence from northern Mexico and seeking a safe place and asylum in the United States...In addition to legal representation at court, before Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP), SAMI assists individuals complete various immigration forms issued by the United States Citizenship & Immigration Services (USCIS) including work authorization, naturalization, etc. In addition to legal support, SAMI offers assistance to families interested in relocating and pursuing their legal claims in more favorable jurisdictions. We have had great success in bridge crossing that led to humanitarian parole and later attaining permission to move to California and Chicago with legal counsel and housing offered to clients. Moreover, SAMI offers informational, educational and training workshops/ seminars on immigration topics related to asylum, detention and DREAMers both in Mexico and the United States and staff members have participated in conferences in Mexico City, Juárez, New York, as well as giving talks in New Mexico and Texas.*

Though a relatively new organization, SAMI has had many successes in providing free and low-cost immigration legal representation to Mexican asylum seekers in El Paso and southern New Mexico.

## **Other Organizations and Advocacy Efforts**

In addition to Carlos Spector’s office, *Mexenex*, Annunciation House, and SAMI, several other regional and national organizations have been vocal advocates on behalf of Mexican asylum seekers during the past several years. A selection of these efforts are listed below:

- Border Network for Human Rights held a press conference in support of exiled Mexican journalists on September 21, 2010 and have also been participants at several other related events in the El Paso area (Molloy, 2010b).
- The El Paso Press Club held panel discussion and fundraising benefit on December 11, 2010 in support of exiled Mexican journalists seeking political asylum in the area including Emilio Gutierrez, Ricardo Chávez Aldana, and Alejandro Hernandez Pacheco (Molloy, 2010d).
- The University of Texas at Austin Law School Immigration Clinic has provided *pro bono* legal assistance to several Mexican asylum seekers who have been successful in their asylum claims, including Benita Monarrez and several members of the Reyes Salazar family (Washington Valdez, 2009; del Bosque, 2013a, 2013c)
- In Las Cruces, New Mexico, advocates have held two free educational conferences dedicated to the issue of Mexican asylum seekers in the summer of 2012 and 2013. The conferences are focused on education and raising funds to support Mexican refugees. They were cohosted by the Alianza for Political Asylum Seekers, the Unitarian Universalist Church of Las Cruces, and the Department of Government of New Mexico State University (Molloy, 2013c).
- Also in Las Cruces, New Mexico, the Catholic Charities of the Diocese of Las Cruces and the Southwest Asylum & Migration Institute jointly created “Project 380” aimed at raising funds to cover the costs of employment authorization documents for Mexican and Central American asylum-seeking humanitarian-parolees (“Project 380,” n.d.).
- Diocesan Migrant and Refugee Services located in El Paso, Texas hosts *pro se* asylum workshops that aim to educate and empower both detained and non-detained asylum

seekers who are unable to find individual legal representation (S. Thomas, personal communication, April 26, 2014).

- Las Americas Immigrant Advocacy Center in El Paso, TX provides legal representation to both detained and non-detained indigent Mexican asylum seekers through their Mexican Asylum Project (“Mexican Asylum Project,” n.d.).
- In April 2014, the American Civil Liberties Union and the National Immigrant Justice Center filed a lawsuit in the U.S. District Court in San Francisco alleging “the government violated the law in thousands of cases, with individuals waiting in detention for many months for...[credible & reasonable fear determinations] and in some instances more than a year” (Linthicum, 2014a)
- New York based immigration advocacy organization Immigration Equality frequently provides low and no-cost immigration legal services to GLBT Mexicans in political asylum proceedings and have played a crucial role in the success of many cases (Ortiz, 2014)
- Likewise, the University of California at Hastings Center for Gender and Refugee Studies (CGRF) supports women, children and GLBT Mexican asylum seekers by providing “strategic advice, practice advisories, expert declarations, country conditions reports, briefs and decisions, and referrals to potential experts” (“Our Work,” n.d.).

## **Conclusion**

Clearly, there are a wide range of individuals fleeing Mexico and seeking political asylum in the U.S. today. However, Mexican asylum seekers face terrible odds in the political asylum bureaucracy, with only a 9% chance of eventually winning their case in front of an immigration judge (DOJ, 2014a). Furthermore, Mexican asylum seekers are subjected to

discouraging immigration officials at U.S. ports of entry, long periods of confinement in prison-like detention facilities, limited opportunities to receive affordable legal counsel, difficulties finding gainful employment, emotional trauma related to their experiences of violence, and the difficulties associated with trying to establish oneself in a new country with a new culture and a new language. Due to these problems, many individuals fleeing violence and persecution in Mexico are choosing to seek refuge in the U.S. without formally seeking political asylum; their experiences are discussed in the following chapter.

## Chapter 7: Contemporary Non-Asylum Seeking Mexican Refugees

In addition to the thousands of Mexicans who have entered the US formally seeking political asylum since 2006, hundreds of thousands more have fled violence in their home communities by immigrating using various means outside of the formal political-asylum bureaucracy. For example, take the following passage from a 2010 article about Mexican refugees living in El Paso, Texas:

*“There are four types of Mexican citizens in El Paso: those who have legalized their status, those who have resident visas because they are students, professionals or business people, and there are those with border-crossing cards who either live in El Paso and work in Juárez, or stay in El Paso illegally,” said Gustavo de la Rosa, the human rights ombudsman for the Mexican government in Juárez... Wealthy Mexicans, he says, usually have visas, resident status or relatives who are U.S. citizens. They can afford El Paso rents that are three times the rates in Mexico. (Since the drug wars began, real estate prices along the border are up 20 to 40 percent in urban areas.) “You say you are going to visit family. You stay in El Paso and pay rent, but you’re not absolutely legal and (U.S. officials) know it,” de la Rosa said. “There are certain illegalities that are tolerated by the U.S.” (Hayward, 2010).*

These individuals, therefore, are also contemporary Mexican refugees because the primary impetuses behind their decisions to migrate were *violence and persecution*. These non-asylum-seeking refugees fall into the following three broad categories:

1. *U.S. Citizens and Immediate Relatives*: individuals with U.S. citizenship who were living in Mexico until deciding to migrate to the U.S. due to violence in their home communities; and individuals who decided to apply for legal permanent residency through their immediate relatives in response to violence in their home communities.
2. *Refugees with Non-Immigrant Authorization*: Mexican nationals who migrated to the U.S. due to violence in their home communities who are *not* currently seeking political asylum, but who do possess various forms of non-immigrant authorization including valid student visas (F-1), and business/investor visas (E-1/E-2/L-2);
3. *Refugees without Authorization*: Mexican nationals who migrated to the U.S. due to violence in their home communities who are *not* currently seeking political asylum, and who do not have valid immigration authorization.

As mentioned previously, there is substantial movement among these three categories as immigration status changes over time. In this chapter, I offer a brief description of each category including an analysis of any pertinent numerical data. I then provide complementary profiles of non-asylum-seeking modern Mexican refugees within each category in order to illustrate some of the realities faced by these individuals.

### **U.S. Citizens and Immediate Relatives**

Though less shocking than Mexicans presenting themselves at the U.S.-Mexico border requesting political asylum, a significant number of Mexican citizens have quietly immigrated to the U.S. fleeing violence since 2006 by way of U.S. citizenship and immediate relative immigrant visas. In direct contradiction to the anti-immigrant rhetoric assuming that *all* Mexicans would flood the U.S. given the opportunity to do so, these cases represent Mexican nationals who could have chosen previously to move to the U.S. but who had decided against migration because they *enjoyed* living in Mexico. It was not until Mexican hyperviolence forced them from their homes that they chose to migrate seeking safety in the U.S. Therefore, these individuals must also be considered modern Mexican refugees because their decisions to migrate to the U.S. were made primarily due to experiences of violence in their home communities.

### **U.S. Citizens**

While hard to pinpoint, a substantial number of U.S. citizens live in Mexico, both with and without the proper Mexican immigration authorization. According to Mexican officials, an estimated 70,000 U.S. citizens are “legally living and working in Mexico...a number that does not include many students and retirees, those on tourist visas or the roughly 350,000 American

children who have arrived since 2005 with their Mexican parents” (Cave, 2013a). However, other estimates put the population of US-born individuals living in Mexico at more than 700,000 (Latapí, Martin, Lowell, & Fernández de Castro, 2013). Many of these U.S.-born children have returned to Mexico following the deportation or repatriation of their Mexican parents, while others have spent the majority of their lives since infancy in Mexico (Cave, 2012). Individuals from this latter group are particularly common in cities along the U.S.-Mexico border due to the fact that some expectant mothers making strategic use of tourist visas to ensure that their children are born on U.S. soil (though this practice is still fairly infrequent, and complicated by discretionary admission policies employed by Customs and Border Protection officers; Gonzalez, 2011; “Visit the U.S.,” 2013). Regardless, both groups of U.S.-born children retain their U.S. citizenship for life due to relatively liberal birthright citizenship laws in the U.S. (Cave, 2012).

Upon establishing residency in Mexico, U.S. citizen children with Mexican parents are generally also registered as dual-citizens of that country. This is a bureaucratic necessity for residing in Mexico and securing national benefits such as public healthcare, public schooling, public housing assistance, employment authorization, the right to own property, and the right to vote (Escobar, 2007). Therefore, many children who were born in the U.S. can aptly be described as Mexicans, due to their dual-nationality, their cultural upbringing, and their long histories of residence in Mexico. Many of these children—and fully-grown adults—have happily decided to make Mexico their home, despite being legally permitted to emigrate to the U.S.

However, with the explosion of Mexican hyperviolence in 2006, the U.S. has seen an increase in these dual-citizens moving back to the U.S. after having experienced violence in their home communities (Morales et. al., 2013; Rice, 2011). While not the typical image of a refugee, these individuals must be included in discussions of violence-driven Mexican migration. Even



though the legal mechanics of their migration was made facile by their U.S. citizenship, the socioeconomic and emotional toll of leaving one's home due to violence is similar to that of any other modern Mexican refugee.

### ***Selected Case Studies***

#### *High School Focus Group*

The following set of case studies comes from a focus-group conducted in the spring of 2012 in El Paso, Texas of four high school sophomores: Julia (16), Kayla (16), Octavio (15), and Eli (15). All four of the students were born in the United States and are therefore United States citizens. However, all of the students grew up in Ciudad Juárez and did not move to El Paso until the years 2010 and 2011, at the urging of worried family members.

When asked why they had decided to move to El Paso, both Julia and Kayla answered that it was in order to improve their life situations and create better futures for themselves. Though neither explicitly mentioned the violence as a reason behind their decisions to move, subsequent discussion indicated that the violence in Ciudad Juárez had played a significant factor. Octavio and Eli, on the other hand, both explicitly mentioned the violence as the primary motivation behind their decisions to move to El Paso, with the desire to better their lives being a secondary, though equally important, factor. When asked later in the interview if they had ever experienced trauma related to the violence in Ciudad Juárez, all four students answered with an enthusiastic yes.

The students described a few of the ways in which they had been personally affected by the violence in Ciudad Juárez. For one, they all agreed that the police in Ciudad Juárez were generally corrupt and that they felt much more amicable toward police officers in the United States. Eli reported once being unjustly detained by the police in Ciudad Juárez while hanging out on the

street with some of his friends. After seeing him absent-mindedly running a popsicle-stick along a wall, two police officers falsely accused him of vandalism, and then told him to get into their police car. He refused, saying that it was unjust since he was not doing anything illegal, and the police officers started yelling at him, calling him a “cholo,” [hoodlum/gang member] saying that he was on drugs, etc. Eli continued to argue that he had not been doing anything illegal, and one of the officers eventually ordered him to do 50 push-ups. Eli was confused by the order and refused once again, telling the officers that they did not have any right to make such a demand. The officer replied that he either do the push-ups, or they were going to take him away. One of the officers then hit Eli, and told the other officer to handcuff him and load him into the police car. At that moment, a car turned the corner, and the officers apparently felt threatened by the possibility of being seen harassing Eli. They took off the handcuffs and told him to get lost, only after yelling at him to go get a haircut. Eli describes feelings of frustration and impotence at having experienced this injustice.

Kayla related a similar story involving her father, who was picked up by the municipal police officers for no apparent reason and taken in their patrol car to the central police station. The officers told him that he looked “cholo,” something that Kayla considered absolutely absurd considering her description of her father as a “Christian” who “always has the bible in his hand.” At the station, the police officers searched her father and stole 500 pesos (approximately \$40 USD) before ultimately releasing him. Julia added that while she did not want to discuss the specifics, her mother had also been subject to “abuses from the authorities.” Both Kayla and Julia described situations in which they believed that they were being followed by men in trucks while walking to school and stores in Ciudad Juárez; one time, one of the girls mentioned a car stopping so that the men inside could take pictures of her and her female cousin. Overall, the two female students

reported general fears of being stalked and/or accosted, while the two male participants did not share these sentiments.

None of the students seem to be particularly happy about living in El Paso, stating that they were shocked by how hard it was to have to start their lives over from zero and adjust to the differences between the two countries. All of the students reported feeling like their lives had changed drastically since moving to El Paso, and described feelings of unexpected shock about the extent to which things are different in the United States. Eli said that he believes that life in El Paso is very closed-off, there are many restrictions, and that the people are not nearly as friendly as they are in Ciudad Juárez; instead, he sees people in the United States as being holed up in their houses glued to their cell phones. Kayla and the others agreed with this characterization, adding that people in the United States are all very independent. The students also admitted to having become more Americanized to some extent; for example, turning down opportunities to hang out in larger groups and at parties in order to instead spend more time alone with boyfriends and girlfriends.

Considering the myriad ways in which their lives have changed since moving to El Paso, all four of the students interviewed agreed, without pause, that they had experienced some level of depression as a direct result of their moves. They described these feelings as stemming from the fact that they were forced to rebuild their lives from zero, having to make all new friends while being unaware of what they might confront in their new environment. Additionally, three of the students were living with relatives in El Paso, something that was difficult to get used to and often brought up feelings of guilt. They also discussed some frustrations regarding feelings of guilt associated with not wanting to ask the relatives with whom they were staying for spending money, even for small things such as snack foods. All of the students were very clear that they miss

“Juaritos” a lot; this fact is perhaps best illustrated by Kayla, who noted that she still wakes up thinking that she is living in Ciudad Juárez at least three times a week.

Even though they reported having experienced varying levels of violence and trauma while living in Ciudad Juárez, all four students reported taking advantage of their U.S. citizenship to easily cross the U.S.-Mexico border and said that they continued to return to Ciudad Juárez regularly. This is despite the fact that the students—especially the two females—stated they continued to be afraid of what might happen to them while visiting. Eli, Octavio and Julia all said they went every weekend, while Kayla lamented that she could only go every two months or so since she had yet to get an American passport and was wary of trying to cross more frequently with only her birth certificate.<sup>17</sup> The students all said the main reason that they returned was to see their family members, especially since most of them were living with aunts and uncles in El Paso while their parents and siblings had mostly remained living in Ciudad Juárez.

Apart from wanting to see their remaining family members, missing their overall lives in Ciudad Juárez was cited that as the other main reasons why the students continued to return on weekends. All of the students reported warm feelings about their home city, especially during the time before the violence began in 2008. The nostalgia the students expressed for Juárez was palpable; they reported missing their lives in Juárez profoundly and returning every chance they got, regardless of the violence. However, the students were all clear that they believe coming to the United States was something that they needed to do in order to better themselves; for this

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<sup>17</sup> Though it is legally-permitted under federal law to enter the U.S. using various documents to prove U.S. citizenship, U.S. Customs and Border Protection (CBP) *policy* requires the use of a valid U.S. passport. However, CBP officials are prohibited from denying entry to *anyone* they reasonably believe to be a U.S. citizen, even individuals lacking *any* identity documents. Therefore, in reality, U.S. citizens routinely cross the border without presenting valid passports (especially in busy ports of entry near highly-populated cities) though this practice is frowned upon and can cause delays while officials deliberate an applicant’s citizenship. Occasionally, it can also result in being placed in immigration detention while nationality is established.

reason, they were willing to make the sacrifice of leaving their beloved Juárez to seek a brighter future.

### *Adolfo Guerrero*

Adolfo Guerrero is another example of a U.S. citizen who had spent his entire life in Mexico prior to deciding to migrate to the U.S. due to experiences of violence. His story was told in the following passage from a 2009 article in the *Nation* magazine (Becker, 2009b):

*On the night of January 10, Adolfo Guerrero, a 43-year-old father of one, who works in San Diego County but lives in a middle-class neighborhood on the edge of Tijuana, was driving home from downtown Tijuana. Guerrero, who was born in the United States but has always lived in Mexico, saw a white Ford pickup pull up behind him, its headlights flashing. Thinking the driver wanted to pass, Guerrero switched lanes as he descended a long hill. The driver of the Ford chased him, eventually pulling alongside. Guerrero saw the front passenger hold up a long-barrel rifle and gesture at him to pull off the road.*

*Guerrero fled, lost control and rammed his truck into a fence surrounding a housing development, the impact causing the bed of his truck to jackknife. One of the men in the Ford tried to open the truck's door, but Guerrero resisted and other cars approached. The man ran off. Moments later, a police car and tow truck appeared.*

*Rather than take a statement from Guerrero or pursue the Ford, the cop demanded \$300 on the spot to cover the damage to the fence, Guerrero said. When Guerrero said he didn't have the money, the officer, who said he was with the anti-kidnapping unit, hauled him to jail. Afraid of police collusion, Guerrero paid \$150 at the station. As he was about to leave, an officer said, "Think about it, Güero" (an insult insinuating that Guerrero was just a dumb American). "At least you're alive."*

*For about a year, Guerrero had contemplated moving away from Tijuana, where his family had lived for generations. The incident spurred him to buy a home in San Diego County. "What is happening in Tijuana is happening to everyone. Social status doesn't matter," he said. "You can't go to anyone (in the police). They ignore you or laugh."*

Though brief, Guerrero's story provides a good example of an individual with dual U.S.-Mexican citizenship who was forced to flee Mexico due to violence.

### *Yanar Family*

Similar to Guerrero, the Yanar family consists of U.S. citizens who had voluntarily chosen to live in Ciudad Juárez, Mexico until violence forced them from their home in the fall of 2009 (Rice, 2011). Their experience is detailed in the following passages from a 2011 *New York Times* article (Ibid.):

*Young Pepé Yanar stood in the glow of neon at a bar, his hair stylishly mussed, a gold cross dangling in the crook of his V-neck. “Everybody here is from Juárez,” he said as he surveyed the place, one of many that have opened on the well-to-do west side of El Paso over the last year or so. The Texan side of the border has traditionally been considered dowdier and straitlaced; Juárez used to be where Mexicans and Americans alike went for rollicking nightlife. But now many of its restaurants and clubs are closed, emptied by the violence, burned down by extortionists or cleared away by a dubious downtown renewal project.*

*Pepé told me about the event that drove out his own family: in November 2009, his father, José Yanar, was kidnapped as he made his way home from work for a dinner celebrating his 52nd birthday with his family. The kidnappers called, threatening to return his father in pieces if they did not receive a ransom of several hundred thousand dollars. Miraculously, José escaped — he still has a semicircular scar on his arm where the kidnapper he grappled with bit down hard — and immediately the whole family piled into a car and raced over the Paso del Norte bridge, abruptly severing themselves from their previous lives.*

*The Yanar family is in the furniture business, and they had never considered themselves vulnerable to Mexico’s violence. Pepé, his parents and his siblings were U.S. citizens, having been born in the United States, like the children of Casa de Nacimiento [private birthing center located in El Paso, Texas]. Even though the family lived in Juárez, Pepé went to high school in America and then on to the University of Texas-El Paso, which offers in-state tuition to eligible Mexican residents. He and his friends spoke English and Spanish interchangeably, and they moved with assimilated ease on both sides of the border.*

*José Yanar opened a furniture store called Designer World on Texas Avenue, just off Interstate 10. He and his son both work there, coordinating orders with the family’s factory, six miles away in Juárez, which they hadn’t visited in 18 months. I visited Designer World one day and found the elder Yanar — a bluff, barrel-chested boss nicknamed Pelón (Baldy) by his employees — in an office next to the showroom, where he was keeping watch over the factory on a large flat-screen television that was divided into 16 quadrants, each of which was streaming a jerky feed from a closed-circuit camera. Periodically one of his several phones would screech, and José would carry on his daily business in Spanish with the walkie-talkie voice of a factory manager.*

*“The people that I have there working for me, they’re very loyal, and of course I pay them a little bit more,” José said. Still, running a business from afar involves all sorts of*

*annoying inefficiencies. He was afraid to set foot in Juárez, but not all of his managers had U.S. visas. So when he had to see them in person, he sometimes conducted meetings at the center of a border bridge, in the buffer zone beneath the Mexican and American flags.*

*After José escaped his kidnappers, the whole family crowded in with a sister-in-law who already lived in El Paso, and they put their place in Juárez on the market. “I still hope I can sell it,” he said. “But every single house in Juárez is for sale.” Compared with what others were going through, though, these were minor hardships. Yanar purchased a house in El Paso, and soon he found his neighborhood was full of people he knew from the other side. His social life picked up. He didn’t have to worry about his kids sneaking back into Juárez, because most of their friends had moved, too.*

*“In the beginning, it was very hard,” Yanar said. “Now I’m getting used to it.” One evening...The Yanars told me they always considered themselves proud citizens of Juárez. “The Mexicans that have a lot of time in the U.S. . . . they think they’re gringos,” José said dismissively. But now they are trying to figure out where they fit.*

## **Immediate Relatives**

The U.S. immigration system is heavily defined by family-based immigration. Though there are a myriad of ways to immigrate to the U.S., including the diversity lottery and immigrant visas for highly-skilled workers, the vast majority of authorized immigration to the U.S. stems from family-based petitions (Motomura, 2006). The least complicated and fastest way to lawfully immigrate to the U.S. (or to adjust immigration status once already in the U.S.) is to have a U.S. citizen petition for you as their “immediate relative.” An “immediate relative” is defined by immigration law as the spouse of a U.S. citizen, unmarried child under the age of 21 of a U.S. citizen, or parent of a U.S. citizen over the age of 21 (“Green card for,” 2011). According to U.S. Citizenship and Immigration Services (USCIS), “immediate relatives have special immigration priority and do not have to wait in line for a visa number to become available for them to immigrate because there are an *unlimited number of visas* for their particular categories” (Ibid.; emphasis mine).

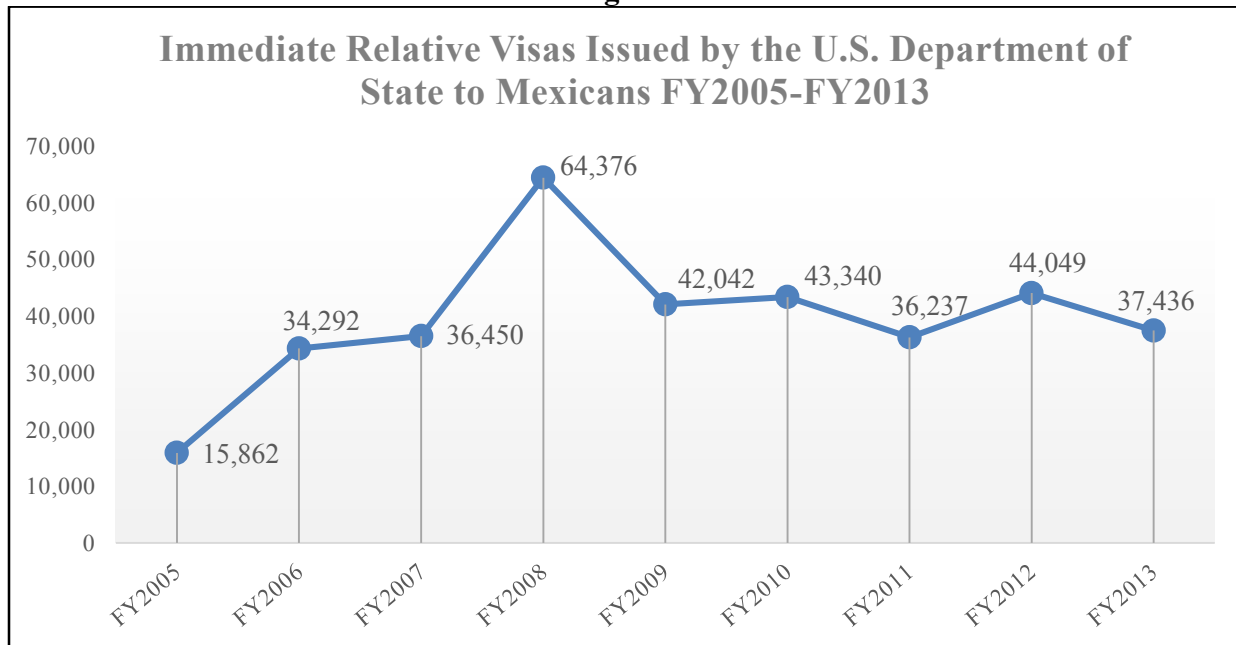
Immediate relatives, therefore, are considered able to enter the U.S. immediately, without having to “get in the back of the line” while waiting for a visa to become available (as opposed to non-immediate relatives such as siblings and adult children who must wait 10-20+ years for a visa to become available) (“Visa bulletin for,” 2014). In practice, however, the various steps involved in gaining authorized entry to the U.S. as an immediate relative currently take about a year and a half in “processing time” from start to finish (E. Allen-Rodriguez, personal communication April 15, 2014). Furthermore, the application fees and costs of required documentation exceed \$1,000 (not including attorney costs) and the intending immigrant must demonstrate that he or she has a “sponsor” in the U.S. who earns sufficient annual income to assume financial responsibility for the immigrant for a period of ten years (“Family Immigration,” n.d.). Regardless, obtaining authorized entry to the U.S. as an immediate relative is a fairly straightforward and predictable process if the intending immigrant does not have any issues in terms of their criminal or medical background.

