

# URGENT ACTION

## US-MEXICO ASYLUM DEAL WOULD PUT MANY AT RISK

**In recent closed-door discussions, the US and Mexico are considering declaring Mexico a “safe third country”. This would block all asylum seekers passing through Mexico from seeking protection in US and force them to stay in dangerous and under-equipped Mexico. This deal could be agreed in coming weeks putting thousands at risk.**

During recent months, representatives of the Trump administration have publicly reiterated interest in declaring Mexico a “safe third country”. This deal would put thousands of people crossing through Mexico at risk as they would be forced to seek asylum in Mexico because the United States (US) would no longer receive them. The Mexican government often breaches international refugee law and is repeatedly violating the *non-refoulement* principle that prohibits the return of people to life-threatening situations.

Mexican *Proceso* magazine published a leaked agenda of a meeting entitled “U.S-Mexico Safe Third Country Agreement – Technical and Legal Meetings” happening in Washington D.C., 17-18 May. On 10 July, the *Washington Post* reported discussions were gaining momentum. Later, a Mexican diplomat also told *Proceso* magazine the deal could be resolved as early as August and might include US funding, presumably for migratory control by Mexico. Details about the funding are yet to be released.

The number of people seeking safety in Mexico has increased in recent years. Its asylum system is struggling to cope with the asylum claims. In 2017, it received 14,596 asylum claims, as opposed to 8,788 in 2016. Most claims are from citizens of some of the world’s most violent countries like El Salvador and Honduras. In a recent survey by Amnesty International, out of 500 responses of Central American irregular migrants passing through Mexico, 75% of those detained by Mexican migration authorities were not informed of their right to seek asylum.

US law gives the Attorney General the authority to stipulate which countries are considered “safe third countries” under US Code S 1158 2 (A). This decision is often accompanied by a bilateral agreement with that country. Amnesty International has received information from various sources that the Department of Homeland Security (DHS) wishes to change the law to grant the Secretary of DHS full authority to designate “safe third countries”.

### Please write immediately in English or your own language:

- Urging Mexican authorities to refuse to sign a “safe third country” agreement with the US;
- Calling on the US State Department to halt any bilateral diplomatic discussions on a “safe third country” agreement with Mexico;
- Urging the US Department of Homeland Security to desist from promoting a “safe third country” agreement with Mexico and ensure people seeking asylum are allowed entry into the US.

### PLEASE SEND APPEALS BEFORE 27 SEPTEMBER 2018 TO:

#### Luis Videgaray

Mexican Minister of Foreign Affairs  
Plaza Juárez No. 20, Piso 22  
Delegación Cuauhtémoc, 06010 CDMX  
Email: [canciller@sre.gob.mx](mailto:canciller@sre.gob.mx)  
Twitter: @LVidegaray  
**Salutation: Dear Foreign Minister**

#### Kirstjen Nielsen

US Secretary of Homeland Security  
Washington, DC 20528,  
United States  
Email: [DHSSecretary@hq.dhs.gov](mailto:DHSSecretary@hq.dhs.gov)  
Twitter: @SecNielsen  
**Salutation: Honourable Secretary**

#### Mike Pompeo

US Secretary of State  
Harry S. Truman Building, 2201 C Street,  
NW, Room 7226, Washington,  
DC 20520, United States  
Email: [buanganrl@state.gov](mailto:buanganrl@state.gov)  
Twitter: @SecPompeo  
**Salutation: Honourable Secretary**

**Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation  
Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

The US government has repeatedly tried to outsource its international responsibility to the Mexican government in terms of protecting refugees and asylum seekers. On 25 April, Secretary of Homeland Security Kirstjen M. Nielsen publicly called on asylum seekers from Central America to seek asylum in Mexico and threatened them with criminal prosecution if they approached the US border. On 1 May, US Vice President Mike Pence called for assistance from the US Congress in ensuring asylum seekers who have passed through other safe countries stay in the country they first travel through. The deal could be agreed in coming weeks putting thousands at risk and meaning all US land borders would be closed to people seeking asylum.

According to the United Nations High Commissioner for Refugees (UNHCR), an estimated 400,000 to 500,000 people enter irregularly through Mexico's southern border each year, and at least half of these people could need international protection as refugees. Many of these people come from El Salvador, Honduras and Guatemala, some of the most dangerous countries in the world. In 2017, Mexico received 14,596 asylum claims of which 4,272 were from Honduras, 4,042 from Venezuela and 3,708 from El Salvador.

Amnesty International recently published a report entitled *Overlooked, Under-Protected: Mexico's Deadly Refoulement of Central American Asylum Seekers* that demonstrates that the Mexican government is routinely failing to meet its treaty obligations under international law to protect those in need of international protection. In addition, kidnappings, killings, disappearances and assault are common for irregular migrants travelling through Mexico. If the US were to push all asylum claims to Mexico, this would increase the amount of asylum seekers at risk of these dangers, especially if they are pushed back into the areas along Mexico's border, which are some of the most violent in the country. For more information please see this link: <https://www.amnesty.org/en/documents/amr41/7602/2018/en/>.

The UNHCR has long expressed concern about the application of "safe third country" agreements and the need to ensure such agreements do not directly or indirectly violate the principle of *non-refoulement* (deportation to countries where asylum-seekers would be at risk of persecution). Amnesty International opposes these policies because they undermine the concept of responsibility-sharing for refugee crises, and the obligation to undertake individualized decision-making for asylum claims instead of deeming all nationals from certain territories as inadmissible.

Mexico and the US have a history of carrying out bilateral agreements that result in US funding to the Mexican government. In 2007, President George W. Bush and Mexican President Felipe Calderon agreed on the Merida Initiative which provided security aid to Mexico with a 2.5 billion dollars funding agreement that continues to date. The current talks in relation to a "safe third country" agreement may be included in updates of this Merida Initiative funding package.

Name: n/a

Gender m/f: n/a

UA: 150/18 Index: AMR 41/8936/2018 Issue Date: 16 August 2018