



THE GUARDIAN OF MEMORY (EL GUARDIÁN DE LA MEMORIA)



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The Guardian of Memory

The Juárez Valley and Ciudad Juárez are located in the Mexican state of Chihuahua, next to United States border. Chihuahua is the largest state in Mexico and is located in the norther part of the country. It borders the U.S. states of Mexico and Texas. The Juárez Valley runs along Chihuahua's border with Texas. Northwest of the Juárez Valley is Ciudad Juárez, the most populous city in Chihuahua. Ciudad Juárez is located on the Rio Grande river, across the border from the city of El Paso, Texas, in the United States. Ciudad Juárez has a population of more than 1.3 million people.¹ El Paso has about 840,000 people.²

In the past, the Juárez Valley was a thriving agricultural area, known for its cotton production. Now it is notorious for its violence instead. Ciudad Juárez is one of the most dangerous cities in Mexico and the world, and the entire Juarez Valley is known to be an extremely violent place. Because of its location next to the border, the area is dominated by drug cartels, and the people who live there have been caught in the middle of violence from those cartels. Most people believe that the government has been largely powerless to stop this violence. Incidents of violence and murder in the Juárez Valley are very common, and the area is filled with homes and entire towns that have been destroyed and abandoned as a result of cartel violence.



¹ <https://www.britannica.com/place/Juarez-Mexico>

² <https://www.census.gov/quickfacts/elpasocountytxas>

Political Asylum

In order to escape the danger in their home towns, many Mexicans have crossed the border into the United States to seek asylum. Seeking asylum is generally recognized as a human right in nations around the world. According to the Universal Declaration of Human Rights, every person has a right to seek asylum from persecution.³ Many people do so; the United Nations Refugee Council reports that approximately one million people worldwide seek asylum every year.⁴

Like most other countries, the United States recognizes the right to seek asylum. The Office of Immigration Statistics of the U.S. Department of Homeland Security explains that the United States helps certain people who have been persecuted or have a fear of persecution that is well-founded. Individuals can apply from outside the United States—as a refugee—or from inside the United States, under the U.S. asylum program.

The official government definitions of refugee and asylee are similar. The U.S. Department of Homeland Security (DHS) defines a refugee as, “A person outside his or her country of nationality who is unable or unwilling to return to his or her country of nationality because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.”⁵ The definition of an asylee is almost the same as refugee, however DHS explains the difference: “An asylee is a person who meets the definition of refugee and is already present in the United States or is seeking admission at a port of entry.”⁶

Asylum Statistics

The U.S. government has statistics about the people who apply for asylum every year. According to the most recent statistics from DHS, in 2018, 25,439 people were granted asylum in the United States. The most common countries of origin for these people were China, Venezuela, and El Salvador. Between 2017 and 2018, the number of asylum filings decreased from 139,800 to 105,500, while the number of people actually granted asylum increased from 26,509 to 38,687.⁷

DHS categorizes asylum cases in two ways. Affirmative asylum is when a person arrives in the United States and applies for asylum so that he or she can stay. Defensive asylum is when a person is already subject to removal procedures in immigration court and applies for asylum in order to stop his or her deportation. In 2018, there were 6,598 cases of affirmative asylum from Mexico, and there were 24,421 defensive asylum cases.

Unfortunately, in both the United States and around the world, the number of people seeking asylum far exceeds the number of people that are accepted for asylum. As a result, wait times

³ <https://www.un.org/en/universal-declaration-human-rights/index.html>

⁴ <https://www.unhcr.org/en-us/asylum-seekers.html>

⁵ <https://www.dhs.gov/immigration-statistics/refugees-asylees>

⁶ <https://www.dhs.gov/immigration-statistics/refugees-asylees>

⁷ https://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2018/refugees_asylees_2018.pdf

are often long, with many asylum seekers are forced to wait for weeks, months, or even years while a decision is made, and many requests are ultimately denied. While they wait for a decision, asylum seekers to the United States are often placed in holding facilities while they wait for their case to be decided. Others are released, but monitored closely, and some are sent back to their country of origin to wait. The majority of asylum requests in the United States are not granted. According to the U.S. Department of Justice, in 2019, 211,794 total applications for asylum in the United States were filed, and only 18,815 were granted.⁸

Recent Law Changes Affecting Asylum Seekers

In recent years, there have been some changes to U.S. immigration policies, and these changes have affected asylum seekers on the U.S.-Mexico border. One is the practice of metering. Due to large numbers of people seeking asylum at the border, the United States has started to limit the number of people who can apply for asylum each day. According to a 2019 report by the Robert Strauss Center for International Security and Law, more than 21,000 asylum seekers were on waitlists in Mexican border cities. In Ciudad Juárez, the estimated wait time just to start the asylum process was six months.