Similar to U.S. citizens who choose to live in Mexico, many Mexican citizens choose to continue living in Mexico despite having the possibility of being able to immigrate to the U.S. with an immediate relative visa. Once again, these individuals are demonstrative of the fact that not every Mexican *wants* to live in the U.S., even if they can potentially be authorized to do so. However, the period of Mexican hyperviolence that began in 2006 has been accompanied by a surge of immediate relative visas issued to Mexicans by the U.S. Department of State (see Figure 1). In FY2006, the number of immediate relative visas issued to Mexicans (34,292) more than doubled in comparison to FY2005 (15,862). By FY2008, the number of immediate relative visas issued to Mexicans had more than quadrupled (64,376) from its low point in FY 2005. Though the numbers of immediate relative visas issued to Mexicans each year then dropped in FY2009, the



2009-2013 average (40,621) is still almost three times as high as the pre-Calderón baseline in FY2005.

**Figure 1**



*Note: Adapted from U.S. Department of State [DOS]. Bureau of Consular Affairs. (2014). Report of the Visa Office 2013. Retrieved April 19, 2014 from <http://travel.state.gov/content/visas/english/law-and-policy/statistics/annual-reports/report-of-the-visa-office-2013.html>*

Obviously, it would be unreasonable to argue that these trends should be attributed entirely to rates of violence in Mexico; certainly other factors, such as the economy, played a role. That being said, a significant portion of these immigrants were likely influenced by the violence plaguing their country when they made the decision to migrate. Many, in fact, were likely directly impacted by that violence, meaning that they, too, are refugees for all intents and purposes, even though they did not enter the U.S. seeking political asylum.

### ***Selected Case Studies***

### *Rosa and Jorge*

Rosa and her husband, Jorge, both in their early fifties, moved to the U.S. in the beginning of 2013 on immediate relative visas secured through their adult daughter, Sophia, (who had become a naturalized U.S. citizen through marriage several years earlier). Rosa has a master's degree in Communications and was working as an adjunct instructor at the university in Ciudad Juárez prior to migrating to the U.S.; additionally, she and her husband were the owners of successful jewelry store that had been in the family for more than 20 years.

Starting in 2008, Rosa and her family began witnessing and hearing about lots of violence in Ciudad Juárez. They became aware that several other stores in the shopping center where their jewelry store was located had been targeted by extortionists, including a hardware store and a grocery store. The extortionists had gone so far as to kidnap and murder one of the store owners who had refused to pay the monthly protection fee; one of the other stores had simply closed to avoid payment. Rosa and Jorge decided that they, too, would close their business in order to avoid the inevitable threat of extortion.

In a decision that they later came to regret, Rosa and Jorge then moved their business to their home address out of financial necessity and continued to work on a much smaller scale. Business was slow, however, considering that many people in the city were no longer buying jewelry both out of economic hardship and the desire to keep a low profile in order to ward off potential assailants. This period was especially difficult emotionally for the couple because Jorge spent a lot of time traveling and selling jewelry to various contacts across the city and in the surrounding countryside, making him a frequent witness to acts of violence including armed robberies, assaults, and murders. Rosa worried about his safety constantly, even as she continued to become more and more anxious about traveling back and forth to the university to teach classes.

At the same time, several of Jorge's family members—also jewelry sellers—were violently robbed, and the couple's twenty-year-old nephew was murdered.

Finally, Rosa and Jorge themselves became victims of the violence plaguing their city. Though they thankfully were not at home when it happened, their house was broken into and robbers made off with everything of value, including approximately \$15,000 worth of jewelry. Even though they were not present for the robbery, this event had a hugely traumatic effect on Rosa and Jorge:

*We were the victims of robbery in our own home, they stole all of the jewelry that we had, the product of twenty years of work...luckily we were not there when it happened, and I say luckily because many friends and family members had also been victims [of robbery] during which they had been beaten up and threatened with murder...we left in the morning and when we came back at night, our home had been destroyed; the jewelry was no longer there, they left nothing. Luckily we weren't there, but you still feel a kind of helplessness, a rage, a violation of your things...in your body you feel a very strong pain to see all of your things thrown on the ground, disordered, because you think that your home is your protection from the outside world...in your home, in your house, you have security—to have this sense of security violated is something that is very painful.*

Rosa also reported high levels of anxiety about becoming the victim of future violence, coupled with difficulty sleeping, even after having migrated to the U.S. She stated that during her final year living in Ciudad Juárez, she stopped watching the news altogether because she thought that the stress of hearing what was going on in her city was making her “sick in the mind” and “paranoid.”

In addition to the emotional pain they suffered, Rosa and Jorge were significantly damaged financially by the robbery, especially considering that most of the jewelry stolen had been purchased with credit—debts of which they are continuing to pay. This also led to the eventual collapse of their longstanding business, coupled with an intense sense of burden placed on Jorge, who was/is scrambling to pay off these debts—Rosa described this as a type of “psychological violence” for her husband that was perhaps “as dangerous, if not more so, than a physical blow.” Furthermore, Rosa and her husband decided against reporting the robbery to the police, who they

see as corrupt and inextricably connected to the criminal enterprises of Ciudad Juárez. They feared that by admitting to the amount of merchandise that had been stolen, they would make themselves appear rich and therefore the potential targets of future extortion or kidnapping.

Ultimately, Rosa and her husband decided to migrate due to the continued insistence of their daughter, Sophia. The final straw was when Sophia called her mother in a panic after seeing a news story about an unidentified man who had been gunned down while feeding his dogs in the same neighborhood as the family's jewelry store; the physical description of the man provided by the reporters matched that of Jorge. Though Jorge had luckily not been harmed in this attack, the proximity of this senseless act of violence served as a light-bulb moment for Rosa who realized that their decision to remain in Ciudad Juárez was also inflicting a type of emotional violence on her daughter. Even then, Rosa and Jorge insisted on applying for immediate relative visas in Ciudad Juárez, instead of entering the U.S. using their BCCs and then adjusting their status from this side of the border, a process that would have been faster and immediately removed them from danger. Rosa explained that she and her husband simply did not feel comfortable doing things that way, especially since it would mean that they would not be able to work [with legal authorization] and would therefore not be able to afford the cost of living in the U.S.

Rosa is unequivocal when explaining that she and her husband decided to migrate to the U.S. solely because of the violence and insecurity of Ciudad Juárez—she describes candidly that she had never wanted to live anywhere but Mexico, even joking at the end of her interview that her friends used to refer to her as the “*anti-gringa*”:

*The process of obtaining [legal permanent] residency was long, tedious; it is only the desire to succeed that motivates you to continue. Truthfully, in other circumstances, I would not have even completed the first requirement, I would have given up, because I want to be in Mexico...Definitely the desire to be in the United States has to do with the opportunities available here, it has to do with one's economic status, it is possible that a person with a low economic status wants to be making dollars on this side, but when you have a*

*profession, when you have a goal-driven life, when you enjoy not only Ciudad Juárez but all of the country enough to live happy, I believe that it is not necessary to look for a way to leave your country, I believe that when people say that all Mexicans want to be here in the United States, it is a lie.*

Even though Rosa did not want to migrate to the U.S., she is grateful that she had the opportunity to find a renewed sense of security on this side of the border.

Rosa goes on to explain that immigrating has been very difficult for her and her husband, especially considering that she has gone from being a respected university instructor with an advanced degree to a low-level worker who has been denied jobs washing dishes and cleaning bathrooms for “lack of experience.” She and her husband have also experienced discrimination and verbal harassment while looking for employment, a problem compounded by their minimal English-language skills, and the lack of time needed to attend English classes. However, both Rosa and Jorge have been able to secure steady employment and feel optimistic about their futures here in the U.S., stating that their ability to adjust to their new lives has been significantly influenced by the emotional and financial assistance of their daughter, Sophia. The silver lining of their move to the U.S. has been getting to spend more time with her and her young son. That being said, Rosa plans to return to Mexico as soon as it is feasible to do so, though she worries that it will be several years before Ciudad Juárez returns to its former glory—for her, what we hear on the news about the violence decreasing is purely political “theater.”

### **Refugees with Valid Non-Immigrant Authorization**

In addition to immediate relative *immigrant* visas, there are several *nonimmigrant* visas available to foreign nationals who wish to live, work, and/or study in the U.S. on a temporary basis. While generally only available to individuals with a substantial amount of economic capital, these types of visas provide yet another avenue through which Mexicans can seek protection in

the U.S. after fleeing violence and insecurity in their home communities. The most commonly available forms of these nonimmigrant visas are student visas and business/investor visas.

### **Student Visas**

There are two types of nonimmigrant visas available to foreign nationals wishing to study in the U.S.: F-1 visas which are available to students entering approved academic programs of study and M-1 visas which are available to students entering approved vocational or other nonacademic programs of study (“Students and employment,” 2013). According to the USCIS website, an applicant must meet the following requirements in order to qualify for one of these nonimmigrant visas (Ibid.):

- *You must be enrolled in an "academic" educational program, a language-training program, or a vocational program*
- *Your school must be approved by the Student and Exchange Visitors Program, Immigration & Customs Enforcement*
- *You must be enrolled as a full-time student at the institution*
- *You must be proficient in English or be enrolled in courses leading to English proficiency*
- *You must have sufficient funds available for self-support during the entire proposed course of study*
- *You must maintain a residence abroad which he/she has no intention of giving up.*

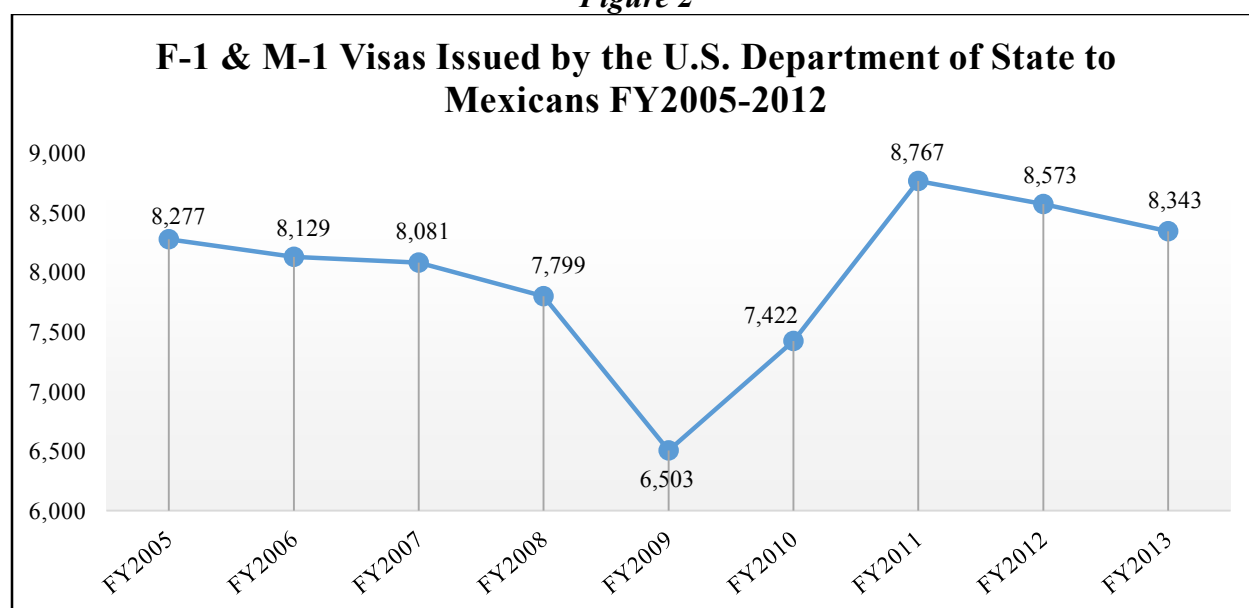
While in school, F-1 and M-1 visa holders are allowed to work in limited circumstances both on and off campus as long as the employment is “related to their area of study” (Ibid.). Furthermore, visa-holders are also able to apply for similar nonimmigrant visas for their spouses and minor children to accompany them during the length of their studies (“Student visa,” n.d.).

As evidenced by the requirements above, student visas are only available to individuals with a significant level of economic privilege. Applicants must demonstrate the ability to pay for all educational and living expenses within the United States while also maintaining a permanent residence in their country of origin. Furthermore, consular officers charged with granting student visas must be convinced of one’s intention to return to their home country following the

completion of their studies; documents used to evidence these “strong ties” to the home country include employment and home ownership, in addition to “financial resources” (“Visa denials,” n.d.).

While F-1 and M-1 visas are only temporary and not meant for permanent migration, it is fair to assume that some Mexicans have used these visas in order to seek protection in the U.S. while fleeing violence in their home communities. These visas can be renewed fairly easily as long as one remains a full-time student, and enable the visa-holder to live and work in the U.S. with lawful authorization. Student visas also provide for initial lawful entry into the U.S., after which one can choose to join the ranks of the vast population of unauthorized visa-overstays. Unlike immediate relative visas, however, the grant rate for student visas to Mexicans has not increased significantly since the period of hyperviolence began in 2006, with the numbers of visas granted actually dipping substantially in 2009 (Figure 2).

**Figure 2**



Note: Adapted from U.S. Department of State [DOS]. Bureau of Consular Affairs. (2014). *Report of the Visa Office 2013*. Retrieved April 19, 2014 from <http://travel.state.gov/content/visas/english/law-and-policy/statistics/annual-reports/report-of-the-visa-office-2013.html>

One possible explanation for these trends is that consular officials became stricter when making discretionary decisions about applicants' intentions to return to Mexico following the completion of their studies; understandably, high rates of violence in Mexico could be seen as a deterrent to return migration. Another possible explanation is that the economic side-effects of Mexican hyperviolence—such as high extortion fees and decreased consumer purchasing—have hurt many middle to upper class Mexican families financially (Martinez, 2011). Regardless, previous research indicates that student visas have been used by some Mexican nationals seeking protection in the U.S. (Morales et. al., 2013).

### ***Selected Case Studies***

#### ***Ivan***

On June 21, 2011, Jorge Pastraña published an online story profiling 19-year-old University of Texas at El Paso student “Ivan” as part of “Mexodus,” an “unprecedented bilingual student-reporting project that documents the flight of middle class families, professionals, and businesses to the U.S. and safer areas of Mexico because of soaring drug cartel violence and widespread petty crime in cities such as Ciudad Juárez” (“Mexodus,” 2014). According to the article, Ivan was raised in Mexico and was in his second semester as an engineering student at the Chihuahua campus of the “Tecnológico de Monterrey” prior to being forced to flee to the U.S (Pastraña, 2011). His mother, “Miranda,” was a successful business owner of “four nail and cosmetics businesses” across the state of Chihuahua (Ibid.). fei\_1731

However, when the businesses began to get extorted, Miranda refused to pay the protection fee; in retaliation, one of her salons was firebombed by a Molotov cocktail during the working day while several employees and customers were inside (Pastrana, 2011). Several death-threats



followed shortly thereafter (Ibid.). Miranda, a U.S. citizen, fled to the U.S. immediately, telling her children that she was only going to visit family members for a short vacation. Instead, she set about planning her family's migration and "doing all the paperwork" (Ibid.). Within a week, Ivan, his father, and two brothers had all fled their home, leaving it "intact, fully furnished, [with] their cars parked outside" (Ibid.). Miranda had provided for Ivan's safe passage to the U.S. by way of a rushed student visa application; Miranda plans to petition for her family members as immediate relatives in order to make their immigration status more permanent (Ibid.). The death threats and extortion demands have followed them across to this side of the border, where Miranda continues to operate her businesses over the phone and using the internet (Ibid.).

### **Business and Investor Visas**

Another way in which Mexicans fleeing violence in their home communities can attempt to find protection in the U.S. is by securing one of numerous different types of non-immigrant visas for temporary workers. The most common of these visas employed by Mexicans fleeing violence, the E-1, E-2, and L-1 visas, are colloquially referred to as business or investor visas.<sup>18</sup> The E-1 visa is available to "treaty traders" (and certain employees) who are citizens of "a country with which the United States maintains a treaty of commerce and navigation" and who are seeking temporary admission to the U.S. in order to "engage in international trade" ("E-1 treaty traders," 2014). In order to obtain such a visa, the applicant must demonstrate that s/he plans to "carry on *substantial trade*" between the U.S. and his/her country of origin; while there are no specific

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<sup>18</sup> The EB-5 *immigrant* visa is another type of "business/investor" visa, that actually allows the visa holder to immigrate to the U.S. if s/he can create a new business in the U.S. with a minimum investment of \$500,000 and the creation of 10 full-time jobs ("EB-5 Immigrant Investor," 2012). However, these visas are relatively uncommon (only 63 were issued to Mexicans in FY2013; U.S. Department of State, 2013) so they are not discussed in-depth. Certainly some Mexicans have used the EB-5 visa in order to flee violence in their home community and migrate to the U.S. (Wiggin, 2011; Corchado, 2012; Nickell, 2013).

financial parameters used to define “substantial trade,” USCIS states that this concept “generally refers to the continuous flow of sizeable international trade items, involving numerous transactions over time” (Ibid.). Trade, likewise, consists of various activities and items including: “goods, services, international banking, insurance, transportation, tourism, technology and its transfer, [and] some news-gathering activities” (Ibid.).

Likewise, E-2 visas are available to “treaty investors” (and certain employees) who are seeking admission to the U.S. for the purposes of “investing a substantial amount of capital in a U.S. business” (“E-2 treaty investors,” 2014). The applicant must demonstrate that s/he has invested or is “actively in the process of investing” and that s/he has “at least 50% ownership of the enterprise or possession of operational control through a managerial position or other corporate device” (Ibid.). The applicant must also show that the investment capital was earned legitimately, and not through criminal activity. Once again, there are no specific financial parameters used for defining “substantial capital,” but the adjudicator must believe that the investment amount is sufficient for the business to succeed. Furthermore, the business cannot be defined as “marginal,” meaning that it “does not have the present or future capacity to generate more than enough income to provide a minimal living for the treaty investor and his or her family” (Ibid.).

E-1 and E-2 visas are also available to some employees of treaty traders and treaty investors, as long as they are “engaging in duties of an executive or *supervisory character*” or have “special qualifications” that are not “readily available in the United States” and make them an integral part of the employer’s operations (“E-2 treaty investors,” 2014). Upon entering the U.S. with an E-1 or E-2 visa, the individual is generally granted a two-year period of “nonimmigrant

status” during which they can lawfully live and work in the U.S. (Ibid.).<sup>19</sup> This status can be renewed indefinitely, as long as the nonimmigrant “maintain[s] an intention to depart the United States when their status expires or is terminated” (Ibid.). E-1 and E-2 visas are also available to the spouses and unmarried children under 21 years of age of treaty traders and their employees (Ibid.). Both E-1 and E-2 nonimmigrant status can be terminated in the event that there is “substantive change” in the terms on which the status was granted (Ibid.).

Similar to E-1 and E-2 visas, the L-1A visa represents yet another type of non-immigrant employment visa available to business “executives” or “managers” (“L1-A Intercompany,” 2013). These visas are available to executive and managerial employees of companies that operate on both sides of the border, or for companies who are looking to establish a new branch in the U.S. (Ibid.). L-1A visa-holders who are establishing new branches are granted an initial stay of one year while visa-holders transferring to an existing branch are granted an initial stay of three years (Ibid.). Like the E-1 and E-2 visas, the period of stay is renewable, and visa-holders are allowed to bring their spouses and minor children along with them to the U.S. (Ibid.).

As evidenced by the information listed above, obtaining an E-1, E-2, or L-1A visa requires a significant amount of financial capital and business expertise. While journalists and academics often erroneously claim that the E-2 visa, in particular, requires a \$100,000 investment and the employment of at least five U.S. workers, the loosely-defined parameters of “substantial capital” do indicate the need for significant economic investment (Payan, 2013). These visas are clearly available to only a very small percentage of the privileged elite. That being said, economic privilege does not necessarily shield one from the pervasive effects of Mexican hyperviolence—

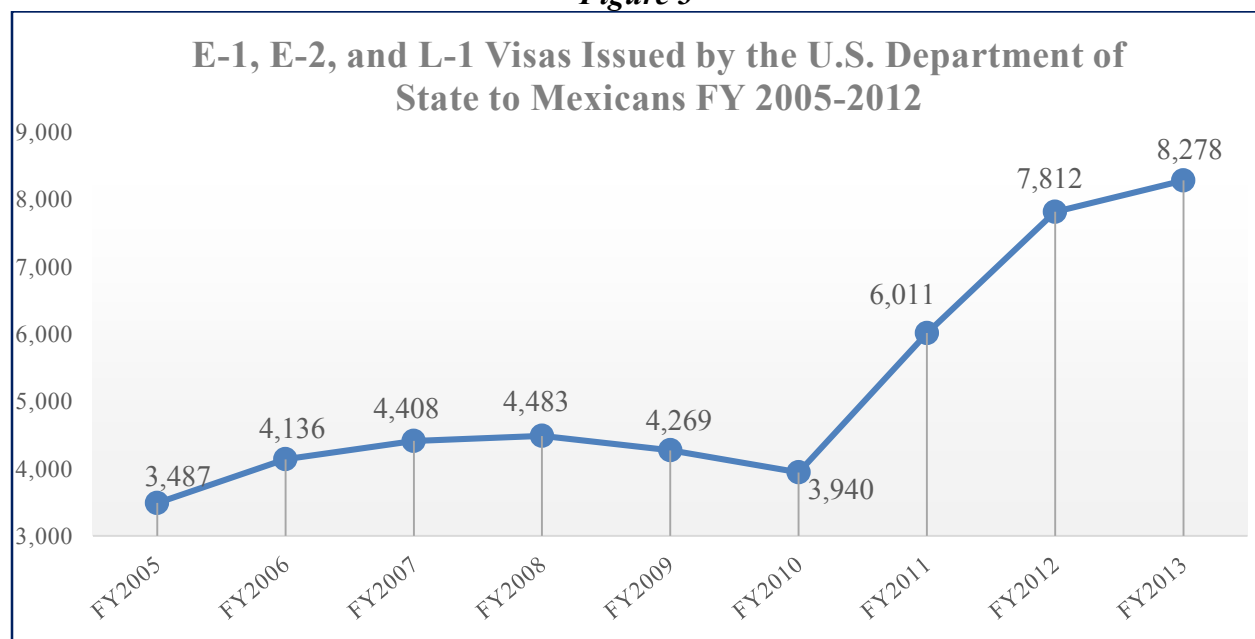
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<sup>19</sup> Note that nonimmigrant status means just that; E-1 and E-2 visa holders do not have a firm pathway to legal permanent residency nor citizenship, though some may eventually adjust through other means (such as family-based petitions or other immigrant employment visas for the highly skilled).

on the contrary, such privilege actually makes one *more* susceptible to certain kinds of violence including kidnapping and extortion. It is therefore reasonable to assume that at least some Mexicans have come to the U.S. fleeing violence in their home community by way of an E-1, E-2, or L-1 visa.

These suppositions are bolstered by the fact that E-1, E-2 and L-1 visas issued by the U.S. Department of State for Mexicans in FY2013 (8,278) more than doubled in comparison to FY2006 (4,136) (See Figure 3). Once again, these trends cannot be attributed solely to the violence in Mexico, especially considering the improving Mexican economy; however, the observed correlation between rising rates of violence and numbers of business/investor visas issued does seem to indicate that violence in Mexico is playing some role in the growth of this visa category.

**Figure 3**



Note: Adapted from U.S. Department of State [DOS]. Bureau of Consular Affairs. (2014). Report of the Visa Office 2013. Retrieved April 19, 2014 from <http://travel.state.gov/content/visas/english/law-and-policy/statistics/annual-reports/report-of-the-visa-office-2013.html>

## *Selected Case Studies*

Since 2009, several newspaper articles have been published profiling the phenomenon of wealthy Mexican business owners fleeing violence in their home communities by securing expensive employment-based visas in the U.S. (Giovine, 2009; Besnman, 2009; Anaya, 2010; Gomez Licon, 2010a; “Immigration News,” 2010; Barnes, 2010; Sheridan, 2011; Chardy, 2011; “Business Owners,” 2011; Hennessy-Fiske, 2013, Nickell, 2013). Many of the articles cite statistics related to the rising numbers of Mexican-owned businesses showing interest in opening branches in the U.S.:

- *Cindy Ramos-Davidson, the president of the Hispanic Chamber of Commerce in El Paso, said that her staffers have received a large number of requests from Juárez businesspeople who are seeking to establish themselves in El Paso. During the 12 months ending July 31, more than 200 Mexican companies opened in the city, which represents an increase of 40 percent compared with the same period last year, she said. “It’s the largest migration of wealthy Mexican nationals (to El Paso) since the Mexican Revolution,” Beto O’Rourke, an El Paso city councilman, said recently. (Giovine, 2009)*
- *Luis Cantu, vice president of international relations for the McAllen Chamber of Commerce, said his city had seen a “great influx” of Mexican business persons inquiring about investment opportunities in the US. “They are looking at establishing their businesses. They are buying their residences here in McAllen,” Cantu said. “This is something we began to notice at the beginning of last year. So far this year, we’ve seen a great number of people.” (“Immigration News,” 2010).*
- *“It’s a very substantial flow; I would say probably the largest since the 1920s, the last great period of upheaval in Mexico,” said Henry Cisneros, a former mayor of San Antonio who served in President Clinton’s Cabinet. “We have whole areas of San Antonio that are being transformed.” (Sheridan, 2011)*

In these cities, several organizations aimed at assisting newly-arrived Mexican business owners have been founded or have expanded their membership base. This includes “La Red” in El Paso, Texas, which was founded in 2010 and grew to almost 500 members at its peak in 2011, and the San Antonio Mexican Entrepreneurs Association which went from “a handful of members” to

more than 200 in 2011 (Giovine, 2009; Chardy, 2011; Sheridan, 2011). Even cities not typically known for their large Mexican-American populations—such as Vail, Colorado—have been profiled as destinations for a growing number of the wealthy Mexican elite (Abkowitz, 2012).

The running theme in these articles is that a significant number of Mexican business-owners are using business and investor visas to flee to the U.S. after surviving threats such as kidnapping, burglary, and extortion. For example, Pierre Gama told reporters that after being kidnapped in Mexico City for the fourth time, he decided he had to get his family to safety (Barnes, 2010). He was able to move to San Antonio, Texas via an L-1 visa secured after he purchased an American-style restaurant called Village Gourmet (Ibid.). Likewise, Manuel Octavio Espejo Pantoja secured an L-1 visa in San Antonio after “an escalating series of extortion plots, kidnappings, and death threats” including several “short-term ‘express-kidnappings’ for ATM money” (Bensman, 2009c). The final straw for Espejo Pantoja came when extortionists demanded two million pesos (approximately \$150,000 USD) and placed a funeral wreath on his doorstep bearing the name of his daughter (Ibid.).

The following passages illustrates several similar stories of violence-driven migration aided by entrepreneurial and business visas (Bensman, 2009c):

*Luis Escobar, a kidnapping survivor who made his move on an L visa six years ago, runs a San Antonio company that specializes in helping wealthy Mexicans relocate their businesses and families. He has brought 259 families to San Antonio since January. But Escobar said his outreach in Mexico now overwhelms his capacity, bringing in more than 23,000 inquiries so far this year...The new arrivals are showing up defeated and downtrodden, with horror stories of kidnappings, torture and extortion, Escobar and others say...Escobar, for instance, recounts a wealthy tycoon who showed up in San Antonio last month, missing a foot...The businessman's kidnappers hacked off the foot at the ankle without anesthesia, he said, and sent it to family members to urge faster ransom payment. As soon as they secured the businessman's release, the family fled to San Antonio and became Escobar's clients, first so the victim could be committed to psychiatric facility and second so no one would have to return. Escobar is now helping the family arrange L visas so the man and his family can stay.*

*Another family walked into Escobar's offices this summer after kidnappers released their traumatized son with a message cut into his chest that read: "Next time, when we say \$500,000, we mean \$500,000." Still another wealthy executive arrived with his family in San Antonio last month, catatonic. Escobar said the client's captors had forced him to spend 35 days in an underground water storage tank before ransoming his freedom. A blindfold that never once came off has permanently disfigured the man's face. "We know people who have had these [experiences] have to be taken care of in a very different way because one can make bad decisions out of fear," Escobar said. "The people cry in my conference room. What can you tell them? You have no clue what these incidents do to these people."*

Obviously, even though these individuals are wealthy, they too have suffered extremely due to Mexican hyperviolence and form part of the contemporary Mexican refugee population living in exodus in the U.S.

### **Refugees without Authorization**

The final category of non-asylum-seeking modern Mexican refugees is "Refugees without Authorization" (RWA)—Mexican nationals who fled violence in their home communities and who are now living in the U.S. without proper immigration authorization. This category includes two types of individuals: those who entered the U.S. without authorization (e.g., using false documents or entering the country outside of a designated Port of Entry) *and* those who entered the country with valid authorization but subsequently allowed their authorized status to lapse by violating the terms of their visa ("visa violators") or by remaining in the U.S. longer than was permitted ("visa overstay"). Approximately one-half of all unauthorized (often referred to as "unauthorized," or, more pejoratively, as "illegal") immigrants living in the U.S. today overstayed their visas, with the other half having initially entered the country without authorization ("Modes of Entry," 2006).

## **Entering with Non-Immigrant Visas**

Tens of thousands of Mexican citizens enter the U.S. each day using a non-immigrant visitor visa known as a Border Crossing Card (BCC) (“Modes of Entry,” 2006). Only offered to Mexican citizens, BCCs are joint B1 (business) and B2 (tourism and visit) visas that are generally valid for a period of ten years (“Border Crossing Card,” n.d.). BCCs are issued by the U.S. Consulate in Mexico and consular officers have the sole authority in determining whether or not an applicant qualifies for the visa (“Visa Denials,” n.d.). In order to qualify for a BCC, an applicant must provide sufficient supporting documentation to “overcome the presumption of immigrant intent, required by law, by sufficiently demonstrating that you have strong ties to your home country that will compel you to leave the United States at the end of your temporary stay” (Ibid). Generally, applicants are able to meet these requirements by showing proof of employment, income, property ownership, and familial ties in Mexico (Ibid.). BCCs may only be used for brief visits to the U.S. to conduct “permitted activities” that exclude study, employment, or taking up residence (See Table 7; “Visitor Visa,” n.d.). BCC holders may only remain in the country for up to thirty days and within twenty-five miles of the U.S.-Mexico border, unless they receive advance permission to extend the parameters of their visit (“Border Crossing Cards,” n.d.).

As evidenced in Table 7, BCCs are not meant to be used for permanent immigration to the U.S. However, BCC holders sometimes violate the terms of their visitor visas by engaging in non-permitted activities such as working, taking up residence, or remaining in the U.S. for longer than the allowed thirty days (Chavez, 2011). The Pew Research Center estimates that about 1.7% of Mexicans entering the U.S. each year using a BCC overstay the terms of their tourist visa and become part of the unauthorized immigrant population (“Modes of Entry,” 2006). The researchers also estimated the overall number of BCC overstays living in the U.S. to be between 250,000 and



500,000 individuals, though these numbers have likely grown since 2006 when the research was conducted (Ibid.).

**Table 7: B1/B2 Border Crossing Card Parameters**

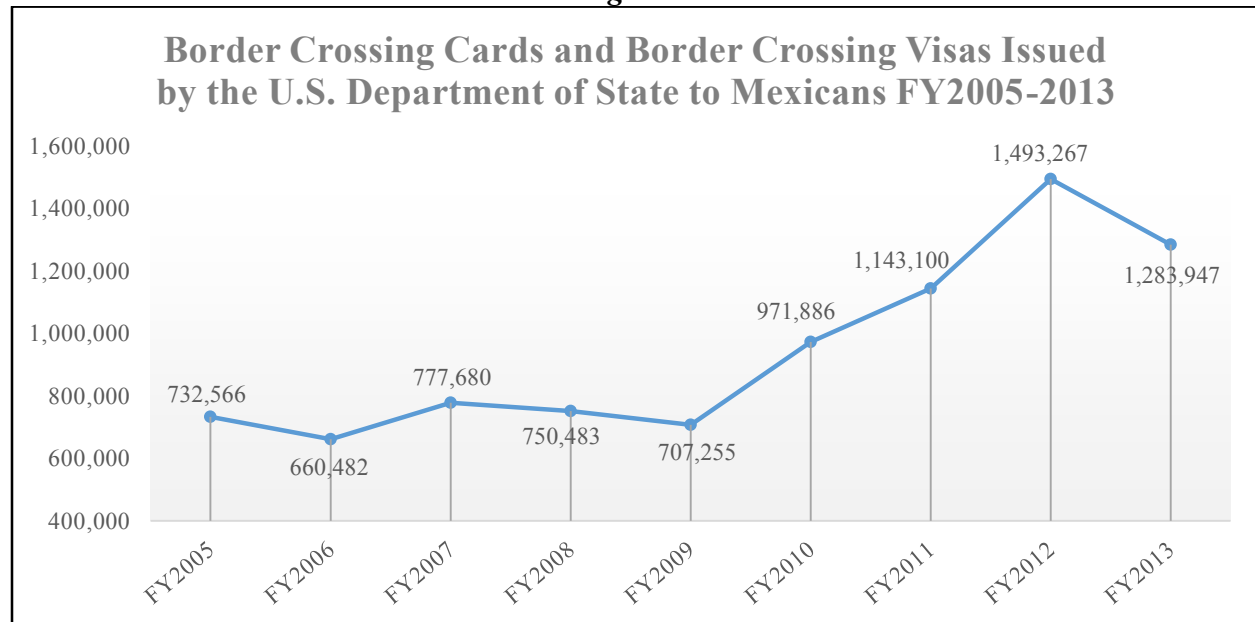
	<i>Permitted Activities</i>	<i>Non-Permitted Activities</i>
<b>B1 (Business)</b>	<ul style="list-style-type: none"> <li>• Consult with business associates</li> <li>• Attend a scientific, educational, professional, or business convention or conference</li> <li>• Settle an estate</li> <li>• Negotiate a contract</li> </ul>	<ul style="list-style-type: none"> <li>• Study</li> <li>• Employment</li> <li>• Paid performances, or any professional performance before a paying audience</li> </ul>
<b>B2 (Tourism and Visit)</b>	<ul style="list-style-type: none"> <li>• Tourism</li> <li>• Vacation (holiday)</li> <li>• Visit with friends or relatives</li> <li>• Medical treatment</li> <li>• Participation in social events hosted by fraternal, social, or service organizations</li> <li>• Participation by amateurs in musical, sports, or similar events or contests, if not being paid for participating</li> <li>• Enrollment in a short recreational course of study, not for credit toward a degree (for example, a two-day cooking class while on vacation)</li> </ul>	<ul style="list-style-type: none"> <li>• Arrival as a crewmember on a ship or aircraft</li> <li>• Work as foreign press, radio, film, journalists, and other information media</li> <li>• Permanent residence in the united states</li> </ul>

*Note: Adapted from Visitor visa (n.d.). Bureau of Consular Affairs, U.S. Department of State. Retrieved March 9, 2014, from <http://travel.state.gov/content/visas/english/visit/visitor.html>*

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Rates of B1/B2 visas issued by the U.S. Department of State to Mexicans more than doubled from FY2005 to FY2012, with the sharpest increase being seen from FY2009 to FY2010, dates that coincide with the peak of violence in bordertown Ciudad Juárez, Mexico (See Figure 4).

**Figure 4**



*Note: Adapted from U.S. Department of State [DOS]. Bureau of Consular Affairs. (2014). Report of the Visa Office 2013. Retrieved April 19, 2014 from <http://travel.state.gov/content/visas/english/law-and-policy/statistics/annual-reports/report-of-the-visa-office-2013.html>*

Like IR visas discussed earlier, the number of B1/B2 visas that can be issued each year is not capped; theoretically, anyone who pays the application fee and sufficiently demonstrates strong financial and familial ties to Mexico should be granted a visa. Therefore, increased approval rates indicate increased application rates and greater demand for non-immigrant Mexican visitor travel to the U.S. These trends can be partially attributed to the growing Mexican economy—as employment opportunities increase, more Mexicans are able to prove the financial ties necessary for obtaining these visas. However, it is also reasonable to assume that the greater demand for BCCs is at least somewhat a result of middle and upper-class Mexican citizens looking for a way

to lawfully enter the U.S. in order to flee violence in their home communities. Once again, these individuals constitute yet another portion of the modern Mexican refugee population that exists outside the realm of formalized political asylum.

### ***Selected Case Studies***

#### ***Paola and Family***

Paola's family first caught a glimpse of what was going to happen to Ciudad Juárez very early on, when things were first starting to get bad during the early months of 2008. She and her husband, Joaquin, both in their early forties, owned a small restaurant that was frequented by a well-dressed gentleman from Mexico City. Joaquin and this customer became friendly and spoke on a regular basis. Eventually the patron told Joaquin that he was a private investigator for the Mexican Federal Government who had been sent to Juárez to find "certain people." Joaquin asked him why so many people had started to die in Juárez, and, according to Paola, this gentleman answered the following:

*"Let's say I come into your house and I tell you to leave, and that this house is now going to be my house, your wife is going to be my wife, your children are going to be my children...you, what are you going to do? You are going to defend yourself. And this is what is going to happen here in Juárez."*

Paola explained that both she and her husband were incredulous, certain that nothing like that was going to happen. However, shortly thereafter, two men with clearly-visible guns [civilian possession of firearms is prohibited in Mexico] came into the restaurant while Joaquin and two of his brothers were out back fixing a gas leak. This meant that when the men entered, only the female cook and a couple of customers were visible from the front entrance. However, once these armed men saw Joaquin and his brothers working outside, they left immediately, seemingly deterred by the potential obstacle they presented. Joaquin was deeply impacted by this event and by what his

Mexico City customer had told him; therefore, he and Paola decided to sell the restaurant immediately, before anything worse could happen.

In addition to owning the restaurant, Paola and Joaquin both worked as full-time professionals, having studied Business Administration together at the university (though Paola never graduated). When the violence first began in Juárez in early 2008, Paola worked in sales of the advertising department for Channel 11, where she had been employed for the previous 7 years. However, business owners quickly realized that buying advertising was making them targets for extortionists and kidnappers. Simply put, demonstrating that you had the money to pay for advertising also proved that you had the money to pay kidnappers' ransoms and/or weekly protection fees (quotas) to extortionists linked to organized crime (according to Paola, these fees varied depending on the size of the business, but ranged from about \$200-\$300 dollars per week).

Therefore, Paola was laid-off from Channel 11 as they were forced to make cut-backs as a result of diminished advertising contracts. Paola then went to work for a different television station, Channel 5, from which she was also eventually laid off. Finally, Paola began working for a large, multinational broadcasting company that operated a billboard subsidiary in Juárez. This, too, proved short-lived; clients began demanding that their billboards be taken down immediately since they were receiving extortion demands within 3 days of the billboards going up. Paola was laid-off once again, with the company she worked for eventually choosing to shut down all operations in Juárez.

During this same time period, Paola's husband, Joaquin, was also struggling professionally as a direct result of the ever-increasing violence in Juárez. By 2008, Joaquin had been working for approximately 15 years for a large, multinational pharmaceutical company as a traveling drug sales representative. Paola explained that Joaquin was well-trained by the company in the fields of

medicine and pharmaceuticals and was often sent to Mexico City for months-long continuing education courses. However, this industry was hit hard by the violence in Juárez. Several colleagues of Joaquin were robbed by armed commandos wielding assault rifles who stormed doctors' offices during sales calls. Another one of Joaquin's coworkers was car-jacked at gunpoint in broad daylight while driving a late-model company car. All of these events, though not experienced directly, had a profound emotional impact on Joaquin and Paola since they feared for his life every time he went to work.

Since doctors are a prime target for extortionists, kidnappers, and robbers, many closed their private offices and began working in (relatively safe) hospitals, while others left the city altogether. This caused pharmaceutical sales to decrease drastically, leading to cut-backs and Joaquin being laid-off from by his employer of more than fifteen years. Joaquin was then luckily able to find another pharmaceutical representative position with a much smaller company, though his salary was also slashed substantially. After about a year and a half, as the violence continued to intensify, Joaquin was laid-off from this position as well.

Unable to find another job in the pharmaceutical industry, Joaquin began looking for other sources of income. College-educated, Joaquin had little to no experience in manual labor. He ended up going online to learn basic carpentry skills through Youtube and began finding a series of odd-jobs on this side of the border, through which he was constantly learning new skills and getting additional job referrals. Though difficult, Joaquin was often able to make up to \$100 in a single day working in El Paso while both he and his wife were unable to find any worthwhile employment in Juárez. However, crossing the border daily to work in the U.S. was a source of constant anxiety since it meant violating the terms of his BCC and possible deportation.

By this time—the early spring of 2010—Paola and Joaquin had long-since realized that things did not seem to be getting better in Juárez. The magnitude of the violence was steadily growing. The father-in-law of one of Paola’s nieces was beaten to death in his mechanic’s shop 3 days after being unable to pay his extortion quota due to decreased clientele. One of Paola’s neighbors and friends, also a mechanic, was killed by extortionists just days after having repaired Paola’s car; he left behind three young children and a wife who had been constantly pressuring him to close up the business to avoid potential problems.

Paola explained that the violence was everywhere; one could no longer say that they were protected by living in a wealthy neighborhood. She and her family members saw dead people lying in the streets frequently—“it was very common...you got used to seeing things like that...after a while you started to see it as very normal, even though it is not something normal.” Paola worried about her children getting accustomed to seeing so much violence. Furthermore, being frightened for their safety, Paola kept her children locked up in the house most of the time, only allowed to go out with their friends on the El Paso side of the border; this, too, took an emotional toll on the family.

In addition to the violence they were witnessing all around them, Joaquin and Paola were struggling financially. Customs officials had started to become increasingly inquisitive as to why Joaquin was crossing the border so frequently using his tourist visa (with which he was not permitted to work). They were far behind on their mortgage payments ever since Joaquin had lost his job, and were well-aware that bank-repossession was a possibility in the near future. Therefore, with dwindling savings and tourist visas that were about to expire, Paola and Joaquin made the hard decision to leave their lives in Juárez and make a go of it as unauthorized immigrants in El Paso. They voluntarily returned their house to the bank, avoiding formal repossession, and crossed

one last time into El Paso using their soon-to-be-expired tourist visas. In order to avoid drawing attention to their true intentions of violating the non-immigrant terms of these 30-day visas, Paola and Joaquin got their citizen-daughter to cross their furniture and personal belongings. The family moved into a small house rented to them by family friends at the low rate of \$200 per month.

After crossing into El Paso, Paola and her family began the process of making new lives for themselves. When they moved, none of Paola's children were happy with the decision. Her two daughters—who had been attending a private high school in El Paso for years—had the easiest time adjusting since they both graduated one month later, moving, separately, to two different universities to which they each had secured full-ride scholarships. Paola's youngest son, however, had a very hard time adjusting to the change, becoming, in Paola's eyes, very depressed and reserved. Even after living in the United States for a year and eight months, Paola says he has adjusted a bit but mostly remains the same, saying: "he never goes out [and] he doesn't have any friends, except for his friends at school."

Economically, the family has done fairly well, especially considering that Paola and her husband do not have legal documents to live or work in the United States. Joaquin continued to find odd jobs in construction and yard work after moving to El Paso, eventually getting temporary work in a pecan orchard in southern New Mexico. One day a friend of Joaquin's boss came looking for people to employ on his newly-purchased pecan farm; the boss recommended Joaquin as one of his best workers, and he was hired on the spot. Paola speaks warmly of this farm-owner. He has provided Joaquin and his family with a well-maintained house on the farm in which they can live, rent-free. Paola says that he pays and treats Joaquin very well, and that the two have become fast friends despite the fact that neither speaks the other's language fluently. As a migrant farmworker, Joaquin and his family qualify for free basic health and dental services through a government

program, despite their unauthorized status in NM explain a bit more. However, Paola prides herself on having never applied for food stamps or other government welfare, saying that she would only want to turn to these programs if she was in dire need. Instead, she supplements the family's income with a few housekeeping jobs that she has secured through word of mouth at her children's private school.

Paola is clear that she and her family have no plans to return to live in Ciudad Juárez. She says that she does not believe that things have truly gotten better in Juárez, because even though there are fewer bodies in the streets, there are still rampant extortions, car-jackings and home invasions. Furthermore, she says that she thinks things are never going to get better in terms of governmental corruption throughout the country. Paola says that they have nothing to go back to in Juárez, especially since they had to give up their house to the bank. However, Paola is quick to explain that while she and her husband had thought about maybe eventually applying for U.S. legal permanent residency through their citizen daughter, they had never planned on living in the U.S. without the proper legal documents—nor had they ever needed to do so. In Paola's words:

*"We thought we were going to fix our papers from Juárez...we never had plans to stay over here, without legal documents...we lived well in Juárez, we had work, we had everything, we didn't want to be in the situation of not having papers, or that migration could stop you, we didn't have the necessity to cross for this reason, because we had the hope of fixing our papers through our daughter...we had everything, we had a house, we had a late-model car, we had work, we had two daughters in school over here, we didn't have any need to cross."*

Clearly the lives of Paola and her family were shaped dramatically by the violence in Juárez, even if they were never directly affected by any violent events on a personal level. Instead, the violence that surrounded them affected Paola and her family emotionally, resulting in the heavy burden of constant anxiety and fear. Paola and her family chose to leave Ciudad Juárez before anything bad could happen to them directly, after having borne witness to the assaults,



kidnappings, and murders of their friends, family members, and professional colleagues. For this reason, they should be considered an example of modern Mexican refugees, even though they have chosen to seek protection in the U.S. outside of the formal political asylum bureaucracy.

### *María Salazar and Family*

María Salazar is someone who was very open about the use of her real name and identifying details. A prime example of the non-asylum seeking modern Mexican refugee, María and her family moved to El Paso, Texas using BCCs in July of 2010 following the murder of her 19-year old son in Ciudad Juárez. While she and her husband have since adjusted their status to that of legal permanent residents through another adult U.S. citizen son, the first few months of their time in the U.S. were spent in the precarious position of a visa-overstay.

María's son, Alejandro Ruiz Salazar, was born in the U.S. (and was thus a U.S. citizen) but had spent most of his life living in Ciudad Juárez with his family. At the time of his murder, Alejandro was a sophomore nursing major studying at the University of Texas at El Paso (UTEP) and a work-study employee of the UTEP Graduate School (Borunda, 2010b; Chavez, 2010). Alejandro spend the week in El Paso living with his adult brother, and returned home to Ciudad Juárez every weekend. According to local news reports, Alejandro and his friend Jorge Pedro Gonzales Quintaro—another U.S. citizen and former UTEP student—were chased and gunned down by AK-47-weilding assailants while traveling on the highway that connects Ciudad Juárez and the neighboring village of Villa Ahumada (Ibid.) Alejandro's body was found with multiple bullet wounds lying on the asphalt next to a Jeep Cherokee, while Jorge's body was found in the driver's seat (Ibid.).

María is emphatic when explaining that her son's murder was due to no fault of his own. A model student and aspiring professional, Alejandro had never been in trouble with the law and

was in no way associated with gangs or cartels in Ciudad Juárez. María explained that she is a very overprotective mother who does not even allow her children to learn to drive until they are twenty years old, and that Alejandro was not the type to be out partying on weekends—according to her, Alejandro had “never even kissed a girl.” Likewise, Jorge was a long-time friend of the family, a college graduate, and someone who had never been in any trouble with the law. At the time of their murder, Alejandro and Jorge were actually returning from a Boy Scout community service excursion in Villa Ahumada.

María is still unclear as to what exactly happened to her son—official reports indicate that Jorge refused to stop his car at an informal criminal roadblock set up on the highway, causing the boys to be pursued and ultimately murdered. However, María still has doubts about this narrative, especially considering that Jorge’s family had received extortion-related kidnapping threats shortly before the shooting. At the same time, she recognizes that it also could have been a simple car-jacking and robbery gone wrong; the Jeep that Jorge was driving was late-model and in nice condition. Regardless, María states that almost four years later, both the Mexican and U.S. government have done “absolutely nothing” to get justice for her son, even though he was a U.S. citizen who had recently registered to become a soldier in the U.S. army.

After Alejandro’s murder, María and her husband became extremely worried about the safety of their other children, especially considering that Alejandro’s wallet had been stolen, meaning that the assailants had his home address and other personal information. Likewise, María and her husband were well-acquainted with the stories of extortions, kidnappings, and murders of several friends and family members. While they themselves had not yet been victims of extortion, they considered themselves to be in imminent danger of this possibility; their son’s murder served to solidify their fears about what may happen if they remained in Ciudad Juárez. They decided to

move to El Paso almost immediately—“from one night to the next”—crossing on BCCs and planning to eventually obtain residency through another son.

Moving to El Paso was very hard on María and her family. Previous owners of a small chain of jewelry stores, María and her family lived comfortably in Ciudad Juárez, firmly established members of the business-owning middle class. They had plenty of money to provide their children with extracurricular and educational activities including frequent travel, swimming classes, karate, and musical instrument lessons. They lived in a “large, pretty, six-bedroom” house in a wealthy gated community; upon moving to the U.S., they moved into the cramped quarters of their adult son’s one-bedroom apartment. María describes the move in the following passage:

*...it was very difficult because of the pain...also, even though we are only separated by a puddle [the Rio Grande River, which marks the U.S. Mexico border], the culture changes here on the other side, the way of thinking changes here... We were not living in our house, we did not have enough space, it was only an apartment for a bachelor, and you have to imagine that we had a lot of needs, we had a lot of pain, we had a lot of obligations, we had a lot of debts to pay, everything that was still involved with our house over there that is very expensive, we had to pay bills both here and there...it was very hard...*

As evidenced above, the standard of living for María and her family changed drastically because of their move, something that only served to compound the grief they were experiencing as a result of Alejandro’s murder. Their jewelry stores eventually closed due to their absence and the ever-present threat of extortion, converting from successful income-producing entities to sources of debt and disappointment. Unable to work lawfully as visa-overstays, the family’s first few months in the U.S. were very precarious economically.

Almost four years later, María and her family are doing much better, even though they still sometimes struggle to pay their bills. Now legal permanent residents, María and her husband have been able to find lawful employment, something that is significantly more fulfilling and lucrative than their initial strategy of making and selling tamales to help pay the bills. They have also been

able to move out of their son's apartment into a nice—but modest—mobile home. María and her husband are both studying at the local community college, even though it is difficult for them to balance the demands of full-time work and school.

While she reports having experienced discrimination as an immigrant, María has also been able to make solid friendships on this side of the border. She returns to Ciudad Juárez only very infrequently, still afraid in the city that is marred by painful memories of her lost son. She never allows her youngest son to return with her, and seems resigned when explaining that she unfortunately can no longer prohibit her adult sons from returning for occasional visits. Additionally, she and the rest of the family have experienced extreme emotional pain due to Alejandro's death, but have been unable receive any psychological help due to financial and time constraints. All in all, María's life has changed profoundly since being forced from her home and community due to being directly affected by the violence and insecurity of Ciudad Juárez.