Another new policy is the “Migrant Protection Protocols,” also referred to as “Remain in Mexico.” Under this program, which was created in 2018, people who apply for asylum may be designated a specific time to appear in immigration court, then rather than staying in the United States until then, they are sent back into Mexico to wait for their hearing. Critics argue that individuals may be forced to wait in Mexico for months, where they are often in danger. The organization, Human Rights First reports that many asylum seekers experience real harm while they wait. It says, “As of February 28, 2020, there are at least 1,001 publicly reported cases of murder, rape, torture, kidnapping, and other violent assaults against asylum seekers and migrants forced to return to Mexico.”⁹

Overall, the treatment of people seeking asylum in the United States is very controversial. According to critics, many U.S. immigration judges do not recognize cartel violence as a legitimate basis for an asylum claim. Critics also say there is the belief that Mexicans trying to escape violence should relocate to other parts of Mexico rather than trying to go into the United States. Despite these critiques though, and the fact that they are very likely to have their asylum claims denied, every year thousands of people in Mexico come to the United States make an application for asylum.

⁸ <https://www.justice.gov/eoir/page/file/1106366/download>

⁹ <https://www.humanrightsfirst.org/campaign/remain-mexico>

Glossary

- **AWOL:** To be AWOL is to be absent from a military post without permission.
- **Felipe Calderón:** Calderón was president of Mexico from 2006 to 2012.
- **Ciudad Juárez:** Ciudad Juárez is the most populous city in the Mexican state of Chihuahua and is located on the Rio Grande River, across the border from El Paso, Texas.
- **Convention Against Torture:** The United States and other countries who have signed the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment are obligated to prevent torture within their jurisdictions. In addition, they should not return a person to a country where it is believed that person will be subject to torture.
- **El Chapo Cartel:** The powerful drug trafficking and organized crime syndicate called the Sinaloa Cartel was once run by Joaquin “El Chapo” Guzman, and is sometimes referred to as the El Chapo Cartel.
- **El Paso:** El Paso is a city in the U.S. state of Texas. It is located across the border from the Mexican city of Ciudad Juárez.
- **Fabens:** Fabens is a border city in the state of Texas. It is located on the Rio Grande River, along the border of Mexico.
- **Genocide:** Genocide is an act committed with the intent to destroy a national, ethnic, or religious group, and is internationally recognized as a crime
- **gringo:** *Gringo* is used mainly in Spanish-speaking countries, and means a person who is not Hispanic or Latino, often English or American instead.
- **Guadalupe:** Guadalupe is a city in northern Mexico, near the United States border.
- **Cipriana Jurado Herrera:** Cipriana Jurado is the co-founder of a human rights organization based in Juarez.
- **ICE:** U.S. Immigration and Customs Enforcement (ICE) is a federal agency responsible for enforcing immigration laws in the United States.
- **La Linea Cartel:** The La Linea Cartel is a drug trafficking and organized crime syndicate that splintered off the Juárez Cartel. It has a strong presence in the state of Chihuahua.
- **Mérida Initiative:** Under the Mérida Initiative, which began in 2008, Mexico receives money from the United States to help fight drug trafficking and organized crime.
- **Mexicans in Exile:** Mexicans in Exile is a nonprofit organization that works to help people who have been forced to leave Mexico because the government there has not protected them. It was founded by the Law Offices of Carlos Spector.
- **Emilio Gutiérrez Soto:** Mexican journalist Emilio Gutiérrez Soto left Mexico in 2008 and asked for political asylum in the United States.
- **Carlos Spector:** Spector is an immigration lawyer in El Paso, Texas. He works to obtain political asylum for Mexicans in the United States.
- **Captain Jesús Valles:** In 1999, former Mexican Army captain Jesús Valles was granted asylum in the United States. Valles has argued that if he returned to Mexico, he would be persecuted for his refusal to kill Zapatista rebels.

Additional Resources

Books

- Agus Morales (2019). *We Are Not Refugees: True Stories of the Displaced*. Watertown, MA: Charlesbridge.
- Greg Prieto (2018). *Immigrants Under Threat: Risk and Resistance in Deportation Nation*. New York: New York University Press.
- Eileen Truax (2018). *We Built the Wall: How the US Keeps Out Asylum Seekers from Mexico, Central America and Beyond*. Brooklyn, NY: Verso.

Online Sources

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- *American Immigration Council* (January 29, 2020). "Policies Affecting Asylum Seekers." <https://www.americanimmigrationcouncil.org/research/policies-affecting-asylum-seekers-border>
- Anna-Catherine Brigida (October 16, 2019). "Mexican Asylum Seekers Are Facing long Waits at the U.S. Border. Advocates Say That's Illegal," *Time*. <https://time.com/5701989/mexico-asylum-seekers-border/>
- *Human Rights Watch* (December 23, 2019). "US: Mexican Asylum Seekers Ordered to Wait." <https://www.hrw.org/news/2019/12/23/us-mexican-asylum-seekers-ordered-wait#>
- Amnesty International, "Refugees, Asylum-Seekers and Migrants." <https://www.amnesty.org/en/what-we-do/refugees-asylum-seekers-and-migrants/>
- Stephanie Leutert, Savitri Arvey, and Ellie Ezzell (February 2020). "Metering Update, February 2020," *Strauss Center for International Security and Law*. https://www.strausscenter.org/images/strauss/19-20/MeteringUpdate_February_2020.pdf
- Nadwa Mossaad (October 2019). "Refugees and Asylees: 2018," *Office of Immigration Statistics, U.S. Department of Homeland Security*. https://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2018/refugees_asylees_2018.pdf

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