### **Unauthorized Entry**

Apart from those who have violated the terms of their visas, many unauthorized immigrants living in the U.S. entered the country without the proper immigration authorization, what is generally referred to colloquially as “illegal entry.” This group includes individuals who presented fraudulent or borrowed immigration documents to gain entry to the U.S., though the majority of this group entered the U.S. without inspection by immigration officials (known as “Entry without Inspection” or EWI). It has been well-documented elsewhere that rates of such migration to the U.S. have been decreasing steadily in the past several years, something that can be partially attributed to the deterrent effect of enhanced border security measures (Passel, Cohn, & Gonzalez-Barrera, 2012). Increased numbers of Border Patrol agents, the construction of miles of fencing,

and the use of advanced technology including night-vision cameras, infrared, and motion sensors have all served to make the process of entering the U.S. outside of an official Port of Entry much more difficult (Ibid.). Likewise, punitive immigration enforcement operations—such as the criminal prosecution and incarceration of unauthorized border-crossers—have also had a deterrent effect (Ibid.).

At the same time, unauthorized immigration to the U.S. has become increasingly dangerous over time, as migrants seeking entry have been pushed further and further into remote desert regions in their attempts to evade detection by the authorities; hundreds of such migrants die each year in the U.S. due to dehydration, drowning, and exposure (Rosenblum, 2012). Furthermore, migrants seeking unauthorized entry into the U.S. are endangered by the growing dominance of Mexican cartels in controlling migration routes and demanding steep extortion quotas in return for the privilege of attempting to cross along “their” part of the U.S.-Mexico border; non-compliance is met with beatings, torture, kidnapping, and murder (Ibid.). Accordingly, average costs for hiring a human smuggler (*coyote*) have increased steadily over the past several years as associated risks have multiplied (Ibid.).

Despite these risks, hundreds of thousands of Mexican nationals attempt to enter the U.S. outside of an official Port of Entry each year, more than 92% of whom succeed in entering the country eventually (Rosenblum, 2012). It is unknown at this time what percentage of these migrants are motivated to leave Mexico primarily due to the threat of violence in their home communities. However, due to the dangers involved, it is evident that push factors for migration are substantial enough to warrant an assumption of the risks associated with unauthorized migration. For many Mexicans, violence may be one of the key impetuses behind their decision to enter (or attempt to enter) the country without inspection. It is also worth noting that the majority

of these immigrants probably have relatively little socioeconomic capital; otherwise, they would have likely obtained a B1/B2 Border Crossing Card in order to enter the U.S. in a much safer manner.

### ***Selected Case Studies***

For Mexicans who do not have the proper documentation to enter the U.S. at an official Port of Entry, such as a BCC, entry without inspection is seen as a viable option for seeking protection from violence, especially when the threat is imminent. Among Mexican migrants who choose to enter the U.S. without inspection, there are several possible outcomes: giving up during the journey and returning to Mexico; being abducted by armed thugs and extorted and/or forced to traffic drugs into the U.S.; dying; being taken into custody by U.S. immigration officials; and successfully entering the U.S. without detection. The following case studies illustrate the experiences of two Mexican migrant families who entered the U.S. without inspection.

#### ***Gabriel and Family***

Gabriel is one such immigrant who entered the U.S. outside of an official Port of Entry while seeking to provide protection for himself, his wife, and his two small children. About a year and a half prior, Gabriel had successfully entered the U.S. without inspection near a busy border city with the help of human smugglers he hired after having been acquainted by word of mouth. However, shortly after arriving in the U.S., Gabriel and several other migrants were kidnapped by their smugglers and imprisoned in a small room of rural, single-family home. The smugglers seized the migrants' cell phones and other possessions and ordered them to call their family members demanding approximately \$1,000 each in exchange for their lives. The kidnappers called and texted Gabriel's wife, Laura, in Mexico repeatedly, threatening that if she did not pay the money, Gabriel would be tortured and killed. After several days of captivity, Laura had managed

to gather a significant portion of her husband's ransom by selling personal possessions and begging for loans from friends and relatives. However, shortly before she planned on wiring the money to her husband's captors, Laura was contacted by law enforcement agents notifying her that her husband had been rescued and was now in their custody.

Instead of being turned over to immigration officials immediately to be detained and deported, Gabriel agreed to testify against his captors in exchange for temporary non-immigrant status as an informant. Gabriel spoke repeatedly with officers from several different agencies providing extensive information about his smugglers and other smugglers with whom he had come into contact in the past. After several weeks waiting in a safe house, Gabriel was allowed to move to another state to stay with relatives while awaiting his kidnappers' trial. A few months later, Laura fell very ill in Mexico. Gabriel contacted his primary handler and requested permission to return briefly to Mexico to check on her and his children. Gabriel's handler granted him permission to go to Mexico for 15 days and assured him that he would be able to re-enter to the U.S. as long as he returned within the designated time frame—all he needed to do was call his handler's cell phone upon arriving at the international port of entry. However, when Gabriel attempted to re-enter the U.S.—well within the 15-day period—he was turned away, despite his handler's previous promises. He was told by his handler that he was no longer needed and that there was nothing that he could do.

Distraught, Gabriel returned to his family's home located in a town several hours away from the border. Since his kidnapping and subsequent rescue, Laura had been continuously receiving death threats for Gabriel by phone and text message. The threats escalated once Gabriel returned home. After a few months of living in fear, Gabriel narrowly escaped with his life after

an armed assailant burst into his home, called him a snitch, and shot at him multiple times. Luckily, Gabriel was able to subdue the shooter and detain him until he was arrested by the police.

The family then fled their hometown, with Laura and her children going to live with relatives in another city while Gabriel went to hide out in the countryside. The isolation and separation were incredibly difficult for both Gabriel and Laura, and were almost unbearable for their children. Eventually, after several months, Gabriel reluctantly decided to try reuniting with his family in the city of Laura's relatives. Shortly thereafter, Gabriel and Laura's house was ransacked by a truckload of masked men clad in black from head to toe. Luckily, the family was not at home when this happened. The intruders trashed their house but did not steal anything of value—only photographs and documents were taken, something that Gabriel believes was a way for them to find out even more identifying details about the family. Since his kidnappers were members of a Mexican cartel with significant influence throughout the country, Gabriel explained that by having his family's photos, their fate was essentially sealed no matter where they attempted to move in Mexico.

Gabriel and his family fled immediately after talking to his neighbors about what had happened to his ransacked house. They packed practically nothing and traveled directly to a city near the U.S.-Mexico border. Upon arriving, Gabriel and Laura were mugged under the threat of violence, an event that was especially traumatic for the couple's two small children. The assailants took all of the family's possessions, including the cell phone they had been saving as proof for immigration officials of the numerous death threats that had been made against their lives. The only thing that was not taken was a small amount of money hidden in Laura's bra.

Terrified and desperate, Gabriel took Laura and his children to the U.S.-Mexico border. The couple struggled to safely cross their two young children over the 10-foot-tall chain-link fence.



After crossing successfully, and without having been apprehended, the couple actually set out on a mission to turn themselves in to the Border Patrol and request political asylum—unfortunately, Gabriel had been unaware that it was possible to seek political asylum by asking for it from Customs and Border Protection officials at a Port of Entry.

After turning themselves in to Border Patrol, Gabriel was promptly detained and taken to the county jail. He was sentenced to 10 days of incarceration for the federal felony of “illegal re-entry” for having entered the country without authorization after having been previously ordered removed (deported) in *absentia* by an immigration judge. Gabriel had no idea that he had even been assigned a court date since the hearing took place long after he had been denied re-entry by his untrustworthy handler. Laura and the children, on the other hand, were released citing humanitarian reasons almost immediately, though this decision can also be partially attributed to the logistical and financial difficulties associated with detaining young children.

Having no money, Laura and her children moved into a single room in a homeless shelter for families. Gabriel was moved from the county jail to a federal jail and finally moved to an immigration detention center. Several weeks passed before Gabriel’s family was granted permission to visit him, and this occurred only after significant pressure was applied by local community activists. While being detained, Gabriel grew increasingly hopeless—he was being treated like a prisoner, was only able to see his family for one hour once a week, and had been told by legal professionals that his political asylum case was very weak from a legal standpoint since he was not a member of any of the five protected classes and did not have any proof of the death threats that had been made against him. Gabriel was shocked to hear that the proof of his attempted murder was likely not sufficient evidence to provide him with a chance at security in the U.S.

Laura struggled greatly while attempting to adjust to life in a homeless shelter and in the U.S., especially considering that she was now living as a single-mother, with no employment authorization nor family members to assist with childcare responsibilities. Gabriel grew more and more depressed living behind bars. Finally, after several months of detention, Gabriel gave up—instead of submitting his completed asylum application, Gabriel renounced his claim and asked a judge to deport him as soon as possible. He was driven back into Mexico a few days later and his family joined him voluntarily very soon after. I am unaware of what happened to him after he returned to Mexico.

#### *Mariana and Family*

Unlike Gabriel, Mariana and her family were able to successfully enter the U.S. outside of an official Port of Entry without being detected by immigration officials (Torres, 2011). They made the decision to abandon their lives in a small Chihuahuan town after their house was broken into by “20 men dressed as Mexican police agents” in August 2009 (Ibid.). The assailants physically assaulted Mariana’s dad and threatened the rest of the family (Ibid.). The men then kidnapped Mariana and held her for two days while her family frantically rushed to gather enough money to meet the kidnappers’ demands; the family paid \$8,000 for Mariana’s return (Ibid.).

Upon her release, Mariana’s family fled immediately to El Paso, “leaving behind their properties, relatives, friends and everything that defined their life in the state of Chihuahua” (Torres, 2011). Mariana describes her experiences as an unauthorized refugee in the following passage:

*I know that we came here illegally, but at least we can sleep in peace now...If you have to choose between being killed there and being imprisoned here, the jail would be better... Life has been very difficult here, because I don’t know English, and I don’t go out...People at the school have helped me a lot because I didn’t know anything. I didn’t know how to use a computer, but now I know... In my hometown there were about 10 students in our*

*school, we didn't have Internet, nothing... It has been a dramatic change... [but] there are a lot of students from Juárez with stories similar to mine, for that reason it was not difficult for me to make friends here.*

Nearly two years after her kidnapping, Mariana told the reporter profiling her that she was finally starting to adjust to her new life in the U.S. and that “she plans to take advantage of all the opportunities it offers” (Torres, 2011).

## **Conclusion**

As clearly evidenced in this chapter, there are a wide variety of Mexicans who have fled violence in their home communities since 2006 by migrating to the U.S. *without* seeking political asylum. However, due to the very nature of their experiences, these individuals are refugees for all intents and purposes and thus should be counted as part of the contemporary violence-driven Mexican exodus living in the U.S. The reasons behind avoiding the political asylum bureaucracy are myriad; for some contemporary Mexican refugees, many better options for migration were available, such as existing dual-citizenship, immediate relative visas, or business visas. For others, choosing to not seek political asylum was a calculated decision based on the knowledge that asylum grants to Mexican citizens are exceedingly rare. In these instances, some contemporary Mexican refugees have chosen to live in the shadows, knowing that they could choose to apply for political asylum in the future if their unauthorized status was ever detected.

A great deal of socioeconomic diversity exists between and within the above categories. However, all of the different types of non-asylum seeking contemporary Mexican refugees are linked by common experiences of violence and displacement. Even though they have differing degrees of capital available (financial, social, and cultural) to cope with these circumstances, the feelings of suffering and adjustment affect all of the different groups.

## **Chapter 8: Conclusion**

### **Research Limitations and Future Directions**

Any research about refugees and asylum seekers is limited by a number of practical concerns, most notably that asylum court proceedings are sealed for the protection of the applicants, and even retracted court decisions are only rarely released to the general public. Only basic statistics concerning applications lodged, rejected, and granted are published by the Department of Homeland Security and the Department of Justice—no specifics about these applications are released. While this data provides meaningful information about the “big picture,” it does little to offer insight into the lived experiences of individual Mexican asylum seekers.

Therefore, my research relies heavily on journalistic sources from both the United States and Mexico, especially in the case of asylum seeking refugees. This means that my findings are skewed such that they highlight the experiences of the small number of applicants who chose to go public with their asylum claims. Deciding to go public with your asylum claim is a very personal decision, one that carries potential political and personal repercussions, especially if you have family members still living in the area from which you fled. Since many of the individuals who chose to go public with their asylum cases were seasoned politicians, journalists, and activists, it is reasonable to assume that their decisions were at least partially shaped by their past experiences with being vocal and in the public eye. Furthermore, choosing to speak publicly about one’s case is favored by those who are successfully granted political asylum and therefore do not have to worry about being deported to Mexico and facing reprisals for being outspoken about their experiences. Finally, asylum seekers who had not previously been in the public eye but chose to come forward anyway were most likely among the minority of applicants who had legal

representation and were encouraged by their attorneys to do so in order to garner public support for their cases, perhaps thereby encouraging asylum officers and/or judges to rule in their favor.

All in all, this means that journalistic sources focus almost exclusively on the minority of asylum seekers who: a) won their cases; b) decide to go public with their applications due to past experience in the public eye; and/or, c) decide to go public with their applications due to encouragement from their legal representatives. Journalists have generally been less likely to highlight the stories of non-asylum seeking Mexican refugees, though I was able to find a few good sources, especially those related to more affluent refugees. Unfortunately, though, these articles usually only provide a solitary, “point-in-time” profile of a given individual, as opposed to the longitudinal coverage provided to many of the higher profile Mexican asylum seekers.

Because of these limitations, I supplemented my research with data garnered from a handful of in-depth semi-structured interviews. However, non-asylum seeking refugees—especially U.S. citizens, immediate relatives, and student/business visa-holders—often do not consider themselves as such and are consequentially difficult to identify. Likewise, refugees without authorization have a vested interest in avoiding detection. Despite concerted efforts, I experienced difficulties identifying individuals within these categories who were willing to be interviewed. I also had several potential informants drop out at the last second, without providing a good explanation for their decisions (though I speculate it could have been due to the desire to avoid negative emotions associated with the retelling of traumatic memories or fearing that telling their story could get them blackmailed, detained, or deported). Therefore, my research is limited by the relatively low number of direct informants. My research is also limited because all of my interviews were conducted in El Paso, Texas and are thus not representative of all Mexican

refugees living in the U.S. Finally, each informant was only interviewed once and was not followed over time.

As exploratory, case-study-based research, my work is not generalizable to the entire Mexican refugee population. Future research should seek to identify and interview a greater number of contemporary Mexican refugees within each category: asylum seekers, U.S. citizens and immediate relatives, refugees with non-immigrant authorization, and refugees without authorization. This research should be conducted across the U.S. with Mexican refugees living in both rural and urban environments. Future researchers should also conduct longitudinal studies with their informants instead of relying solely on cross-sectional data. Finally, future research should also look at Mexican refugees who fled to countries other than the U.S., such as Canada and Spain.

### **Conclusions and Policy Change Recommendations**

An estimated 130,000 Mexicans have been murdered since 2006, with another 27,000 having been officially “disappeared;” approximately 2-3% of the adult Mexican population has been forced to leave their homes due to this violence, many of whom have entered the United States seeking refuge (Molloy, 2013; Olivares, 2012). These “narco-refugees” have emigrated using a variety of both legal and illegal channels, with a significant (and increasing) number applying for political asylum in the United States (Rexton Kan, 2011). It is clear that bias has caused Mexican asylum seekers to be treated unfairly by the U.S. government despite moral and legal *nonrefoulement* obligations to protect asylum-seeking migrants from persecution, torture, and death in their countries of origin.

The U.S. government has a moral and legal obligation to provide refuge to the thousands of Mexicans who have been persecuted and displaced due to extreme levels of violence, corruption, and lawlessness within their country. Furthermore, the U.S. government must ensure that these arriving refugees are treated fairly and humanely, without being subjected to further persecution and trauma. In order to achieve these goals, the U.S. government should immediately take the following steps:

- Launch an independent investigation into human rights violations perpetrated against arriving asylum seekers by Customs and Border Protection (CBP) officers, including the use of intimidation and threats designed to encourage these individuals to withdraw their requests for political asylum.
- Ensure that *all* arriving aliens who express any amount of fear upon entry are guaranteed the right to appear in front of an asylum officer for a credible or reasonable fear determination in a *timely* manner.
- Cease all criminal prosecutions of asylum seekers, even those who have been denied designation of having credible or reasonable fear.
- Drastically reduce the number of asylum seekers who are held in immigration detention by detaining only those individuals who have been deemed an extreme risk to public safety. For all others, adopt alternative monitoring protocols.
- Formally adopt the 1984 *Cartagena Declaration on Refugees* as the legal basis of all asylum adjudications, defining refugees as “persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.”

- Conduct an independent investigation of the entire political asylum application process (both affirmative and defensive) in order to identify and address rampant adjudication disparities among applicants of different nationalities. Following this investigation, implement policies to ensure that asylum officers and immigration judges across the nation are making asylum determinations based solely on impartial analysis of the facts, not political bias against asylum seekers from Mexico.
- In instances when it is determined that a Mexican national fleeing violence does not meet the criteria for political asylum, “grant relief and protection through the use of existing avenues available in law and regulation, including, but not limited to, Temporary Protected Status, withholding of removal, delayed enforced departure, humanitarian paroles, stays of removal, and deferred adjudication” (Annunciation House, 2010).

The U.S. must act immediately to rectify the serious problems that plague the existing political asylum bureaucracy. Hector Marroquín’s words from a 1979 editorial in the *Los Angeles Times* continue to ring true today:

*...just as urgently, the U.S. State Department must reconsider and admit that serious repression exists in Mexico. Not just for my sake, but for the sake of thousands of political prisoners, for torture victims and their families and for those that have ‘disappeared.’ The U.S. government’s admission and the American people’s concern could greatly influence the treatment of these people in Mexico.” (Montemayor, 1979).*

Contemporary Mexican asylum seekers are not “gaming the system;” they are fleeing for their lives, and the U.S. government must treat them accordingly.



## References

- Abkowitz, A. (2012, November 8). In the Rockies, a resort—and refuge: Mexican entrepreneurs are buying in Vail, Colorado, both as a stable investment and as a safe place for their families. *The Wall Street Journal*. Retrieved from <http://online.wsj.com/news/articles/SB10001424052970204712904578094704025593148>
- Abused gay man earns asylum in U.S. (2005, August 13). *San Francisco Chronicle*.
- Adams Otis, G. (2011, July 7). Life inside the asylum. *The New York Post*. Retrieved from <http://nypost.com/2011/07/17/life-inside-the-asylum/>
- Agence France-Presse. (1994, August 31). Sex asylum man dies of AIDS. *Independent*.
- Agencia EFE (n.d.) Mexican asylum seekers form coalition in Texas. *Latin American Herald Tribune*. Retrieved from <http://www.laht.com/article.asp?ArticleId=389638&CategoryId=14091>
- Agencia EFE (2011, June 23). Female police chief, 2 relatives wounded in attack in Mexico. Retrieved from <http://latino.foxnews.com/latino/news/2011/06/23/female-police-chief-2-relatives-wounded-in-attack-in-mexico/>
- Aguilar Camín, H., & Meyer, L. (1993). *In the shadow of the Mexican Revolution: Contemporary Mexican history, 1910-1989*. Austin: University of Texas Press.
- Aguilar, J. (2011a, February 4). Mexican reporter asylum case postponed until 2012. *The Texas Tribune*. Retrieved from <http://www.texastribune.org/2011/02/04/mexican-reporter-asylum-case-postponed-until-2012/>
- Aguilar, J. (2011b, July 30). Analysis reveals asylum records of judges. *The Texas Tribune*. Retrieved from <http://www.nytimes.com/2011/07/31/us/31tasylum.html>.
- Aguilar, J. (2012, April 12). Forced north by drug wars, but united in exile. *The New York Times*. Retrieved from [http://www.nytimes.com/2012/04/13/us/forced-north-by-mexican-drug-wars-but-united-in-exile.html?\\_r=2&pagewanted=print](http://www.nytimes.com/2012/04/13/us/forced-north-by-mexican-drug-wars-but-united-in-exile.html?_r=2&pagewanted=print)
- Aguilar, J. (2013a, July 10). Concerns raised on immigration bill and asylum seekers. *The Texas Tribune*. Retrieved from <http://www.texastribune.org/2013/07/10/concerns-raised-immigration-bill-and-asylum-seeker/>
- Aguilar, J. (2013b, November 9). Asylum seeker completes 'Pedaling for Justice' ride. *The Texas Tribune*. Retrieved from <http://www.texastribune.org/2013/11/09/mexican-asylum-seeker-finishes-700-ride-austin/>
- Aguilar, J. (2013c, November 28). Daughters look for a mother lost to the Mexican military. *The New York Times*. Retrieved from [http://www.nytimes.com/2013/11/29/us/daughters-look-for-a-mother-lost-to-the-mexican-military.html?\\_r=0&pagewanted=all&pagewanted=print](http://www.nytimes.com/2013/11/29/us/daughters-look-for-a-mother-lost-to-the-mexican-military.html?_r=0&pagewanted=all&pagewanted=print)
- Ainslie, R. C. (2013). *The fight to save Juárez: Life in the heart of Mexico's drug war*. Austin, TX: University of Texas Press.
- Akhtar, S. (1995). A third individuation: Immigration, identity, and the psychoanalytic process. *Journal of the American Psychoanalytic Association*, 43(4), 1051-1084.

- Alarcon, F. (2011, November 19). Premian a familia de activista asesinada. *El Diario de Juárez*. Retrieved from <http://www.diario.com.mx/notas.php?f=2011/11/19&id=4c96f4bb3fe7e8cdafcbee76a6b67402>
- Albarrán de Alba, G. (1992, January 27). 1988-1991: 160 mexicanos han pedido asilo político en estados unidos (47 rechazados, 113 pendientes). *Proceso*.
- Alvarado, I. (2010, October 18). Ven “limpia social,” no narcoguerra: Las huellas de los paramilitares: El Estado permite la existencia de escuadrones de la muerte: legisladores. *El Universal*. Retrieved from <http://www.eluniversal.com.mx/notas/716971.html>
- Alvarado, S. E., & Massey, D. S. (2010). Search of peace: Structural adjustment, violence, and international migration. *The Annals of the American Academy of Political and Social Science*, 630(1), 137-161.
- Amnesty International. (2013a). *Annual Report 2013: Mexico*. Retrieved from <http://www.amnesty.org/en/region/mexico/report-2013>.
- Amnesty International. (2013b, June). *Confronting a nightmare: Disappearances in Mexico*. Retrieved from <http://www.amnesty.org/en/library/asset/AMR41/025/2013/en/d7198cc0-93d1-4021-a6b8-b098805ddeaf/amr410252013en.pdf>
- Amnesty: Illegal aliens fear new laws are a trap. (1987, May 7). *United Press International*.
- Anaya, R. (2010, August 20). Exodus from Ciudad Juárez impacts El Paso economy. *Borderzine*. Retrieved from <http://borderzine.com/2010/08/exodus-from-ciudad-Juárez-impacts-el-paso-economy/>
- Annunciation House. (2010a, April 24). Press Conference-Saturday-Casa Vides-Subject: Petition for Protection for Mexican Nationals Fleeing Violence in Mexico/Juárez [Press release]. Retrieved April 26, 2014 from <http://annunciationhouse.org/2010/04/22/press-conference-saturday-casa-vides/>
- Annunciation House. (2010b, April 24). Protection and legal relief for Mexican national affected by and fleeing violence in Mexico. Retrieved April 26, 2014 from <http://annunciationhouse.org/2010/04/25/protection-for-mexican-nationals/>
- Annunciation House. (2011, March 20). Immigration forum. Retrieved April 26, 2014 from <http://annunciationhouse.org/2011/03/20/forum2011/>
- Annunciation House. (2012, April 27). 2012 Voice of the voiceless—Forum on immigration. Retrieved April 26, 2014 from <http://annunciationhouse.org/2012/04/27/2012-voice-of-the-voiceless-forum-on-immigration/>
- Annunciation House. (2013a, August 13). Press conference today—Stop abusing asylum seekers [Press release]. Retrieved April 26, 2014 from <http://annunciationhouse.org/2013/08/13/press-conference-today-stop-abuse-of-asylum-seekers/>
- Annunciation House. (2013b, August 13). Press conference statement released by Annunciation House on August 13, 2013. Retrieved April 26, 2014 from <http://annunciationhouse.org/2013/08/15/press-conference-statement-released-by-annunciation-house-on-august-13-2013/>

- Annunciation House. (2013c, August 28). Urgent action alert: Update. Retrieved April 26, 2014 from <http://annunciationhouse.org/2013/08/28/urgent-action-alert-update/>
- Annunciation House. (2014, April). VoV 2014 forum. Retrieved April 26, 2014 from <http://annunciationhouse.org/2014/04/04/2319/>
- Appel, J. S. (1979, May 28). Mexican leftist denied asylum in U.S. *In These Times*.
- Aroian, K. J., & Norris, A. E. (2000). Resilience, stress, and depression among Russian immigrants to Israel. *Western Journal of Nursing Research*, 22(1), 54-67.
- Asmar, M. (2012, April 17). Voices of refugees: Three refugees to tell their stories at DU event. *Westword*. Retrieved from [http://blogs.westword.com/latestword/2012/04/voices\\_of\\_refugees\\_du\\_event.php?print=true](http://blogs.westword.com/latestword/2012/04/voices_of_refugees_du_event.php?print=true)
- Associated Press. (1986a, August 22). Mexicans seek asylum. *Sarasota Herald-Tribune*.
- Associated Press. (1986b, August 22). PAN leaders seek asylum. *Bonham Daily Favorite*.
- Associated Press. (1994, March 25). Asylum given gay Mexican by immigration officials. *Indiana Gazette*.
- Associated Press. (1995, November 29). Activist gets U.S. asylum: Matamoros woman becomes 55th Mexican so judged. *Valley Morning Star*.
- Ayala, E. (2011, December 15). Protests planned over attacks on Mexican activists. *San Antonio Express News*. Retrieved from [http://www.mysanantonio.com/news/local\\_news/article/Protests-planned-over-attacks-on-Mexican-activists-2405672.php](http://www.mysanantonio.com/news/local_news/article/Protests-planned-over-attacks-on-Mexican-activists-2405672.php)
- Bajramovic, H. (2014, March). Answering the call for 'help': asylum for deaf immigrants. *VOICE: An Immigration Dialogue* [online magazine for the American Immigration Lawyers Association]. Retrieved from <http://www.aila.org/content/default.aspx?bc=1120|32159|47568>
- Balbina Florez, M. (2011, December). Periodistas mexicanos exilados en EU. *Zocolo*. Retrieved from <http://cosecharoja.fnpi.org/wp-content/uploads/2011/12/nota-Balbina.pdf>
- Balderini-Poterman, M. (2011). Making the case for Mexicans seeking relief from persecution and torture: Asylum, withholding and relief under the convention against torture. *Immigration Briefings, Interpreter Releases: Practical Analysis of Immigration and Nationality Issues*, 11(8), 1-18.
- Barnes, T. (2010, March 2). Who's creating US jobs? Mexicans. *The Christian Science Monitor*. Retrieved from <http://www.csmonitor.com/Business/2010/0302/Who-s-creating-US-jobs-Mexicans>
- Becker, A. (2009a, March 3). Mexico's drug war creates new class of refugees. *The Center for Investigative Reporting*. Retrieved from <http://cironline.org/reports/mexicos-drug-war-creates-new-class-refugees-2261>
- Becker, A. (2009b, March 20). Refugees from Mexico's drug war flee to US. *The Nation*. Retrieved from <http://www.thenation.com/article/refugees-mexico-drug-war-flee-us>

- Becker, A. (2009c, June 14). Mexican police fleeing cartels find U.S. reluctant to grant asylum. *The Center for Investigative Reporting*. Retrieved from <http://cironline.org/reports/mexican-police-fleeing-cartels-find-us-reluctant-grant-asylum-2282>
- Becker, A. & McDonnell, P. J. (2009, March 4). Mexico's drug war creates new class of refugees. *The Los Angeles Times*. Retrieved from <http://www.latimes.com/news/nationworld/world/latinamerica/la-na-asylum4-2009mar04,0,1540819,print.story>
- Bensman, T. (2009a, June 7). Lawyer makes plea to save his own life. *San Antonio News-Express*. Retrieved from [http://www.mysanantonio.com/news/mexico/Lawyer\\_makes\\_plea\\_to\\_save\\_his\\_own\\_life.html](http://www.mysanantonio.com/news/mexico/Lawyer_makes_plea_to_save_his_own_life.html)
- Bensman, T. (2009b, November). Can a Mexican cop find asylum in north Texas? *D Magazine*. Retrieved from <http://www.dmagazine.com/publications/d-magazine/2009/november/can-a-mexican-cop-find-asylum-in-north-texas>
- Bensman, T. (2009c, October 1) Mexico's "business class" refugees. *The Global Post*. Retrieved from <http://www.globalpost.com/passport/foreign-desk/090930/mexico%E2%80%99s-business-class-refugees>
- Benson, L. B. (2002). Breaking bureaucratic borders: A necessary step toward immigration law reform. *Admin.L.Rev.*, 54, 203.
- Berdfeldt, C. (2011, September 2). Mexican journalist's political asylum case could be start of new trend. *The El Paso Times*. Retrieved from [http://www.elpasotimes.com/ci\\_18808771](http://www.elpasotimes.com/ci_18808771)
- Blake, J. (2012). Gang and Cartel Violence: A reason to grant political asylum from Mexico and Central America. *Yale Journal of International Law Online*, 38, 31-45.
- Bohmer, C., & Shuman, A. (2008). *Rejecting refugees: Political asylum in the 21st century*. London: Taylor & Francis.
- Bookey, Blaine. (2013). Domestic Violence as a Basis for Asylum: An Analysis of 206 Case Outcomes in the United States from 1994 to 2012." *Hastings Women's Law Journal* 24(1), 107-148. <http://ssrn.com/abstract=2200618>
- Border crossing card (n.d.). Bureau of Consular Affairs, U.S. Department of State. Retrieved March 9, 2014, from <http://travel.state.gov/content/visas/english/visit/border-crossing-card.html>
- Border crossing cards and B1/B2 temporary visitors for business or pleasure (n.d.) Consulate General of the United States: Ciudad Juárez, Mexico. Retrieved March 9, 2014 from [http://ciudadJuárez.usconsulate.gov/tourist\\_business.html](http://ciudadJuárez.usconsulate.gov/tourist_business.html)
- Borunda, D. (2010a, January 8). Journalist, family seek political asylum. *The El Paso Times*. Retrieved from [http://www.elpasotimes.com/news/ci\\_14146226](http://www.elpasotimes.com/news/ci_14146226)
- Borunda, Daniel. (2010b, May 25). UTEP student is slain in Juárez. *The El Paso Times*. [http://www.elpasotimes.com/Juárez/ci\\_15155429](http://www.elpasotimes.com/Juárez/ci_15155429)

- Bowden, C. (2009, August). "We bring fear." *Mother Jones*. Retrieved from <http://www.motherjones.com/politics/2009/07/we-bring-fear>
- Bowden, C. (2010). *Murder city: Ciudad Juárez and the global economy's new killing fields*. New York, NY: Nation Books.
- Bowden, C., & Molloy, M. (2012, July 26). Mexicans pay in blood for America's war on drugs. *Phoenix New Times*. Retrieved from <http://www.phoenixnewtimes.com/2012-07-26/news/mexicans-pay-in-blood-for-america-s-war-on-drugs/full/>.
- Brice, Arthur. (2010, October 20). 20-year-old woman becomes top cop in violent Mexican municipality. *CNN*. Retrieved from <http://edition.cnn.com/2010/WORLD/americas/10/20/mexico.female.police.chief/>
- Bromand, Z., Temur-Erman, S., Yesil, R., Heredia Montesinos, A., Aichberger, M. C., Kleiber, D., ... & Rapp, M. A. (2012). Mental health of Turkish women in Germany: Resilience and risk factors. *European Psychiatry*, 27, S17-S21.
- Buchanan, H. (2011). Fleeing the drug war next door: Drug-related violence as a basis for refugee protection for Mexican asylum seekers. *Merkourios*, 27(72), 28-60.
- Business owners look for way out of violent Mexican border city. (2011, March 4). *Latin American Herald Tribune*. Retrieved from <http://www.laht.com/article.asp?CategoryId=14091&ArticleId=388508>
- Cadman, D. (2014). *Asylum in the United States: How a finely tuned system of checks and balances has been effectively dismantled*. Center for Immigration Studies. Retrieved from <http://cis.org/asylum-system-checks-balances-dismantled>
- Calderón Chelius, A., & González Cornejo, A. (2012). "Rastros del duelo": exilio, asilo político y desplazamiento forzado interno en la frontera norte de México. In M. D. París Pombo & A. Aquino (Eds.), *Migrantes, desplazados, braceros y deportados : experiencias migratorias y prácticas políticas* (335-365). Tijuana, Baja California, Mexico: El Colegio de la Frontera Norte.
- Caldwell, A. (2014, April 19). Homeland Security reissues immigrant asylum rules. *Associated Press*. Retrieved from [http://www.elpasotimes.com/ci\\_25593351/homeland-security-reissues-immigrant-asylum-rules](http://www.elpasotimes.com/ci_25593351/homeland-security-reissues-immigrant-asylum-rules)
- Calleja, A. & Figueroa, M. (2011, January 26). Piden asilo en Houston. *El Diorio de Juárez*. Retrieved from <http://www.diario.com.mx/notas.php?f=2011/01/26&id=9e3ebad66d6574fd5831b844fdf43e9b>
- Calvillo, J. (2014, February 4). Mexican businessman requests political asylum in the US after being mutilated by cartel extortion. *Latinos Post*. Retrieved from <http://www.latinospost.com/articles/33217/20140204/mexican-businessman-requests-political-asylum-in-the-us-after-being-mutilated-by-cartel-extortion.htm>
- Camargo, R. (2011, August 25). Mexico's drug war refugees rarely secure asylum in United States. *Latin American News Dispatch*. Retrieved from <http://latindispatch.com/2011/08/25/Mexicos-drug-war-refugees-rarely-secure-asylum-in-united-states/>.

- Camín, H. A., & Meyer, L. (1993). *In the shadow of the Mexican revolution: Contemporary Mexican history, 1910-1989*. Austin, TX: University of Texas Press.
- Campbell, H. (2009). *Drug war zone*. Austin, TX: University of Texas Press.
- Campbell, W. S. (2008). Lessons in resilience unauthorized Mexican women in South Carolina. *Affilia*, 23(3), 231-241.
- Cárdenas, L. (2013). Violence, drugs, and migration in the border of Ciudad Juárez-El Paso. In G. Dell'Orto, & V. L. Birchfield, (Eds.), *Reporting at the southern borders: Journalism and public debates on immigration in the US and the EU* (233-252). New York: Routledge.
- Cardona, J. (2010, October 10). Mexican student takes over police in drug war town. *Reuters Canada*. Retrieved from <http://ca.reuters.com/article/topNews/idCATRE69J62F20101020?sp=true>
- Cardoso, J. B., & Thompson, S. J. (2010). Common themes of resilience among Latino immigrant families: A systematic review of the literature. *Families in Society: The Journal of Contemporary Social Services*, 91(3), 257-265.
- Carmona, B. E. (2012, November 22). Marisela, Rubí, Sergio...historia trágica que dio vuelta al mundo. *El Diario de Juárez*. Retrieved from [http://diario.mx/Local/2012-11-22\\_15c24999/marisela-Rubí-sergio-historia-tragica-que-dio-vuelta-al-mundo/](http://diario.mx/Local/2012-11-22_15c24999/marisela-Rubí-sergio-historia-tragica-que-dio-vuelta-al-mundo/)
- Carpenter, A. C. (2013). Changing lenses: Conflict analysis and Mexico's "drug war". *Latin American Politics and Society*, 55(3), 139-160.
- Carrasco Araizaga, J. (2013, July 2). Los escuadrones del exterminio. *Proceso*. Retrieved from <http://www.proceso.com.mx/?p=346395>.
- Carter, S.A. (2009, March 3). 100,000 foot soldiers in Mexican cartels. *The Washington Times*. Retrieved from <http://www.washingtontimes.com/news/2009/mar/03/100000-foot-soldiers-in-cartels/?page=all>.
- Casey, N. (2011, March 10). Asylum requests put U.S. in tough spot: Accepting Mexicans who say they need protection risks fraying ties with key ally, and could lead to a flood of cases. *The Wall Street Journal*. Retrieved from <http://online.wsj.com/news/articles/SB10001424052748704629104576190923523249488>
- Castañeda, E., & Buck, L. (2011). Remittances, transnational parenting, and the children left behind: Economic and psychological implications. *The Latin Americanist*, 55(4), 85-110.
- Castro, F. G., Garfinkle, J., Naranjo, D., Rollins, M., Brook, J. S., & Brook, D. W. (2007). Cultural traditions as "protective factors" among Latino children of illicit drug users. *Substance Use & Misuse*, 42(4), 621-642.
- Cave, D. (2012, June 18). American children, now struggling to adjust to life in Mexico. *The New York Times*. [http://www.nytimes.com/2012/06/19/world/americas/american-born-children-struggle-to-adjust-in-mexico.html?pagewanted=1&\\_r=1](http://www.nytimes.com/2012/06/19/world/americas/american-born-children-struggle-to-adjust-in-mexico.html?pagewanted=1&_r=1)
- Cave, D. (2013a, September 21). For migrants, new land of opportunity is Mexico. *The New York Times*. [http://www.nytimes.com/2013/09/22/world/americas/for-migrants-new-land-of-opportunity-is-mexico.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2013/09/22/world/americas/for-migrants-new-land-of-opportunity-is-mexico.html?pagewanted=all&_r=0)



Cave, D. (2013b, December 28). A civil servant in Mexico tests U.S. on asylum. *The New York Times*. Retrieved from [http://www.nytimes.com/2013/12/29/world/americas/path-to-asylum-for-mexicans-bearing-letter.html?emc=eta1&r=1&pagewanted=all&\\_r=1](http://www.nytimes.com/2013/12/29/world/americas/path-to-asylum-for-mexicans-bearing-letter.html?emc=eta1&r=1&pagewanted=all&_r=1).

Cawley, M. (2013, August 2). Extortion reaches record high in Mexico. *InSight Crime*. Retrieved from <http://www.insightcrime.org/news-briefs/rising-mexico-extortion-signals-criminal-fragmentation>.

Center for Gender and Refugee Studies. (n.d.). *Gender asylum case summary: CGRS case no. 494*. Center for Gender and Refugee Studies, University of California Hastings College of the Law. Retrieved from <http://cgrs.uchastings.edu/case/case-494>

Chapman, M. V., & Perreira, K. M. (2005). The well-being of immigrant Latino youth: A framework to inform practice. *Families in Society: The Journal of Contemporary Social Services*, 86(1), 104-111.

Chardy, A. (2010, April 2). Asylum approvals for Mexicans up. *The Miami Herald*. Retrieved from <http://www.miamiherald.com/2010/04/02/1559475/asylum-approval-for-mexicans-up.html>

Chardy, A. (2011, August 15). Mexican refugee exodus grows along border. *The Miami Herald*. Retrieved from <https://mail.google.com/mail/u/0/?ui=2&ik=392ab64f03&view=pt&cat=Frontera%20List&search=cat&th=131d2ef6b43a2410>

Chardy, A. (2013, April 22). Mexicano obtiene asilo en Homestead después de huir de Ciudad Juárez. *El Nuevo Herald*. Retrieved from <http://www.elnuevoherald.com/2013/04/22/1459644/mexicano-obtiene-asilo-despues.html>

Chavez, A. (2010, September 15). 'I'm scared for my life'; Televisa cameraman seeks asylum in US. *The El Paso Times*. Retrieved from [http://www.elpasotimes.com/ci\\_16077238](http://www.elpasotimes.com/ci_16077238)

Chavez, A. M. (2011, June 8). Man seeks justice for mother, sister killed in Mexico. *The El Paso Times*. Retrieved from [http://www.elpasotimes.com/Juárez/ci\\_18231184](http://www.elpasotimes.com/Juárez/ci_18231184)

Chavez, Paola. (2010, September 8). Juárez violence changing lives: UTEP students affected. *Borderzine*. <http://borderzine.com/2010/09/Juárez-violence-changing-lives-utep-students-affected-2/>

Chávez, S. (2011). Navigating the US-Mexico border: the crossing strategies of unauthorized workers in Tijuana, Mexico. *Ethnic and Racial Studies*, 34(8), 1320-1337.

Cipriana Jurado, Mexican activist, tells her story [Video file]. (2011, June 28). Retrieved from [http://www.rothkochapel.org/index.php?option=com\\_content&view=article&id=123%3Acipriana-jurado-mexican-activist-tells-her-story&Itemid=44](http://www.rothkochapel.org/index.php?option=com_content&view=article&id=123%3Acipriana-jurado-mexican-activist-tells-her-story&Itemid=44)

Colloquium on the International Protection of Refugees in Central America, Mexico and Panama. (1984, November 22). *Cartagena Declaration on Refugees*. Retrieved from <http://www.refworld.org/docid/3ae6b36ec.html>

Connolly, C. (2008, August 12). As Latin nations treat gays better, asylum is elusive. *The Washington Post*. Retrieved from [http://www.washingtonpost.com/wp-dyn/content/article/2008/08/11/AR2008081102038\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2008/08/11/AR2008081102038_pf.html)

- Conroy, J. (1988, August 4). Torture: A center for treatment of torture victim has opened in uptown--business is brisk. *Chicago Reader*.
- Contreras, G. (2010, February 6). Ex-cartel lawyer asks judge for asylum. *San Antonio News-Express*. Retrieved from [http://www.mysanantonio.com/news/local\\_news/Ex-cartel\\_lawyer\\_asks\\_judge\\_for\\_asylum.html](http://www.mysanantonio.com/news/local_news/Ex-cartel_lawyer_asks_judge_for_asylum.html)
- Corchado, A. (2012, November 24). High-end migrants from Mexico lead new wave to Dallas area. *The Dallas Morning News*. Retrieved from <http://www.dallasnews.com/news/community-news/dallas/headlines/20121124-high-end-migrants-from-mexico-lead-new-wave-to-dallas-area.ece>
- Corchado, A. (2013). *Midnight in Mexico: A reporter's journey through a country's descent into darkness*. New York, NY: Penguin.
- Corona, L. (2010-2011). Particular social group classification: a case for Mexican drug-violence asylees. *University of the District of Columbia David A. Clarke School of Law Student Law Journal*. Retrieved from <http://www.udclawreview.com/student-law-journal/previous-udc-student-law-journal-issues/2010-11-student-law-journal/>.
- Court grants transsexual asylum over persecution. (2000, August 25). *San Francisco Examiner*.
- Cruz, E. H. (2004). Validation through other means: How immigration clinics can give immigrants a voice when bureaucracy has left them speechless. *Thomas L.Rev.*, 17, 811.
- Cullinan, J. (2011, September 12). How extortion rates vary across Mexico. *InSight Crime*. Retrieved from <http://www.insightcrime.org/news-analysis/how-extortion-rates-vary-across-mexico>.
- Dan ultimátum padres de desaparecidas. (2013, January 30). *Zocalo*. Retrieved from <http://www.zocalo.com.mx/seccion/articulo/dan-ultimatum-padres-de-desaparecidas-1359598988>
- Danini, C. (1991, December 13). Asylum denied: Mexican national denied asylum. *San Antonio Express News*.
- Danini, C. (1992, January 4). Asylum grant: Second Mexican politician given political asylum by U.S. *San Antonio Express News*.
- Davila, P. (2012, February 4). Una nueva vida...pero en Estados Unidos. *Proceso*. Retrieved from [http://www.proceso.com.mx/?page\\_id=278958&a51dc26366d99bb5fa29cea4747565fec=297293](http://www.proceso.com.mx/?page_id=278958&a51dc26366d99bb5fa29cea4747565fec=297293)
- Debo Fairbank, K. (1985, February 21). Jailed PAN leader claims he won't return to Mexico. *Del Rio News-Herald*.
- del Bosque, M. (2011, February 8). Juárez police officer denied U.S. asylum. *The Texas Observer*. Retrieved from <http://www.texasobserver.org/Juárez-officer-denied-us-asylum/>
- del Bosque, M. (2012a, March 19). Defending refugees from Mexico's drug war. *The Texas Observer*. Retrieved from <http://www.texasobserver.org/defending-refugees-from-mexicos-drug-war/>.



- del Bosque, M. (2012b, May 23). Veracruz journalist asks for asylum, gives urgent plea for help for colleagues in Mexico. *The Texas Observer*. Retrieved from <http://www.texasobserver.org/veracruz-journalist-asks-for-asylum-gives-urgent-plea-for-help-for-colleagues-in-mexico/>
- del Bosque, M. (2013a, March 22). More members of the Reyes Salazar family win asylum. *The Texas Observer*. Retrieved from <http://www.texasobserver.org/more-members-of-the-reyes-salazar-family-win-asylum/>
- del Bosque, M. (2013b, June 7). A photojournalist who fled Mexico is granted asylum. *The Texas Observer*. Retrieved from <http://www.texasobserver.org/a-photojournalist-who-fled-mexico-is-granted-asylum/>
- del Bosque, M. (2013c, August 12). Member of well-known Mexican activist family granted asylum. *The Texas Observer*. Retrieved from <http://www.texasobserver.org/member-of-well-known-mexican-activist-family-granted-asylum-in-the-united-states/>
- del Bosque, M. (2014, February 24). Will Chapo's capture change anything? *The Texas Observer*. Retrieved from <http://www.texasobserver.org/will-chapos-capture-change-anything/>
- del Carmen Sosa, L. (2013, February 9). Allanan federales y ministeriales vivienda de madre de desaparecida. *El Diario de Juárez*. Retrieved from [http://diario.mx/Local/2013-02-09\\_25338c02/allanan-federales-y-ministeriales-vivienda-de-madre-de-desaparecida/](http://diario.mx/Local/2013-02-09_25338c02/allanan-federales-y-ministeriales-vivienda-de-madre-de-desaparecida/)
- Derus, M. (1984, September 10). Latins called target of raids. *Milwaukee Sentinel*.
- Dibble, S. (2014, March 12). Rising numbers of Mexicans seek asylum. *UT San Diego*. Retrieved from <http://www.utsandiego.com/news/2014/Mar/12/mexican-asylum-seekers/>
- Dinan, S. (2013, November 21). Mexican drug cartels exploit asylum system by claiming 'credible fear'. *The Washington Times*. Retrieved from <http://www.washingtontimes.com/news/2013/nov/21/committee-examines-reports-mexican-drug-cartels-us/print/>
- Dinan, S. (2014, February 5). Audit finds asylum system rife with fraud; approval laws broken with surge of immigrants. *The Washington Times*. Retrieved from <http://www.washingtontimes.com/news/2014/feb/5/audit-finds-asylum-system-rife-with-fraud/?page=all>
- Durand, J., Massey, D. S., & Zenteno, R. M. (2001). Mexican immigration to the United States: Continuities and changes. *Latin American Research Review*, 36(1), 107-127.
- Durand, M. F. (1995a, December 2). Number of Mexicans getting U.S. asylum takes a big jump. *San Antonio Express News*.
- Durand, M. F. (1995b, November 28). S.A. judge oks asylum for Matamoros woman. *San Antonio Press News*.
- Dzubow, J. (2013, October 31). Dream activists vs. asylum seekers [Blog post]. *The Asylumist: Asylum and Its Discontents in the United States*. Retrieved April 26, 2014 from <http://www.asylumist.com/2013/10/31/dream-activists-vs-asylum-seekers/>

- E-1 treaty traders. (2014, January 14). U.S. Citizenship and Immigration Services [USCIS]. Retrieved March 23, 2014 from <http://www.uscis.gov/working-united-states/temporary-workers/e-1-treaty-traders>
- E-2 treaty investors. (2014, January 14). U.S. Citizenship and Immigration Services [USCIS]. Retrieved March 23, 2014 from <http://www.uscis.gov/working-united-states/temporary-workers/e-2-treaty-investors>
- E5-B immigrant investor. (2012, July 3). U.S. Citizenship and Immigration Services [USCIS]. Retrieved April 16, 2014 from <http://www.uscis.gov/working-united-states/permanent-workers/employment-based-immigration-fifth-preference-eb-5/eb-5-immigrant-investor>
- Egelko, B. (2001, March 22). Asylum case opens U.S. doors to abused: Ruling on Mexican girl exposes indifferent nations, families. *San Francisco Chronicle*.
- Eisenman, D. P., Gelberg, L., Liu, H., & Shapiro, M. F. (2003). Mental health and health-related quality of life among adult Latino primary care patients living in the United States with previous exposure to political violence. *JAMA: The Journal of the American Medical Association*, 290(5), 627-634.
- Ellingwood, K. (2010, December 18). Mother shot dead at anti-crime vigil in Chihuahua. *The Los Angeles Times*. Retrieved from <https://mail.google.com/mail/u/0/?ui=2&ik=392ab64f03&view=pt&cat=Frontera%20List&search=cat&th=12cf730a1d3b96ec>
- Escobar Latapí, A., Lowell, L. & Martin, S. (2013). *Diálogo binacional sobre migrantes Mexicanos en Estados Unidos y México: Reporte final*. Retrieved on April 26, 2014 from <http://www.ciesas.edu.mx/PDFS/Dialogo%20Binacional%20Reporte%20Final%20-%20Abril%2026.pdf>
- Escobar, C. (2007). Extraterritorial political rights and dual citizenship in Latin America. *Latin American Research Review*, 42(3), 43-75.
- Estévez López, A. (2012). Asilo y derechos humanos en Estados Unidos y Canadá: cuestionamientos a Giorgio Agamben. *Norteamérica*, 7(1), 183-206.
- Estévez, A. (2013). The politics of death in Mexico: Dislocating human rights and asylum law through hybrid agents. *Glocalism: Journal of Culture, Politics, and Innovation*, 1-28.
- Evans, D., & Kohrt, B. (2004). No refuge for persecuted neighbors: Human Rights and Asylum in the Americas. *AmeriQuests*, 1(1). Retrieved from <http://homiletic.net/index.php/ameriquests/article/view/6>
- Ex-mayor seeks asylum in U.S. (1991, March 30). *Wisconsin State Journal*.
- Family Immigration. (n.d.). Bureau of Consular Affairs, U.S. Department of State [DOS]. Retrieved April 15, 2014 from <http://travel.state.gov/content/visas/english/immigrate/types/family.html>
- Family of 20 flees Mexico for U.S. (2012, July 17). *Fox News Latino*. Retrieved from <http://latino.foxnews.com/latino/news/2012/07/17/family-20-flees-mexico-for-us/>

- Fernández, V. (2011, June 17). Mexican human rights activist gets political asylum in U.S. *New American Media*. Retrieved from <http://newamericamedia.org/2011/06/mexican-human-rights-activist-gets-political-asylum-in-us.php>
- Figueroa, L. (2011, March 16). En dos semanas, Cipriana sabrá si EU le brindará o no refugio: especialista. *El Diario de El Paso*. Retrieved from <http://www.diario.com.mx/notas.php?f=2011/03/16&id=1b74d97bba4fc11bd7fac21f43001831>
- Figueroa, L. (2013a, February 14). Fearful Juárez activist in hiding. *The El Paso Times*. Retrieved from [http://www.elpasotimes.com/news/ci\\_22586132](http://www.elpasotimes.com/news/ci_22586132)
- Figueroa, L. (2013b, April 16). Ghost of Mexico: New plays tell tale of young police chief fighting narcos in the Valley of Juárez. *The El Paso Times*. Retrieved from [http://www.elpasotimes.com/ci\\_23030919/new-plays-tell-tale-young-police-chief-fighting](http://www.elpasotimes.com/ci_23030919/new-plays-tell-tale-young-police-chief-fighting)
- Figueroa, L. (2013c, October 27). Violence in Mexico: Woman, 78, adjusts to life in US after receiving asylum. *The El Paso Times*. Retrieved from [http://www.elpasotimes.com/news/ci\\_24395810/woman-78-adjusts-u-s-after-getting-asylum#](http://www.elpasotimes.com/news/ci_24395810/woman-78-adjusts-u-s-after-getting-asylum#)
- Flores Perez, C. (2012) La lógica del botín: de las cooptación del estado y el estado “fallido.” *Arenas: Revista Sinaloense de Ciencias Sociales*, 13(1), 1-44.
- Fortuna, L. R., Porche, M. V., & Alegría, M. (2008). Political violence, psychosocial trauma, and the context of mental health services use among immigrant Latinos in the United States. *Ethnicity & health*, 13(5), 435-463.
- Gamboa, S. (1991, March 29). Former Mexico mayor seeks asylum in United States. *Associated Press*.
- Gamio, M., & Burma, J. H. (1971). *Mexican immigration to the United States: A study of human migration and adjustment*. New York: Dover Publications.
- Garcia, S. (2011). Asylum for former Mexican police officers persecuted by the narcos. *Boston College Third World Law Journal*, 31(2), 245-267.
- Garcia Palafox, G. (2012, February). La mujer mas valiente de Mexico tiene miedo. *Gatopardo Magazine*. Retrieved from <http://www.gatopardo.com/ReportajesGP.php?R=123&pagina=1>
- Garnezy, N., & Streitman, S. (1974). Children at risk: The search for the antecedents of schizophrenia: I. Conceptual models and research methods. *Schizophrenia Bulletin*, 1(8), 14.
- Garza, A. (2009, March 3). Op-ed: Be wary of dismissing Mexico as a failed state. *Dallas Morning News*.
- Garza, M. M. (1991, December 10). Tortured activist sees hope. *Chicago Tribune*.
- Gibney, M. (2003). “The State of Asylum: Democratisation, Judicialisation, and Evolution of Refugee Policy.” In Kneebon, Susan (2003). *The Refugee Convention 50 Years On: Globalization and International Law* (p.29). Burlington, Vermont: Ashgate.

- Gibney, M., Cornett, L., & Wood, R.. (2011) Political Terror Scale 1976-2008. Retrieved on May 5<sup>th</sup>, 2013 from <http://www.politicalterrorscale.org/>
- Giovine, P. (2009, February 2). Violence pushing Mexicans to take refuge in Texas. *Latin American Herald Tribune*. Retrieved from <http://www.laht.com/article.asp?CategoryId=14091&ArticleId=346623>
- Giovine, P. (2011, July 14). More Mexicans fleeing the drug war seek U.S. asylum. *Reuters*. Retrieved from <http://www.reuters.com/article/2011/07/14/us-usa-mexico-asylum-idUSTRE76D2T620110714?feedType=RSS&feedName=domesticNews>.
- Gomez Licon, A. (2010a, November 14). A fresh start: Mexicans make new lives in El Paso, helped by La Red. *The El Paso Times*. Retrieved from [http://www.elpasotimes.com/ci\\_16605474#](http://www.elpasotimes.com/ci_16605474#)
- Gomez Licon, A. (2010b, December 29). 4 relatives of slain activist seek asylum. *The El Paso Times*. Retrieved from [http://www.elpasotimes.com/news/ci\\_16961704](http://www.elpasotimes.com/news/ci_16961704)
- Gomez Licon, A. (2011a, March 8). 21-year-old Praxedis G. Geurrero police chief released from El Paso. *The El Paso Times*. Retrieved from [http://www.elpasotimes.com/ci\\_17565259?source=most\\_viewed](http://www.elpasotimes.com/ci_17565259?source=most_viewed)
- Gomez Licon, A. (2011b, March 15). Juárez activist says she was targeted for investigating soldiers. *The El Paso Times*. Retrieved from [http://www.elpasotimes.com/ci\\_17618630](http://www.elpasotimes.com/ci_17618630)
- Gomez, E. (2014, February 12). Una mujer pago 20 mil por matar a Gregorio Jimenez: PGJ-Veracruz. *La Jornada*. Retrieved from <http://www.jornada.unam.mx/2014/02/12/estados/032n1est>
- Gonzalez, D. (2010, January 24). Fleeing cartels, seeking asylum. *The Arizona Republic*. Retrieved from <http://www.azcentral.com/arizonarepublic/news/articles/2010/01/24/20100124asylum0124.html>
- Gonzalez, D. (2011, August 17). ‘Birth tourism’ not a widespread practice in U.S., data show. *The Arizona Republic*. Retrieved from [http://usatoday30.usatoday.com/news/nation/2011-08-17-birth-tourism-arizona-border\\_n.htm](http://usatoday30.usatoday.com/news/nation/2011-08-17-birth-tourism-arizona-border_n.htm)
- Gonzalez, J. (2011, June 2). *Mexican national wins social group status*. Retrieved April 19, 2014 from <http://gonzalezimmigrationlaw.com/2011/06/02/mexican-withholding/>
- Gonzalez Gomez, Yolanda (2012, February 10). Se agrupan Mexicanos en el exilio en busca de asilo en EE.UU. *The Huffington Post*. Retrieved from [http://voces.huffingtonpost.com/2012/10/02/mexicanos-exilio-asilo-politico-organizacion\\_n\\_1928938.html](http://voces.huffingtonpost.com/2012/10/02/mexicanos-exilio-asilo-politico-organizacion_n_1928938.html)
- Goodlatte, R. (2013, August 21). Goodlatte to Napolitano: assylum [sic] process loophole needs to be addressed. Retrieved on April 23, 2014 from [http://judiciary.house.gov/index.cfm/press-releases?ContentRecord\\_id=6E07047E-AC4A-4F31-A67D-036F75743DBF](http://judiciary.house.gov/index.cfm/press-releases?ContentRecord_id=6E07047E-AC4A-4F31-A67D-036F75743DBF)
- Gottlieb, A. (2014, February 1). Immigration policy with a human face. *Aljazeera America*. Retrieved from <http://america.aljazeera.com/opinions/2014/2/immigration-policywithahumanface.html>

- Government Accountability Office (GAO). (2008). *U.S. asylum system: Significant variation existed in asylum outcomes across immigration courts and judges* (GAO Publication No. 08-940). Retrieved from <http://www.gao.gov/products/GAO-08-940>
- Graham, J., & Thurston, W. (2005). Overcoming adversity: resilience & coping mechanisms developed by recent immigrant women living in the inner city of Calgary, Alberta. *Women's Health and Urban Life*, 4(1), 63-80.
- Green card for an immediate relative of a U.S. citizen. (2011, March 30). U.S. Citizenship and Immigration Services. <http://www.uscis.gov/green-card/green-card-through-family/green-card-immediate-relative-us-citizen>
- Green Sterling, T. (2011, September 30). Mexico murders prompt asylum pleas. *The Daily Beast*. Retrieved from <http://www.thedailybeast.com/articles/2011/09/30/mexican-murder-plague-prompts-pleas-for-asylum-in-u-s.html>.
- Grillo, I. (2011a). *El narco: Inside Mexico's criminal insurgency*. London, UK: Bloomsbury Publishing.
- Grillo, I. (2011b, September 15). Mexico's drug-war refugees. *Global Post*. Retrieved from <http://www.globalpost.com/dispatch/news/regions/americas/mexico/110913/mexico-drug-war-refugees-political-asylum>
- Grinberg, L., & Grinberg, R. (2004). *Psychoanalytic perspectives on migration and exile*. New Haven, CT: Yale University Press.
- Guinn, B., Vincent, V., & Dugas, D. (2009). Stress resilience among border Mexican American women. *Hispanic Journal of Behavioral Sciences*, 31(2), 228-243.
- Gunson, P. (2000, August 13). Arturo Durazo: Mexico City's crooked cop chief who built himself a dark reputation—and a couple of palaces—on the proceeds of corruption. *Guardian*. Retrieved from <http://www.theguardian.com/news/2000/aug/14/guardianobituaries1>
- Hallan sin vida a cuñado de Marisela Escobedo (2010, December 19). *El Universal*. Retrieved from <http://www.eluniversal.com.mx/notas/731642.html>
- Harville, B. H. (2012). Ensuring protection or opening the floodgates?: Refugee law and its application to those fleeing drug violence in Mexico. *Georgetown Immigration Law Journal*, 27, 135-247.
- Hastings, D. (2013, October 23). Fleeing wrath of vicious cartels, record-breaking numbers of Mexicans seek political asylum in the U.S. *The New York Daily News*. Retrieved from <http://www.nydailynews.com/news/world/mexicans-fleeing-drug-cartel-mayhem-seeking-u-s-asylum-record-breaking-numbers-article-1.1493183>.
- Hayward, S. (2010, August 5). No escape: For Mexicans fleeing violence, the United States offers no refuge. *The Texas Observer*. Retrieved from <http://www.texasobserver.org/no-escape/>
- Hector Marroquín Defense Committee [HMDC]. (1979). *Can a socialist find asylum in the U.S.?: The case of Hector Marroquín*. New York: Author.

- Helton, A. C. (1983). Political asylum under the 1980 refugee act: An unfulfilled promise. *U.Mich.JL Reform*, 17, 243.
- Hennessy-Fiske, Molly (2012, October 28). More Mexicans seek asylum in U.S. as drug violence rises. *Los Angeles Times*. Retrieved from <http://articles.latimes.com/2012/oct/28/nation/la-na-texas-asylum-20121028/2>
- Hennessy-Fiske, M. (2013, March 24). Wealthy, business-savvy Mexican immigrants transform Texas city. *The Los Angeles Times*. Retrieved from <http://articles.latimes.com/2013/mar/24/nation/la-na-sonterrey-20130324>
- Hernández, A. (2013). *Narcoland: The Mexican drug lords and their godfathers*. London, UK: Verso.
- Hernandez, D. (2012, August 13). Mexican drug war's innocent victims: 'They tried to kill me with my kids.' *The Guardian*. Retrieved from <http://www.theguardian.com/world/2012/aug/13/mexican-drug-war-innocent-victims>
- Hernandez, M. (2009a, December 24). Immigrant Advocates welcome new asylum release policy. *The El Paso Times*. Retrieved from [http://www.elpasotimes.com/ci\\_14061286](http://www.elpasotimes.com/ci_14061286)
- Hernandez, M. (2009b, February 27). Marker commemorates exodus of thousands fleeing Pancho Villa. *The El Paso Times*. Retrieved from [http://www.elpasotimes.com/communities/ci\\_11794002#](http://www.elpasotimes.com/communities/ci_11794002#)
- Hodes, M., Jagdev, D., Chandra, N., & Cunliffe, A. (2008). Risk and resilience for psychological distress amongst unaccompanied asylum seeking adolescents. *Journal of Child Psychology and Psychiatry*, 49(7), 723-732.
- Huerta, C. (2013, June 28). Al cine, exiliados mexicanos en EU. *El Universal*. Retrieved from <http://www.eluniversal.com.mx/espectaculos/124546.html>
- Hull, P., Kilbourne, B., Reece, M., & Husaini, B. (2008). Community involvement and adolescent mental health: Moderating effects of race/ethnicity and neighborhood disadvantage. *Journal of Community Psychology*, 36(4), 534-551.
- Human Rights Watch (2011, November 9). *Neither rights nor security: Killings torture and disappearances in Mexico's "war on drugs."* Washington. Retrieved from <http://www.hrw.org/reports/2011/11/09/neither-rights-nor-security-0>.
- Human Rights Watch (2013, May 22). *Turning migrants into criminals: the harmful impact of US border prosecutions*. Retrieved from <http://www.hrw.org/print/reports/2013/05/22/turning-migrants-criminals>
- Ichikawa, M., Nakahara, S., & Wakai, S. (2006). Effect of post-migration detention on mental health among Afghan asylum seekers in Japan. *Australian and New Zealand Journal of Psychiatry*, 40(4), 341-346.
- Immigration Equality, Inc. *If you've won asylum*. (2013). New York. Retrieved from <http://immigrationequality.org/issues/asylum/if-you-won-asylum/>
- Immigration News: More refugees head north. (2010, March 9). *Frontera NorteSur*. Retrieved from <http://fnsnews.nmsu.edu/page/48/>



- Kan, P. R. (2011). *Mexico's "Narco-Refugees": The looming challenge for US national security*. Carlisle Barracks: U.S. Army War College, Strategic Studies Institute.
- Katel, P. (2012, August). Seeking asylum. *Poder 360*. Retrieved from [http://www.poder360.com/article\\_detail.php?id\\_article=6709](http://www.poder360.com/article_detail.php?id_article=6709).
- Katsarelas, N. (1979, October 13). Nicaragua, Cuba threatened by U.S., Mexican exile declares. *Michigan Daily*.
- Kerwin, D. (2012). The faltering us refugee protection system: Legal and policy responses to refugees, asylum seekers, and others in need of protection. *Refugee Survey Quarterly*, 31(1), 1-33.
- Killian, B. J. (2004). Risk and resilience. In R. Pahroah (Ed.), *A generation at risk? HIV/AIDS, vulnerable children and security in Southern Africa* (pp. 33-63). Pretoria, SA: Institute for Security Studies.
- Kocherga, A. (2012, February 26). Threats follow asylum seeker across Texas border. *KVUE News*. Retrieved from <http://www.kvue.com/news/Threats-follow-asylum-seeker-across-the-border--140504343.html>
- Kocherga, A. (2013, July 15). Asylum case focuses on extortion and mass murder in Mexico. *KHOU 11 News*. Retrieved from <http://www.khou.com/news/texas-news/Thousands-fleeing-violence-in-Mexico-seeking-asylum-US-215323311.html#>
- Kocherga, A. (2014, January 15). Mexico's congress urges US to facilitate asylum for victims of violence. *KHOU*. Retrieved from <http://www.khou.com/news/texas-news/Mexicos-Congress-urges-US-to-faciliate-asylum-for-victims-of-violence-240385821.html#>
- Krauze, E. (2009, March 23). The Mexican evolution. *The New York Times*. Retrieved from <http://www.nytimes.com/2009/03/24/opinion/24krauze.html?pagewanted=all>.
- L-1A Intercompany Transferee Executive or Manager. (2013, June 17). U.S. Citizenship and Immigration Services [USCIS]. Retrieved April 16, 2014 from <http://www.uscis.gov/working-united-states/temporary-workers/l-1a-intracompany-transferee-executive-or-manager>
- La "limpieza social" es una práctica común en 9 ciudades del país; el DF presenta casos desde 1998. (2013, August 17). *Sinembargo.mx*. Retrieved from <http://www.sinembargo.mx/17-08-2013/722539>.
- La Jeunesse, W. (2013, August 12). Agencies buying hotel rooms for surge of Mexican illegal immigrants, other released. *FoxNews.com*. Retrieved from <http://www.foxnews.com/us/2013/08/12/surge-mexican-illegal-immigrants-claiming-asylum-overwhelms-border-officials/print>
- La polaka journalist flees to El Paso for safety. (2009, February 23). *KVIA*. Retrieved from <http://www.kvia.com/news/La-Polaka-Journalist-Flees-To-El-Paso-For-Safety/547824>
- Lambda Legal. (n.d.). *Soto Vega v. Gonzales*. Retrieved May 15, 2013, from <http://www.lambdalegal.org/in-court/cases/soto-vega-v-gonzales>

- Latapí, A.E., Martin, S. F., Lowell, L. L., Fernández de Castro, R. (2013). Estudio binacional sobre migrantes en Estados Unidos y en Mexico. *Foreign Affairs: Latinoamerica*, 13(3), 12-17.
- Lavandera, E.. (2011, June 6). 'Bravest woman in Mexico' seeks asylum in United States. *CNN*. Retrieved from <http://edition.cnn.com/2011/WORLD/americas/05/23/mexico.female.police.chief/>
- Lie, B. (2002). A 3-year follow-up study of psychosocial functioning and general symptoms in settled refugees. *Acta Psychiatrica Scandinavica*, 106(6), 415-425.
- Link, L. (2006, August 25). *Mexican asylum applicant wins new hearing*. Retrieved April 19, 2014, from <http://newyorklawschool.typepad.com/leonardlink/2006/week34/index.html>
- Linthicum, K. (2014a, April 17). Immigrants seeking U.S. protection spend months in detention, suit says. *The Los Angeles Times*. Retrieved from <http://www.latimes.com/local/la-me-asylum-delays-20140418,0,7470976.story#ixzz2zT4PciVU>
- Linthicum, K. (2014b, April 17). Immigration officials raise the bar on asylum interview process. *The Los Angeles Times*. Retrieved from <http://www.latimes.com/local/lanow/la-me-ln-asylum-credible-fear-20140417,0,6173086.story#ixzz2zLAXmAm4>
- Lizarraga, G. (2013, February 11). Madre de desaparecida huye de Juárez por acoso de autoridades. *Los Angeles Press*. Retrieved from <http://www.losangelespress.org/madre-de-desaparecida-huye-de-Juárez-por-acoso-de-autoridades/>
- Llorca, J. C. (2011, June 24). Chief who fled Mexico decries attack on press. *Associated Press*. Retrieved from <http://www.statesman.com/news/texas/chief-who-fled-mexico-decries-attack-on-police-1560250.html>
- Lohmeyer, K. A. (2011). Testing the boundaries of humanitarian relief from removal: A case study of claims by Mexican law enforcement officers targeted by narcotraffickers. *Law Journal for Social Justice*, 2, 1-38.
- López, L. R., & Juárez, I. L. S. (2013). Crecimiento económico, corrupción e instituciones en México. *Nóesis. Revista de Ciencias Sociales y Humanidades*, 22(43), 105-133.
- Luhnow, D. & de Cordoba, J. (2009, February 21). The perilous state of Mexico. *The Wall Street Journal*. Retrieved from <http://online.wsj.com/news/articles/SB123518102536038463>.
- Lusk, M., & Villalobos, G. (2012). The testimonio of Eva: A Mexican refugee in El Paso. *Journal of Borderlands Studies*, 27(1), 17-25.
- Lusk, M., McCallister, J., & Villalobos, G. (2013). Mental health among Mexican refugees fleeing violence and trauma. *Social Development Issues*, 35(3), 1-17.
- Lusk, M., Staudt, K., & Moya, E. M. (2012a). Social justice at the border and in the bordered United States: Implications for policy and practice. In M. Lusk, K. Staudt, & E. Moya (Eds.), *Social justice in the US-Mexico border region*, (3-38). Dordrecht, Netherlands: Springer Science.
- Lusk, M., Staudt, K., & Moya, E. M. (2012b). Social justice in the US-Mexico border region. *Social Justice in the US-Mexico Border Region*, 247-83. In M. Lusk, K. Staudt, & E.



- Moya (Eds.), *Social justice in the US-Mexico border region*, (3-38). Dordrecht, Netherlands: Springer Science.
- Luthar, S. S., Cicchetti, D., & Becker, B. (2000). The construct of resilience: A critical evaluation and guidelines for future work. *Child Development*, 71(3), 543-562.
- Lyst, R. (2013). Violaciones a los derechos humanos de los mexicanos solicitantes de asilo en El Paso, Texas, y el sur de Nuevo Mexico de enero de 2008 a junio de 2012. *Metodhos*, 04, 80-107.
- Mangaliman, J. (1988, September 21). Mexican socialist gains U.S. status after 11 years. *Newsday*.
- Mann, K. (2012). Reporters as refugees: Applying United States asylum laws to persecuted journalists in Mexico. *Hastings International and Comparative Law Review*, 35(1), 149-172.
- Marroquin-Manriquez v. INS, 699 F.2d 129 (3rd Cir. 1983).
- Marshall, G. N., Schell, T. L., Elliott, M. N., Berthold, S. M., & Chun, C. A. (2005). Mental health of Cambodian refugees 2 decades after resettlement in the United States. *JAMA: the Journal of the American Medical Association*, 294(5), 571-579.
- Martinez, A. (2011, June 31). Training program keeps international students in the U.S. after graduation. *Mexodus: A Borderzine Project*. Retrieved from <http://mexodus.borderzine.com/business/training-program-keeps-international-students-in-the-u-s-after-graduation/>
- Martinez, J., Alvarado, R., & Chavez, N. (2011, June 31). Mexodus – unrelenting violence and lawlessness forces thousands of middle-class Mexicans to relocate seeking safety in the U.S. and in more peaceful regions in México. *Mexodus: A Borderzone Project*. Retrieved from <http://mexodus.borderzine.com/business/mexodus-a-world-of-shadows-in-the-complexity-of-the-border-main-story/>.
- Martinez-Cabrera, A. (2012, May 31). Mexican photojournalist to seek political asylum. *The El Paso Times*. Retrieved from [http://www.elpasotimes.com/news/ci\\_20746076/mexican-photojournalist-seek-political-asylum](http://www.elpasotimes.com/news/ci_20746076/mexican-photojournalist-seek-political-asylum)
- Massacran a siete en bar El Castillo en Waterfill. (2011, March 31). *El Diario de Juárez*. Retrieved from <http://www.diario.com.mx/notas.php?f=2011/03/31&id=e936b6aa5bb86118b526bfc5f667ade6>
- Massey, D. S., Durand, J., & Malone, N. J. (2003). *Beyond smoke and mirrors: Mexican immigration in the area of economic integration*. New York: Russell Sage Foundation.
- Masten, A. S., & Garmezy, N. (1985). Risk, vulnerability, and protective factors in developmental psychopathology. In B. Lahey & A. Kazdin (Eds.), *Advances in clinical child psychology* (vol. 8, pp. 1-52). New York, NY: Plenum Press.
- Matalone, L. (2013, November 5). Chaos in Mexico: Asylum petitions surging with little chance of success. *Fronteras Desk*. Retrieved from <http://www.fronterasdesk.org/content/9196/chaos-mexico-asylum-petitions-surging-little-chance-success>.

- Mayorga, P. (2013, February 16). Otorga EU refugio politico a madre de desaparecida en Chihuahua. *Proceso*. Retrieved from <http://www.proceso.com.mx/?p=333797>
- McCallister, J. L. (2012). *Pre, peri, and post-migration perspectives of Mexican national refugees related to experiences of violence, migration, and resettlement along the Texas-Mexico border*. (Unpublished doctoral dissertation). University of Texas at El Paso, El Paso, TX. Paper AAI3512016. Retrieved from <http://digitalcommons.utep.edu/dissertations/AAI3512016>.
- McKinnon, S. L. (2008). *The discursive formation of gender in women's gendered claims to U.S. asylum* (Unpublished doctoral dissertation). Arizona State University, Tempe, Arizona.
- Mejor el bicentenario que bicentenario. (2010, September 20). *Lapolaka.com*. Retrieved from <http://lapolaka.com/2010/09/20/mejor-bicentenario-que-vicentenario/>
- Mexican alien outlines fight for asylum in U.S. (1983, September 19). *Toledo Blade*.
- Mexican Asylum Project (n.d.). Las Americas Immigrant Advocacy Center. Retrieved April 26, 2014 from [http://las-americas.org/?page\\_id=386](http://las-americas.org/?page_id=386)
- Mexican journalist asks judge for US asylum. (2011, January 21). *Associated Press*. Retrieved from <http://www.wtlv.com/news/national/114348559.html#>
- Mexican police ask U.S. asylum. (2008, May 15). *The Washington Post*. Retrieved from <http://www.washingtontimes.com/news/2008/may/15/mexican-police-ask-us-asylum/?page=all>
- Mexican police officer targeted by drug cartels allowed to seek asylum in United States. (2014, March 25). National Immigrant Justice Center: A Heartland Alliance Program. Retrieved April 6, 2014 from [https://www.immigrantjustice.org/press\\_releases/mexican-police-officer-targeted-drug-cartels-allowed-seek-asylum-united-states](https://www.immigrantjustice.org/press_releases/mexican-police-officer-targeted-drug-cartels-allowed-seek-asylum-united-states)
- Mexicanos en Exilio. (n.d.a). Mexicanos en Exilio [Website]. Retrieved from <http://mexenex.com>
- Mexicanos en Exilio (n.d.b). *Who are we: quienes somos*. Retrieved from <http://mexenex.com/about/>
- Mexicanos en Exilio. (2012). Mexicanos en Exilio announces launch of organization [Press release]. Retrieved from <http://mexenex.com/2012/08/14/mexicanos-en-exilio-announces-launch-of-organization/>
- Miller, K. E., Weine, S. M., Ramic, A., Brkic, N., Bjedic, Z. D., Smajkic, A., ... & Worthington, G. (2002). The relative contribution of war experiences and exile-related stressors to levels of psychological distress among Bosnian refugees. *Journal of traumatic stress*, 15(5), 377-387.
- Modes of entry for the unauthorized immigrant population (2006, May 22). Pew Hispanic Center. <http://pewhispanic.org/files/factsheets/19.pdf>
- Mollica, R. F., McInnes, K., Sarajlić, N., Lavelle, J., Sarajlić, I., & Massagli, M. P. (1999). Disability associated with psychiatric comorbidity and health status in Bosnian refugees living in Croatia. *JAMA: the journal of the American Medical Association*, 282(5), 433-439.

- Molloy, M. (n.d.). *Frontera-List*. Retrieved May 15, 2013, from <https://groups.google.com/forum/?fromgroups#!aboutgroup/frontera-list>
- Molloy, Molly (2010a, January 8). Journalist's sister released from detention [Electronic mailing list message]. Retrieved from [https://groups.google.com/forum/print/msg/frontera-list/acVLrxDjewM/eTYz\\_tvvW9gJ](https://groups.google.com/forum/print/msg/frontera-list/acVLrxDjewM/eTYz_tvvW9gJ)
- Molloy, M. (2010b, September 20). *Exiled Mexican journalists seek international support*. [Electronic mailing list message]. Retrieved from <https://groups.google.com/forum/print/msg/frontera-list/5au3SDRoN9g/syTNqaMc040J>
- Molloy, M. (2010c, September 23). Four Mexican journalists in exile: Case studies of the drug war's multiple harms to press freedom. *The Narco News Bulletin*. Retrieved from <http://www.narconews.com/Issue67/article4214.html>
- Molloy, M. (2010d, December 7). *El Paso supports Juárez journalists!--benefit Saturday Dec 11*. [Electronic mailing list message]. Retrieved from <https://groups.google.com/forum/#!topic/frontera-list/F3Wy5yljUI8>
- Molloy, M. (2011, October 15). *Mexicanos en exilio legal defense fund fundraiser Saturday, October 15, 2011, 6:00—10:30 p.m.* [Electronic mailing list message]. Retrieved from <https://groups.google.com/forum/#!topic/frontera-list/fUlkclBYLXE>
- Molloy, M. (2012a, March 3). *Carlos Spector and Saúl Reyes Salazar at CSUN--Northridge, CA, March 15* [Electronic mailing list message]. Retrieved from <https://groups.google.com/forum/#!msg/frontera-list/9-jyc5FA-1g/-6FG4eT8MpQJ>
- Molloy, M. (2012b, August 12). *Mexicanos en exilio on the peace caravan to Washington, DC* [Electronic mailing list message]. Retrieved from <https://groups.google.com/forum/#!topic/frontera-list/jPbzEjXezpU>
- Molloy, M. (2012c, October 12). *Mexicanos en exilio needs a computer for virtual therapy for refugees* [Electronic mailing list message]. Retrieved from <https://groups.google.com/forum/#!msg/frontera-list/dVE8vWVigys/KDhHIEGawswJ>
- Molloy, M. (2012d, October 19). *News on Mexican journalist Emilio Gutierrez' asylum hearing...set for September 2015*. [Electronic mailing list message]. Retrieved from <https://groups.google.com/forum/#!msg/frontera-list/gVWBewVaVX4/G31bgeT1VnwJ>
- Molloy, M. (2012e, November 1). *Mexicanos en exilio altar for dia de los muertos...noon on Friday Nov 2* [Electronic mailing list message]. Retrieved from <https://groups.google.com/forum/#!msg/frontera-list/XFSpNsYwfU0/w14S28g6LPgJ>
- Molloy, M. (2013a). The Mexican undead: Toward a new history of the “drug war” killing fields. *Small Wars Journal*, 9(8). Retrieved from <http://smallwarsjournal.com/jrnl/art/the-mexican-undead-toward-a-new-history-of-the-%E2%80%9Cdrug-war%E2%80%9D-killing-fields>.
- Molloy, M. (2013b, April 11). *Voice of the Voiceless, Annunciation House events April 11-13*. [Electronic mailing list message]. Retrieved from <https://groups.google.com/forum/#!topic/frontera-list/8DWDlp-tPAM>

- Molloy, M. (2013c, June 9). *2nd annual political asylum seekers conference...Alianza*. [Electronic mailing list message]. Retrieved from [https://groups.google.com/forum/#!topic/frontera-list/xN5\\_-NGg8o8](https://groups.google.com/forum/#!topic/frontera-list/xN5_-NGg8o8)
- Molloy, M. (2013d, August 19). *Press conference, Tuesday August 20, Border Network for Human Rights, El Paso* [Electronic mailing list message]. Retrieved from <https://groups.google.com/forum/#!topic/frontera-list/FHWgArrw4-8>
- Molloy, M., & Bowden, C. (Eds.). (2011). *El sicario: The autobiography of a Mexican assassin*. New York, NY: Nation Books.
- Montemayor, R. (1979, November 28). Mexican Marxist wants asylum in U.S. *Los Angeles Times*.
- Montemayor, R. (1980, March 6). Ousted editor flees into U.S. from Tijuana. *Los Angeles Times*
- Montemayor, R. (1981, August 25). Newsman who fled returns to Tijuana: Fraud charges against former editor of ABC dropped. *Los Angeles Times*
- Montemayor, R. (1982, May 18). Mexican persists in troubled quest for asylum in U.S. *Los Angeles Times*
- Morales, M. C., Morales, O., Menchaca, A. C., & Sebastian, A. (2013). The Mexican drug war and the consequent population exodus: Transnational movement at the US-Mexican border. *Societies*, 3(1), 80-103.
- Morton, A. D. (2012). The war on drugs in Mexico: a failed state?. *Third World Quarterly*, 33(9), 1631-1645.
- Mosqueda, P. (2013, November 9). Exiled Mexican seeking asylum pedals for justice. *The Texas Observer*. Retrieved from <http://www.texasobserver.org/exiled-mexican-seeking-asylum-pedals-justice/>
- Motomura, H. (2006). We asked for workers, but families came: Time, law, and the family in immigration and citizenship. *Virginia Journal on Society, Policy & Law*, 14, 103.
- National Consortium for the Study of Terrorism and Responses to Terrorism [START]. (2014). *Terrorist organization profile*. Retrieved May 15, 2013, from START:[http://www.start.umd.edu/tops/terrorist\\_organization\\_profile.asp?id=4197](http://www.start.umd.edu/tops/terrorist_organization_profile.asp?id=4197)
- Mexican police officer targeted by drug cartels allowed to seek asylum in United States. (2014, March 25). National Immigrant Justice Center. Retrieved April 24, 2014 from [https://www.immigrantjustice.org/press\\_releases/mexican-police-officer-targeted-drug-cartels-allowed-seek-asylum-united-states](https://www.immigrantjustice.org/press_releases/mexican-police-officer-targeted-drug-cartels-allowed-seek-asylum-united-states)
- Negocios cierran por extorsion del narco. (2010, August 29). *El Universal.mx*. Retrieved from <http://www.eluniversal.com.mx/primera/35460.html>.
- Negron, S. (2010, September 27). Q and A with Carlos Spector: Fighting for the Mexican media. *El Paso Inc*. Retrieved from <https://groups.google.com/forum/#!msg/frontera-list/85GV5mqBgec/4ZtADCzeQbwJ>
- Nickell, J.K. (2013, January 14). The new—and rich—immigrants from Mexico: How their money is changing Texas. *Time Magazine*. Retrieved from

- <http://nation.time.com/2013/01/14/the-new-and-rich-immigrants-from-mexico-how-their-money-is-changing-texas/>
- O'Connor, K. (2013). *Narco-Trauma: the phenomenology of post-traumatic stress among binational students at the border*. (Unpublished Departmental Paper, School of Nursing). University of Texas at El Paso, El Paso, TX.  
[http://digitalcommons.utep.edu/nursing\\_papers/36/](http://digitalcommons.utep.edu/nursing_papers/36/).
- O'Connor, M. (2013, June 19). Family murdered, Veracruz journalist seeks asylum in US [Blog Post]. Committee to Protect Journalists. Retrieved on April 12, 2014 from <http://www.cpj.org/blog/2013/06/family-murdered-veracruz-journalist-seeks-asylum-i.php>
- Olivares Alonso, E. (2012, September 18th.). La guerra antinarco agravo el problema del desplazamiento en diversa comunidades. *La Jornada*. Retrieved from [www.jornada.unam.mx/2012/09/18/politica/010n1pola](http://www.jornada.unam.mx/2012/09/18/politica/010n1pola).
- Olsen, L. (2010, September 13). Cameraman wants U.S. asylum from thugs. *Houston Chronicle*. Retrieved from <http://www.chron.com/dispatch/story.mpl/metropolitan/7199663.html>
- Olsen, L. (2013). Investigative reporting at risk. In G. Dell'Orto, & V. L. Birchfield, (Eds.), *Reporting at the Southern Borders: Journalism and Public Debates on Immigration in the US and the EU* (233-252). New York, NY: Routledge.
- Ortiz, D. (2014, March 16). The journey to asylum: Alejandra. Immigration Equality. Retrieved April 26, 2014 from <http://immigrationequality.org/2014/03/the-journey-to-asylum-alejandra/>
- Our work. (n.d.). Center for Gender and Refugee Studies. Retrieved April 26, 2104, from <http://cgrs.uchastings.edu/our-work>
- Ousted editor flees into U.S. from Tijuana. (1980, March 16). *New York Times*
- Overend, W. (1984, July 6). Ex-Mexico City police chief to fight extradition. *Los Angeles Times*
- Parra-Cardona, J. R., Bullock, L. A., Imig, D. R., Villarruel, F. A., & Gold, S. J. (2006). "Trabajando duro todos los días": Learning from the life experiences of Mexican-origin migrant families. *Family Relations*, 55(3), 361-375.
- Passel, J., Cohn, D., Gonzalez-Barrera, A. (2012, April 23). Net-migration from Mexico falls to zero—and perhaps less. Pew Research Center, Washington, D.C.  
[http://www.pewhispanic.org/files/2012/04/Mexican-migrants-report\\_final.pdf](http://www.pewhispanic.org/files/2012/04/Mexican-migrants-report_final.pdf)
- Pastrana, J. P. (2011, June 31). Lawlessness drives immigration to U.S. *Mexodus: A Borderzine Project*. Retrieved from <http://mexodus.borderzine.com/immigration/lawlessness-drives-immigration-to-u-s/>
- Payan, T. (2012). How citizenship produces inclusion and exclusion on the US-Mexico border. In M. Lusk, K. Staudt, & E. Moya (Eds.), *Social justice in the US-Mexico border region*, (61-79). Dordrecht, Netherlands: Springer Science.
- Periodista exiliado exige al gobierno esclarecer desaparición del reportero Gregorio Jimenez. (2014, February 6). Retrieved April 12, 2014, from

<http://plumaslibres.com.mx/2014/02/06/periodista-exiliado-exige-al-gobierno-esclarecer-desaparicion-del-reportero-gregorio-jimenez/>

- Perreira, K. M., Chapman, M. V., & Stein, G. L. (2006). Becoming an American parent overcoming challenges and finding strength in a new immigrant Latino community. *Journal of Family Issues*, 27(10), 1383-1414.
- Pistone, M. R., Esq, H., & John, J. (2006). Rules are made to be broken: How the process of expedited removal fails asylum seekers. *Georgetown Immigration Law Journal* 20, 167-681.
- Plascencia, L. F. (2000). Ignored Migrant Voices—Mexican Political Refugees in the United States. *Harvard Journal of Hispanic Policy*, 13, 67.
- Ponce de Leon, A. (2009, January 7). Solicita liberación de su hermana. *El Diario de El Paso*. Retrieved from <http://www.diario.com.mx/nota.php?notaid=a11f0f0c0e79790b5e4dec3432f8b800>
- Porter, K. (2011, September 13). Daughter-in-law of slain Mexican activist granted asylum in U.S. *KTSM*. Retrieved from <http://www.ktsm.com/local/daughter-in-law-of-slain-mexican-activist-granted-asylum-in-us>
- Preston, J. (2010, August 12). Asylum granted to Mexican woman in case setting standard on domestic abuse. *The New York Times*. Retrieved from <http://www.nytimes.com/2010/08/13/us/politics/13asylum.html>
- Preston, J. (2014, April 10). Hoping for asylum, migrants strain U.S. border. *The New York Times*. Retrieved from <http://www.nytimes.com/2014/04/11/us/poverty-and-violence-push-new-wave-of-migrants-toward-us.html>
- Project 380. (n.d.). Catholic Charities of the Diocese of Las Cruces. Retrieved April 26, 2014 from <http://www.catholiccharitiesdlc.org/project-380-aid-to-violence-related-mexican-political-asylum-seekers-on-humanitarian-parole/>
- Pulga, K. (2013, October 15). Not giving up – Mexican whose feet were cut off to ride bike 670 miles. *NBCLatino*. Retrieved from <http://nbclatino.com/2013/10/15/mexican-exile-to-ride-bike-670-miles-without-legs-but-a-lot-of-resilience/>
- Queman madreira propiedad de pareja de Marisela Escobedo. (2010, December 18). *El Diario de Juárez*. Retrieved from <http://www.diario.com.mx/notas.php?f=2010/12/18&id=dabe012c78a916308ab81052326703db#>
- Querales Mendoza, M. (2013). *Desde el Valle de Juárez: Procesos de exilio hacia El Paso, Texas, entre 2088 y 2012: Experiencias de la violencia política contemporánea en Mexico*. (Master's Thesis). Centro de Investigaciones y Estudios Superiores en Antropología Social, Mexico City, Mexico.
- Quinones, J. (2011, May 10). Young Mexican police chief flees to U.S. *ABC News*. Retrieved from <http://abcnews.go.com/International/mexican-police-chief-marisol-valles-flees-to-us/story?id=13569525>



- R.R.D. v. Eric Holder, Jr.* 13-2141. (7<sup>th</sup> Cir., 2014). Retrieved from <http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2014/D03-19/C:13-2141:J:Easterbrook:aut:T:fnOp:N:1310407:S:0>
- Ramji-Nogales, J., Schoenholtz, A., Schrag, P., & Kennedy, E. (2010). *Refugee roulette: Disparities in asylum adjudication and proposals for reform*. New York: NYU Press.
- Randazzo, T. J. (2005). Social and legal barriers: Sexual orientation and asylum in the United States. In E. Luibhéid, & L. Cantú Jr (Eds.), *Queer migrations: Sexuality, U.S. citizenship, and border crossings* (pp. 30-60). Minneapolis: University of Minnesota Press.
- Renner, W., & Salem, I. (2009). Post-traumatic stress in asylum seekers and refugees from Chechnya, Afghanistan, and West Africa: gender differences in symptomatology and coping. *International Journal of Social Psychiatry*, 55(2), 99-108.
- Rexton Kan, P. (October 2011). *Mexico's "narco-refugees": The looming challenge for U.S. national security*. Carlisle, PA: Strategic Studies Institute, U.S. Army War College.
- Rice, A. (2011, July 28). Life on the line. *The New York Times*. Retrieved from <http://www.nytimes.com/2011/07/31/magazine/life-on-the-line-between-el-paso-and-Juárez.html?pagewanted=all>
- Rioli, L., Savicki, V., & Cepani, A. (2002). Resilience in the face of catastrophe: Optimism, personality, and coping in the Kosovo crisis. *Journal of Applied Social Psychology*, 32(8), 1604-1627.
- Rios, V. (2012). Unexpected consequences of Mexico's drug war for US national security: More Mexican immigrants. (Unpublished Working Paper 2012-0002). Weatherhead Center for International Affairs, Harvard University, Cambridge, MA.
- Ripley, W. (2012, May 24). Journalist flees to Colorado after death threats in Mexico. *9News*. Retrieved from <http://www.9news.com/story/local/2012/05/24/1800338/>
- Rodriguez, O. R. & Weber, P. J. (2010, September 24). Mexican journalist receives asylum. *Fredericksburg.com*. Retrieved from <http://fredericksburg.com/News/FLS/2010/092010/09242010/577869>
- Rosenblum, M. R. (2012, January 6). Border security: Immigration enforcement between ports of entry (CRS Report for Congress 7-5700). Retrieved from Congressional Research Service Website: <http://fpc.state.gov/documents/organization/180681.pdf>
- Ross, J. (1999, April 14). A Mexican officer defects, seeks asylum in U.S. *L.A. Weekly*.
- Rozemberg, H. (2011, June 6). Texas legal case opens door for Mexican asylum seekers. *Texas Public Radio*. Retrieved from <https://groups.google.com/forum/#!topic/frontera-list/mVWeqhH1isk>
- Rudquist, D. (1979, January 30). A tale of a Mexican dissident. *Minnesota Daily*.
- Ruiz, M. (2012, October 24). Andy Barraza es el verdadero asesino de Marisela Escobedo: Juan Fraire. *El Diario de El Paso*. Retrieved from <http://www.diario.com.mx/notas.php?f=2012/10/24&id=f3773ff89f2235a9f858c397630ee283>

- RWB urges authorities to reinforce mechanism for protecting journalists. (2014, April 3). Reporters without Borders: For Freedom of Information. Retrieved April 12, 2014, from <http://en.rsf.org/mexico-rwb-urges-authorities-to-reinforce-03-04-2014,46089.html>
- Sabin, M., Cardozo, B. L., Nackerud, L., Kaiser, R., & Varese, L. (2003). Factors associated with poor mental health among Guatemalan refugees living in Mexico 20 years after civil conflict. *JAMA: the Journal of the American Medical Association*, 290(5), 635-642.
- Salvar la vida, no la democracia. (1986, September 1). *Proceso*.
- Schatz, S. (2011). *Murder and politics in Mexico: political killings in the Partido de la Revolución Democrática and its consequences*. New York: Springer.
- Schmall, E. (2010, September 22). Threatened Mexican journalist gets US asylum. *AOL News*. Retrieved from <http://www.aolnews.com/world/article/threatened-mexican-journalist-jorge-luis-aguirre-gets-asylum-in-us/19643893>
- Schmidt, S. (2014, March 13). Trivializar el asilo: Los dreamers están usando el recurso de la solicitud de asilo para presionar a Obama. *La Opinion*. Retrieved from <http://www.laopinion.com/opinion-columnistas/Trivializar-el-asilo>
- Schoenholtz, A. I. (2005). Refugee protection in the United States post-September 11. *Columbia Human Rights Legal Review*, 36, 323.
- Schrag, P. G., Schoenholtz, A. I., Ramji-Nogales, J. & Dombach, J. P. (2010). Rejecting refugees: Homeland Security's administration of the one-year bar to asylum. *William and Mary Law Review*, 52(3), 651-804.
- Schweitzer, R., Greenslade, J., & Kagee, A. (2007). Coping and resilience in refugees from the Sudan: a narrative account. *Australian and New Zealand Journal of Psychiatry*, 41(3), 282-288.
- Seipp, G. (2010). *Asylum case law sourcebook: master index and case abstracts for US court decisions*. (11th ed.). Thomson-Reuters/West.
- Sheridan, M. B. (2011, August 26). Drug war sparks exodus of affluent Mexicans. *The Washington Post*. Retrieved from [http://www.washingtonpost.com/world/national-security/drug-war-sparks-exodus-of-affluent-mexicans/2011/08/19/gIQA6OR1gJ\\_story.html](http://www.washingtonpost.com/world/national-security/drug-war-sparks-exodus-of-affluent-mexicans/2011/08/19/gIQA6OR1gJ_story.html)
- Shiundu, A. (2013, April 21). Mexican family wins asylum in Florida after fleeing violence. *Miami Herald*. Retrieved from <http://www.miamiherald.com/2013/04/21/v-print/3357470/mexican-family-wins-asylum-in.html#storylink=cpy>
- Showler, P. (n.d.). *By the numbers: Refugee statistics, 1989-2011*. Retrieved May 15, 2013, from Human Rights Research and Education Centre: Refugee Forum at the University of Ottawa: <http://www.cdp-hrc.uottawa.ca/projects/refugee-forum/projects/Statistics.php>
- Sicarios revienten antro de Waterfill (2011, March 31). *LaPolaka.com*. Retrieved from <http://lapolaka.com/2011/03/31/sicarios-revientan-antro-de-waterfill/>
- Skollogg, B. (2013, August 16). Asylum seekers at US, Mexico border double. *Huffington Post Latino Voices*. Retrieved from [http://www.huffingtonpost.com/2013/08/17/asylum-seekers-border\\_n\\_3772734.html?view=print](http://www.huffingtonpost.com/2013/08/17/asylum-seekers-border_n_3772734.html?view=print)



- Solis, D., & Corchado, A. (2013, April 28). Asylum requests from Mexico triple, but chances aren't good. *Dallas Morning News*. Retrieved from <http://www.dallasnews.com/news/nationworld/mexico/20130428-asylum-requests-from-mexico-triple-but-chances-arent-good.ece>.
- Sols, D. (2010, November 25). Mexican officer's bid to escape drug war, gain asylum, to be heard today in Dallas. *The Dallas Morning News*. Retrieved from [http://www.dallasnews.com/news/community-news/dallas/headlines/20101125-mexican-officer\\_s-bid-to-escape-drug-war-gain-asylum-to-be-heard-today-in-dallas.ece](http://www.dallasnews.com/news/community-news/dallas/headlines/20101125-mexican-officer_s-bid-to-escape-drug-war-gain-asylum-to-be-heard-today-in-dallas.ece)
- Spagat, E., & Stevenson, M. (2013, October 3). Mexicans seek asylum in the US as drug related violence continues. *The Huffington Post*. Retrieved from [http://www.huffingtonpost.com/2013/10/04/mexicans-asylum-us\\_n\\_4043839.html](http://www.huffingtonpost.com/2013/10/04/mexicans-asylum-us_n_4043839.html).
- Special report: Journalist voices flee Mexico [Video file]. (2012, November 13). Retrieved from <http://www.kvia.com/video/Special-Report-Journalist-voices-flee-Mexico/17398360>
- Staudt, K. (2012). Violence against women at the border: Binational problems and multilayered solutions. In M. Lusk, K. Staudt, & E. Moya (Eds.), *Social justice in the US-Mexico border region*, (79-93). Dordrecht, Netherlands: Springer Science.
- Steel, Z., Silove, D., Bird, K., McGorry, P., & Mohan, P. (1999). Pathways from war trauma to posttraumatic stress symptoms among Tamil asylum seekers, refugees, and immigrants. *Journal of traumatic stress*, 12(3), 421-435.
- Student visa. (n.d.). Bureau of Consular Affairs, U.S. Department of State [DOS]. Retrieved March 27, 2014 from <http://travel.state.gov/content/visas/english/study-exchange/student.html#overview>
- Students and employment. (2013, July 29). U.S. Citizenship and Immigration Services [USCIS]. Retrieved March 23, 2014 from <http://www.uscis.gov/working-united-states/students-and-exchange-visitors/students-and-employment>
- Taylor, T. J. (2010). *The impact of cartel related violence on ongoing traumatic stress and self-medication in young adults living along the U.S./Mexico border*. (Order No. 3433550, The University of Texas at El Paso). ProQuest Dissertations and Theses, 182. Retrieved from <http://search.proquest.com/docview/839313264?accountid=7121>.
- Thompson, N. E., & Gurney, A. G. (2003). "He is everything": Religion's role in the lives of immigrant youth. *New Directions for Youth Development*, 2003(100), 75-90.
- Torres, M. (2011, June 31). Running from violence, young student finds cultural barriers in her new country. *Mexodus: A Borderzine Project*. Retrieved from <http://mexodus.borderzine.com/schools/running-from-violence-young-student-finds-cultural-barriers-in-her-new-country/>
- Transactional Records Access Clearinghouse (TRAC), Syracuse University. (2014a). *Immigration Court Backlog Tool*. New York. Retrieved from April 20, 2014, from [http://trac.syr.edu/phptools/immigration/court\\_backlog/](http://trac.syr.edu/phptools/immigration/court_backlog/)
- Transactional Records Access Clearinghouse (TRAC), Syracuse University. (2014b). *Immigration Court Processing Time by Outcome*. New York. Retrieved April 20, 2014,

- from  
[http://trac.syr.edu/phptools/immigration/court\\_backlog/court\\_proctime\\_outcome.php](http://trac.syr.edu/phptools/immigration/court_backlog/court_proctime_outcome.php)
- Truax, E. (2013, December 28). Huyen de su país y esperan asilo detenidos en el paso *El Proceso*. Retrieved from [http://diario.mx/Estados\\_Unidos/2013-12-28\\_4634e818/huyen-de-su-pais-y-esperan-asilo-detenidos-en-el-paso/#](http://diario.mx/Estados_Unidos/2013-12-28_4634e818/huyen-de-su-pais-y-esperan-asilo-detenidos-en-el-paso/#).
- Trueba, H. T. (2002). Multiple ethnic, racial, and cultural identities in action: From marginality to a new cultural capital in modern society. *Journal of Latinos and Education*, 1(1), 7-28.
- Tú vas a ser la primera, la amenazaron federales, y luego un sicario desató masacre en bar: testigo (2011, April 8). *El Diario de Juárez*. Retrieved from <http://www.diario.com.mx/notas.php?f=2011/04/08&id=df6de938a7c1896f07b88cc478b9ab1c>
- Tutu, R. A. (2013). Self-rated resilience among young migrants in old Fadama, Accra, Ghana. *GeoJournal*, 78(4), 1-17.
- U.S. Department of Homeland Security [DHS]. (2003). *Yearbook of immigration statistics, 2002* (GPO S/N 027-002-00507-4). Retrieved April 25, 2014, from <http://www.dhs.gov/archives#3>
- U.S. Department of Homeland Security [DHS]. (2004). *Yearbook of immigration statistics, 2003* (GPO S/N 016-072295-0). Retrieved April 25, 2014, from <http://www.dhs.gov/archives#3>
- U.S. Department of Homeland Security [DHS]. (2008). *Yearbook of immigration statistics, 2007*. Retrieved April 25, 2014, from [http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2007/ois\\_2007\\_yearbook.pdf](http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2007/ois_2007_yearbook.pdf)
- U.S. Department of Homeland Security [DHS]. (2013, January). *Refugees and Asylees: 2012*. Retrieved April 25, 2014, from <https://www.dhs.gov/publication/refugees-and-asylees-2012>
- U.S. Department of Justice (DOJ). (2006). *Statistical Yearbook of the Immigration and Naturalization Service, 2005*. Washington, D.C.: U.S. Government Printing Office. Retrieved from <http://www.justice.gov/eoir/statspub/syb2000main.htm>.
- U.S. Department of Justice [DOJ], Executive Office of Immigration Review (EOIR). (2008, April). *FY 2007 Statistical Yearbook*, retrieved May 15, 2013, from <http://www.justice.gov/eoir/statspub/syb2000main.htm>
- U.S. Department of Justice [DOJ], Executive Office of Immigration Review (EOIR). (2013, February). *FY 2012 Statistical Yearbook*. Retrieved April 25, 2014 from <http://www.justice.gov/eoir/statspub/fy12syb.pdf>
- U.S. Department of Justice [DOJ], Executive Office of Immigration Review (EOIR). (2014a, April). *Asylum Statistics Chart*. Retrieved April 25, 2014 from <http://www.justice.gov/eoir/efoia/FY2009-FY2013AsylumStatisticsbyNationality.pdf>
- U.S. Department of Justice [DOJ], Executive Office of Immigration Review (EOIR). (2014b, April). *FY 2013 Statistical Yearbook*. Retrieved April 25, 2014 from <http://www.justice.gov/eoir/statspub/fy13syb.pdf>

- U.S. Department of State [DOS] (2012). *Country reports on human rights practices for 2012: Mexico*. Washington. Retrieved from <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204464>.
- U.S. Department of State [DOS]. Bureau of Consular Affairs. (2014). *Report of the Visa Office 2013*. Retrieved April 19, 2014 from <http://travel.state.gov/content/visas/english/law-and-policy/statistics/annual-reports/report-of-the-visa-office-2013.html>
- U.S. Immigration and Naturalization Service [INS]. (2002a). *Statistical yearbook of the Immigration and Naturalization Service, 1999 (GPO S/N 027-002-00-491-4)*. Retrieved April 25, 2014 from <http://www.dhs.gov/archives#3>
- U.S. Immigration and Naturalization Service [INS]. (2002b). *Statistical yearbook of the Immigration and Naturalization Service, 2000 (GPO S/N 027-002-00-4965)*. Retrieved May 15, 2013, from <http://www.dhs.gov/archives#3>
- U.S. Immigration and Naturalization Service [INS]. (2003). *Statistical yearbook of the Immigration and Naturalization Service, 2001 (GPO S/N 027-002-00-5007)*. Retrieved May 15, 2013, from <http://www.dhs.gov/archives#3>
- United Press International [UPI]. (1985, February 21). Mexicans prefer prison to return trip. *Record-Journal*.
- Valenzuela, L. A. (2008). Crímenes del estado y derechos humanos en México. *El Cotidiano*, 150, 57.
- Vazquez, J. M. (1985, January 20). Opposition challenge to Mexico's establishment party: Political riot seen as electoral warning. *Los Angeles Times*
- Villalpando, R. (2013, December 16). Detenidos por crimen de Marisela Escobedo, chivos expiatorios: familia de activista. *La Jornada*. Retrieved from <http://www.jornada.unam.mx/ultimas/2013/12/16/detenidos-por-crimen-de-marisela-escobedo-solo-chivos-expiatorios-hermana-e-hijo-de-la-activista-107.html>
- Visa bulletin for March 2014. (2014, February 7). Department of State Publication 9514. U.S. Department of State, 10(66). Washington, D.C. <http://travel.state.gov/content/visas/english/law-and-policy/bulletin/2014/visa-bulletin-for-march-2014.html>
- Visa denials (n.d.). Bureau of Consular Affairs, U.S. Department of State. Retrieved March 9, 2014, from <http://travel.state.gov/content/visas/english/general/denials.html>
- Visit the U.S. while pregnant and the risks involved. (2013, July 30). U.S. Customs and Border Protection. Retrieved April 15, 2014, from [https://help.cbp.gov/app/answers/detail/a\\_id/882/~/visit-the-u.s.-while-pregnant-and-the-risks-involved](https://help.cbp.gov/app/answers/detail/a_id/882/~/visit-the-u.s.-while-pregnant-and-the-risks-involved)
- Visitor visa (n.d.). Bureau of Consular Affairs, U.S. Department of State. Retrieved March 9, 2014, from <http://travel.state.gov/content/visas/english/visit/visitor.html>
- Vogel, C. (2010, August 25). Asylum denied: Only a fraction of Mexicans get U.S. asylum. *City Pages*. Retrieved from <http://www.citypages.com/2010-08-25/news/asylum-denied/>

- Vulliamy, E. (2011). *Amexica: war along the borderline*. New York: Random House.
- Washington Valdez, D. (2009, December 22). UT law students, faculty helped get slain Juárez woman's mom asylum. Retrieved from [http://www.elpasotimes.com/news/ci\\_14045874#](http://www.elpasotimes.com/news/ci_14045874#)
- Washington Valdez, Diana (2012, March 23). Mexican asylum seekers tell Juárez mayor they are not traitors. *El Paso Times*. Retrieved from [http://www.elpasotimes.com/news/ci\\_20241573/mexican-asylum-seekers-tell-ju-rez-mayor-they?source=rss](http://www.elpasotimes.com/news/ci_20241573/mexican-asylum-seekers-tell-ju-rez-mayor-they?source=rss)
- Washington Valdez, D. (2013a, July 10). Mom, son reveal toll of deadly extortion in Juárez. *The El Paso Times*. Retrieved from [http://www.elpasotimes.com/news/ci\\_23630851/mom-son-reveal-toll-deadly-extortion?source=most\\_viewed#](http://www.elpasotimes.com/news/ci_23630851/mom-son-reveal-toll-deadly-extortion?source=most_viewed#)
- Washington Valdez, D. (2013b, October 9). Mexican businessman who lost feet to violence going on bike journey. *The El Paso Times*. Retrieved from [http://www.elpasotimes.com/latestnews/ci\\_24272527/mexican-businessman-who-lost-feet-violence-going-bike#](http://www.elpasotimes.com/latestnews/ci_24272527/mexican-businessman-who-lost-feet-violence-going-bike#)
- Washington Valdez, D. (2013c, November 10). Violence in Mexico: Juárez family hopes for asylum in US. *The El Paso Times*. Retrieved from [http://www.elpasotimes.com/news/ci\\_24492614/mexican-army-suspected-disappearances-during-drug-cartel-wars#](http://www.elpasotimes.com/news/ci_24492614/mexican-army-suspected-disappearances-during-drug-cartel-wars#)
- Werner, E. E., Bierman, J. M., & French, F. E. (1971). *The children of Kauai: A longitudinal study from the prenatal period to age ten*. Honolulu, HI: University of Hawaii Press.
- Wiggin, T. (2011, May 21). Wealthy Mexicans are increasingly investing in the U.S. to escape cartel violence. *FoxNews.com*. Retrieved from <http://www.foxnews.com/us/2011/05/21/wealthy-mexicans-increasingly-investing-escape-cartel-violence/>
- Williams, J. M. (2013, December 23). Intervention – ‘The spatial paradoxes of “radical” activism.’ *AntipodeFoundation.org*. Retrieved on April 26, 2014 from <http://antipodefoundation.org/2014/01/13/the-spatial-paradoxes-of-radical-activism/>
- Wong, D. F. K., & Song, H. X. (2008). The resilience of migrant workers in Shanghai China: the roles of migration stress and meaning of migration. *International Journal of Social Psychiatry*, 54(2), 131-143.
- Yarbrough, S. L. (2013). *Bench-Pressed: A judge recounts the many blessings and heavy lessons of hearing immigration asylum cases*. Bloomington, IN: iUNiverse.
- Zavaleta, N. (2013, June 10). Periodista acusa a Duarte de frenar indagatoria sobre muerte de su familia. *Proceso*. Retrieved from <http://www.proceso.com.mx/?p=344479>
- Zúñiga, V., & Hernández-León, R. (Eds.). (2006). *New destinations: Mexican immigration in the United States*. New York: Russell Sage Foundation.

## **Appendix A: Informed Consent**

### **University of Texas at El Paso (UTEP) Institutional Review Board Informed Consent Form for Research Involving Human Subjects**

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**Protocol Title:** Life Experiences of Mexican Migrants to the El Paso Region who have Experienced or Witnessed Violence in Ciudad Juárez, Chihuahua and/or Surrounding Communities

**Principal Investigator:** Taylor Levy

**UTEP Department of Sociology and Anthropology**

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#### **1. Introduction**

You are being asked to take part voluntarily in the research project described below. Please take your time making a decision and feel free to discuss it with your friends and family. Before agreeing to take part in this research study, it is important that you read the consent form that describes the study. Please ask the study researcher or the study staff to explain any words or information that you do not clearly understand.

#### **2. Why is this study being done?**

You have been asked to take part in a research study of how the violence that has emerged in Ciudad Juárez and the surrounding communities had led to migration to the El Paso region. We are conducting a study exploring the life experiences of people who were living in Ciudad Juárez but moved to the El Paso region after having witnessed and/or experienced violence in their home community.

Approximately, 10-30 individuals will be enrolling in this study in the El Paso region.

You are being asked to be in the study because you are over 18 years of age and have previously indicated to the researcher that you migrated to the El Paso region after having witnessed and/or experienced violence in and around Ciudad Juárez.

If you decide to enroll in this study, your involvement will last about one and a half hours.

#### **3. What is involved in the study?**

If you agree to take part in this study, the research team will ask you questions about your life in Ciudad Juárez, the reasons why you chose to move to the El Paso region, and what your life has been like since deciding to migrate.

#### **4. What are the risks and discomforts of the study?**

There are risks involved in all research studies. This study may include only minimal risks. You may become uncomfortable or sad when answering some questions, but you are not expected to answer any questions that you do not wish to answer. Please let me know immediately if you wish to stop or pause the interview.

#### **5. What will happen if I am injured in this study?**

The University of Texas at El Paso and its affiliates do not offer to pay for or cover the cost of medical treatment for research related illness or injury. No funds have been set aside to pay or reimburse you in the event of such injury or illness. You will not give up any of your legal rights by signing this consent form. You should report any such injury to Dr. Howard Campbell 915-747-6525 and to the UTEP Institutional Review Board (IRB) at (915-747-8841) or [irb.orsp@utep.edu](mailto:irb.orsp@utep.edu).

**6. Are there benefits to taking part in this study?**

There may not be direct benefits to you as a participant in this study. However, if you participate we will attend greater knowledge about the experiences of people who were living in Ciudad Juárez but moved to the El Paso region after having witnessed and/or experienced violence in their home community.

**7. What other options are there?**

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You have the option not to take part in this study. There will be no penalties involved if you choose not to take part in this study.

**8. Who is paying for this study?**

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There is no funding being provided for this study.

**9. What are my costs?**

There are no direct costs. You will be responsible for travel to and from the research site and any other incidental expenses.

**10. Will I be paid to participate in this study?**

You will not be paid for taking part in this research study

**11. What if I want to withdraw, or am asked to withdraw from this study?**

Taking part in this study is voluntary. You have the right to choose not to take part in this study. If you do not take part in the study, there will be no penalty.

If you choose to take part, you have the right to stop at any time. However, we encourage you to talk to a member of the research group so that they know why you are leaving the study. If there are any new findings during the study that may affect whether you want to continue to take part, you will be told about them.

The researcher may decide to stop your participation without your permission, if he or she thinks that being in the study may cause you harm.

**12. Who do I call if I have questions or problems?**

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You may ask any questions you have now. If you have questions later, you may call Taylor Levy at 303-506-9700 or Dr. Howard Campbell at 915-747-6525.

If you have questions or concerns about your participation as a research subject, please contact the UTEP Institutional Review Board (IRB) at (915-747-8841) or [irb.orsp@utep.edu](mailto:irb.orsp@utep.edu).

### **13. What about confidentiality?**

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Your information will be kept confidential. Organizations that may inspect and/or copy your research records for quality assurance and data analysis include, but are not necessarily limited to:

UTEP Institutional Review Board

Because of the need to release information to these parties, absolute confidentiality cannot be guaranteed. The results of this research study may be presented at meetings or in publications; however, your identity will not be disclosed in those presentations.

There will not be any written or oral references that will connect you to this study. There will not be any way to connect your name or address to this study. Pseudonyms (fake names) will be used for all research notes, transcriptions, and publications. All records will be kept in a locked filing cabinet in the principle investigator's office, accessible only by the principle investigator. Audio files of interviews will be stored digitally using pseudonyms on a password-protected computer and will be destroyed upon transcription.

### **14. Mandatory Reporting**

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If information is revealed about child abuse or neglect, or potentially dangerous future behavior to others, the law requires that this information be reported to the proper authorities.

### **15. Authorization Statement**

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I have read each page of this paper about the study (or it was read to me). I know that being in this study is voluntary and I choose to be in this study. I know I can stop being in this study without penalty. I will get a copy of this consent form now and can get information on results of the study later if I wish.

Participant Name: \_\_\_\_\_ Date: \_\_\_\_\_

Participant Signature: \_\_\_\_\_ Time: \_\_\_\_\_

Participant Signature: \_\_\_\_\_

Consent form explained/witnessed by: \_\_\_\_\_

Printed name: \_\_\_\_\_ Signature

Date: \_\_\_\_\_ Time: \_\_\_\_\_

## **Appendix B: Interview Guide**

### **Interview Guide**

1. How old are you?
2. Where were you born?
3. Where did you grow up?
4. Are you married?
5. Do you have any children? How many and what are their ages?
6. Have you ever lived in the United States before? Where?
7. How long have you been living in the United States? When did you arrive?
8. Are you willing to please tell me a bit about the circumstances that led up to choosing to move to El Paso?
9. How did you come to El Paso? What was the process like?
10. Where did you live when you first arrived?
11. Did you have friends and/or family who helped you?
12. Where do you live now?
13. How do you feel about living in El Paso?
14. What do you like best about El Paso?
15. What have been the hardest things about the transition?
16. Do you consider yourself a resilient person?
17. What kind of work are you doing? What about your spouse?
18. Have you experienced any racism or mistreatment since arriving?
19. Do you feel like you have a strong support system here in El Paso?
20. Are you a member of a local church or other religious organization?
21. Do you access any community services?
22. What about healthcare?
23. Have you experienced any depression or sadness? Have you sought counseling?
24. How have your kids been adjusting?
25. Are you worried or stressed about your immigration status?
26. Do you have any plans for adjusting your status?
27. Are you interested in applying for political asylum? What have you heard about the process?
28. Do you still have family in Juárez? Do you worry about their safety?
29. For how long would you like to stay here in El Paso? Are you interested in returning to Juárez?
30. Do you feel like Juárez could change enough so you could return safely? What would need to happen?
31. Is there anything else you would like to add that I have not talked about?



## **Appendix C: Petition for Protection**

### **PETITION FOR PROTECTION AND LEGAL RELIEF FOR MEXICAN NATIONALS AFFECTED BY AND FLEEING THE VIOLENCE IN MEXICO**

For hundreds of years, the defining characteristic of the El Paso/Ciudad Juárez border region has been its role as host to countless immigrants who have navigated the passage to *el Norte*. In recent history, it has largely been immigrants venturing from Mexico, Central America, and beyond who have passed through this border's thresholds on their journeys to freedom and a better livelihood in the United States. While the reasons for this historical migration are multiple, of particular concern for human rights organizations has been the reality and response to refugees fleeing persecution, political repression, uncontrolled violence, and law enforcement entities that are either ineffective in their ability to protect the population or complicit in the violence directed at that population.

Responding to this reality, human rights organizations and legal advocates all along the US/Mexican border have, for decades, sought to assist individuals and families who have been the victims of violence and persecution or who possess a credible fear of becoming so. More recently, the attention and focus has been dominated by Mexico's war on drugs, the resulting breakdown in social security, and the dramatic escalation of violence that, since its initiation in 2006, has claimed the lives of at least 22,700 people and continues to threaten the livelihood of hundreds of thousands more. The pages of newspapers on both sides of the border are filled with reports of kidnappings, extortion demands, business and medical clinic closures, massacres at treatment centers and youth gatherings, and complaints of human rights violations by military and security forces.

With little confidence in the ability of the Mexican government, the Mexican military, or other local or federal law enforcement agencies to provide for their protection, tens of thousands of Mexican nationals have escaped to the United States in search of sanctuary from this violence. El Paso chief of police, Greg Allen, has estimated that during the past two years over 30,000 Mexican nationals fleeing the violence in Ciudad Juárez have settled into El Paso alone. Others place this estimate much higher.

The United Nations Convention Relating to the Status of Refugees established that individuals with a well-founded fear of persecution or violence have, as recourse, the ability to petition for political asylum in another country. As a signatory to that Convention, the United States has committed itself to providing political asylum to individuals with a credible fear of violence or persecution. Since the outbreak of drug-related violence in 2006, however, the Executive Office for Immigration Review reports that it has received 12,110 applications from Mexican nationals seeking political asylum in the United States, yet has granted political asylum to only 232 individuals - less than 2% of all Mexican applicants. By comparison, the United States received 5,879 asylum claims from Colombian nationals during this same time period and granted political asylum to 2,351 individuals - nearly 40% of all Colombian applicants.

The disparity of these figures raises grave concerns that the political asylum process is once again being politicized so as to deny credible asylum consideration to Mexican nationals fleeing

the violence in Mexico. The circumstances and statistics are eerily reminiscent of the 1980s, when refugees from Guatemala and El Salvador were being denied asylum on a wholesale basis, a reality that resulted in the *American Baptist Churches v. Thornburgh* landmark federal judicial decision that mandated the Department of Justice and the INS to completely restructure the political asylum process so as to specifically root out political bias.

Given the above figures, the vast majority of Mexican refugees are electing to forego the asylum process for fear of being detained, denied, and sent back to Mexico. Without any other means of legal relief presently being utilized to protect those fleeing the violence in Mexico, these refugees are instead forced to live in hiding and continued fear. Without employment authorization, and thus no means of legal sustenance, contemporary Mexican refugees possess little to no financial resources and the ever-present risk of being “discovered” and deported back into the very nightmare they originally fled.

In light of this reality, this Petition for Protection is being issued and the demands made that the Obama Administration, the Department of Homeland Security, and the Department of Justice:

- Authorize an independent investigation (*e.g.* the Government Accountability Office) of the political asylum application process vis-à-vis Mexican nationals fleeing the violence in Mexico.
- Restore integrity and credibility to the political asylum application process to ensure that political asylum applicants fleeing the violence in Mexico receive an unbiased and credible review of their claims of well-founded fear of persecution. And ensure that the adjudication of every asylum seeker’s case be conducted on an individualized and nondiscriminatory basis in a manner consistent with existing law.
- Ensure that credible fear interviews with qualified asylum officers be conducted in a timely manner for Mexican nationals presenting as asylum seekers at ports of entry, and upon issuance of a determination of credible fear, that the new ICE Asylum Parole Policy be applied to those detained individuals in a just and fair manner. Mexican nationality must not be taken into consideration as a reason to continue detention and deny parole.
- For Mexican nationals deemed not to have met the criteria for political asylum, grant relief and protection through the use of existing avenues available in law and regulation, including, but not limited to, Temporary Protected Status, withholding of removal, delayed enforced departure, humanitarian paroles, stays of removal, and deferred adjudication.
- Recognize that the United States’ and Mexico’s decision to place their respective efforts to combat drug trafficking within the context of a *war on drugs* has had serious violent and destabilizing consequences for many parts of Mexico, especially along border regions, and, as is true in all wars, that the violence and ensuing destabilization continues to create casualties, killed and wounded, human rights abuses, and new waves of refugees who flee and are legitimately in need of protection and assistance.

In the face of unprecedented conditions in Mexico with a violence destroying the lives and livelihood of incredible numbers of individuals and families, we, the undersigned organizations and individuals, issue this Petition for Protection with a sense of urgency and in an effort to help bring about concrete legal relief and human support and assistance to victims of the violence in Mexico arriving in the United States.

NAMES OF SIGNATORIES AND ORGANIZATIONAL AFFILIATIONS:

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## **Appendix D: Annunciation House Statement from August 13, 2013**

### **PRESS CONFERENCE STATEMENT RELEASED BY ANNUNCIATION HOUSE ON AUGUST 13, 2013**

For thirty-five years, Annunciation House has offered hospitality to the poor in migration. Our guest population has evolved, but one theme remains constant: the threatened continue to seek protection in the United States.

Those who seek asylum have the greatest urgency in seeking protection. Asylum, a legal vehicle for those whose very lives are at risk, ideally protects those who articulate a “well-founded fear of persecution” and are thus “unwilling and unable to return to their home country.”

The basic right to life, and thus the right to seek asylum, is enumerated in The Universal Declaration of Human Rights. Yet, this fundamental right is being lost in translation when applied on the border. For many immigrants without legal status in the U.S., the first point of contact to accessing the judicial process may happen when the immigrant presents at a U.S. Port of Entry or is detained by Border Patrol after entering without inspection. Denying immigrants expressing fear for their lives a Credible or Reasonable Fear Interview leaves the individual isolated from the court system and violates both international and domestic law. We are profoundly concerned about the denial of the rights of asylum seekers.

Today we expose specific instances of attempts to intimidate asylum seekers at Ports of Entry as well as the criminalization of immigrants because they continue to pursue their asylum claim. We go public with these abuses out of a profound concern that these specific cases may be emblematic of systemic practices that in the end deny individuals, who may already have suffered horrific losses, the fundamental right to seek protection.

To this end, we call for the following:

1. That at the moment an individual expresses fear – those who speak about the killings of their family or threats made to their lives or the lives of their families – he or she categorically be processed for a Credible or Reasonable Fear Interview.
2. That Credible or Reasonable Fear Interviews be conducted by an Asylum Officer of the USCIS and not agents with ICE, CBP, or Border Patrol.

The asylum process is predicated on Credible and Reasonable Fear interviews. These interviews establish the validity of the persecution claim and catalyze the court process in which a decision can be adjudicated. The law is clear. A person is automatically guaranteed the right to a Credible Fear Interview the moment fear is expressed. The USCIS manual states:

“If a CBP Officer determines that the arriving individual is subject to expedited removal, the CBP Officer is required by procedure to notify the individual about the expedited removal process, and take a sworn statement concerning the individual’s admissibility. When taking the sworn statement, the CBP Officer is required by procedure to read a statement<sup>30</sup> explaining the right to seek protection in the United States and is also required by procedure to ask the individual a set of questions<sup>31</sup> to determine whether the individual fears return to his or her country and is seeking protection in the United States. The CBP Officer records the answer to each question on the form.” (USCIS Chapter 5).

3. Cease the criminal prosecution of individuals who were denied Credible or Reasonable Fear Interviews and removed or who were intimidated into signing volunteer departures and then re-present at Ports of Entry or who attempt to enter without inspection.
4. We cite two examples that are emblematic of this type of abuse. Both Manses Cano Bonilla and Rosa Hilda Carrera have suffered undue duress, all while simply trying to seek asylum. Both Mr. Cano and Ms. Carrera expressed fear but were ignored and returned to their home country. Each reentered, again articulating fear. Both were then criminally charged in Federal Court and convicted for entering without inspection. They are now convicted felons even though both were found to have valid asylum claims by Asylum Officers. The implications of a felony conviction on an individual’s record are horrendous. They become ineligible for asylum relief and must seek Withholding of Removal or relief under the Convention Against Torture. They become ineligible for bond and must pursue their relief from detention, a process that can take from many months to years.
5. We specifically demand that in the cases of both Mr. Cano and Mrs. Carrera, they be released on parole, released on recognizance, or at an absolute minimum, they be allowed to post a reasonable bond so that they can be released from detention and may continue to work with their attorneys in pursuit of immigration relief. The ability to release both of these individuals is categorically within the authority of ICE. It is particularly disconcerting that once a mistake has been made in how an individual was processed, as was the case for both Mr. Cano and Ms. Carrera, it is incredibly difficult to get ICE to rectify that mistake.

We fear that the process of branding asylum seekers as convicted felons, and thus making them ineligible for release, is utilized as a strategy to make detainees' lives so unbearable that they finally withdraw their petition for asylum and sign a deportation order in an attempt to end their suffering.

6. Finally, and most importantly, we explicitly call on Customs and Border Patrol at Ports of Entry (POE) to guarantee that the practice by some officers of intimidating and threatening families seeking asylum ceases. We demand that officers end the pattern of telling parents that they will be locked up for long periods of time, that their children will be separated from them and locked up in separate detention facilities, or that they will be sent to different geographical areas in the U.S. We call on CBP to ensure the credible training of officers in the processing of individuals expressing fear at Ports of Entry and a more viable supervision of line officers so as to guarantee that individuals expressing fear are scheduled for Credible Fear Interviews.

## **Vita**

Taylor Kristine Levy was born and raised in Denver, Colorado. She attended the University of Colorado at Boulder until 2008 when she was awarded a Bachelor of Arts degree in International Affairs & Sociology with a minor in Geography and certificates in Peace & Conflict Studies and the Study & Practice of Leadership. Taylor relocated to El Paso, Texas in 2009. She worked for three years as a full-time volunteer at Annunciation House, a migrant house of hospitality located eleven blocks from the U.S.-Mexico border, and continues to volunteer with the organization. In April 2014, she became a Fully Accredited Representative in front of the Board of Immigration Appeals and currently works at Las Americas Immigrant Advocacy Center representing low-income clients in front of U.S. Citizenship and Immigration Services and the Executive Office of Immigration Review. Taylor is passionate about social justice, immigrant rights, and creating a more equitable society. She can be reached at [taylorklevy@gmail.com](mailto:taylorklevy@gmail.com)

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