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The US Human Rights Network is a national network of organizations and individuals working to strengthen a human rights movement and culture within the United States led by the people most directly impacted by human rights violations. We work to secure dignity and justice for all.

This UPR stakeholder report was drafted by the following member organizations:

Coalición de Derechos Humanos is a grassroots organization that promotes human and civil rights of all migrants regardless of their immigration status, fight the militarization of our southern border, and combat the discrimination and human rights abuses of both citizen and non-citizen brothers and sisters. We work for the community's empowerment to create change and promote justice, challenging the borders that seek to divide us. As a result, southern Arizona has seen the rise of numerous human, indigenous peoples and environmental organizations, unifying many of our efforts.

Poder in Action is a grassroots organization founded in 2013 that builds power to disrupt and dismantle systems of oppression and determine a liberated future as people of color in Arizona, through our lived experience, leadership development and civic participation. Poder In Action builds community power by centering those who are most impacted by systemic oppression, including people of color, youth, LGBTQ+ and undocumented folks to end police collaboration with immigration enforcement, hold police accountable and end police violence, decriminalize municipal ordinances and school policy, and divest from police and invest in communities.

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Puente Human Rights Movement is a grassroots migrant justice organization based in Phoenix, Arizona. We develop, educate, and empower migrant communities to protect and defend our families and ourselves.

South Texas Human Rights Center was established in 2013 as a community based human rights organization in Brooks County, Falfurrias, Texas. Dedicated to the promotion, protection, defense and exercise of human rights and dignity in the South Texas borderlands Our mission is to end death and suffering on the Texas/Mexico border through community initiatives. As founder and director, Eduardo Canales has organized the STHRC board of directors grounded on the human rights struggle at the US/Mexico border.

The Border Network for Human Rights is a 20-year-old community organization that works to educate, organize, and mobilize marginalized communities in the West Texas/Southern New Mexico Borderlands. Our membership of more than 7000 individuals lay out our priorities, and taking these cues from membership, our staff helps implement an agenda that improves quality of life and advances the dignity and rights of all persons. While rooted in the Borderland we work at all scales: state, federal, and local, to bring about positive community change.

The Rio Grande Valley-Equal Voice Network (RGV-EQV Network) is a regional collaboration of nine non-profit organizations based in South Texas. The Marguerite Casey Foundation provided the resources for the creation of the network in 2008. The RGV-EQV Network focuses on improving the quality of life for historically disenfranchised groups by collaboratively working on issues of housing, education, immigration, labor, health and civic engagement.

The University of Dayton Human Rights Center advances the University of Dayton's mission to promote respect for the inherent dignity of all persons through dialogue, research and education. Working with diverse partners, our programs and projects deepen our vital commitment to advancing the theory and practice of human rights advocacy.

Trans Queer Pueblo is an autonomous LGBTQ+ migrant community of color in Phoenix, Arizona. We work wherever we find our people, creating cycles of mutual support that cultivate leadership and generate community power. Our Liberation Project works to liberate LGBTQ+ migrants from detention centers with a goal of ending the incarceration and criminalization of our people by putting an end to Immigration and Customs Enforcement (ICE) and shutting down all detention centers.

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Overview

1. The Trump administration's tenure, thus far, has been defined by its relentless and unveiled attacks on immigrants. Its policies, coupled with the openly racist, hostile, and xenophobic comments frequently made by the President, puts undocumented migrants at heightened risk for human rights violations at the hands of governmental and private actors. In 2018, we saw the "Muslim Ban" upheld, attempted revocations of Temporary Protected Status, threats to send large numbers of armed guards to the border, the narrowing of the valid grounds for seeking asylum, and most egregiously, the separation of children, many of them babies and toddlers, from their parents at the US-Mexico border.
2. Hate speech from the Trump administration has cultivated a xenophobic, racist, and violent culture towards immigrants and refugees. During Trump's presidency, he has labeled Muslims "[terrorists](#)," Chicanos as "[criminals](#)," and have told Congresswomen to "[go back](#)" to their own countries. This increase in hateful political speech has fed into lethal targeting towards immigrant and refugee communities, the day-to-day repercussions includes policies that has intensified immigration enforcement attacks on immigrants, which lead to arrest at grocery stores, homes, and worksite immigration raids.
3. Trump's hateful rhetoric and anti-immigrant sentiment was further solidified by executive orders that have been a consistent tool for the administration:
 - a. January 25, 2017: [Enhancing Public Safety in the Interior of the United States](#) (Executive Order #13768) promoted the "Secure Communities" initiative, which expanded the enforcement of a program created during the Bush era and expanded under Obama's administration. "Secure Communities" is a surveillance program that matches millions of fingerprints in the FBI database against local law enforcement and automatically matches the record and sends the matches to ICE (Immigration, Customs, and Enforcement), which has been utilized to work with local law enforcement to target and racially profile immigrants.
 - b. January 27, 2017: [Protecting the Nation from Foreign Terrorist Entry into the United States](#) (Executive Order #13769) targeted Muslim immigrants through restricting access to travel visas.
 - c. January 30, 2017: [Border Security and Immigration Enforcement Improvements](#) (Executive Order #13767) increased funding, enforcement, and border militarization at the southern border of the United States.
 - d. March 6 2017: [Protecting the Nation from Foreign Terrorist into the United States](#) (Executive Order #13780) limited refugee admission targeting Iraq, Syria, Sudan, Yemen, Libya, and Somalia.
 - e. October 24, 2017: [Resuming the United States Refugees Admissions Program with Enhanced Vetting Capabilities](#) (Executive Order #13815) increased the vetting of refugees into the country, creating barriers and connection to Homeland Security, perpetuating the "terrorist" stereotype in refugee communities.

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- f. June 20, 2018: [Affording Congress an Opportunity to Address Family Separation](#) (Executive Order #13841) sanctioned the indefinite separation and detention of immigrant families.
 - g. July 11, 2019: [Collecting Information About Citizenship Status in Connection with the Decennial Census](#) (Executive Order #13880) weaponized the census process to discourage immigrant communities from being counted accurately.
 - h. September 26, 2019: [Enhancing State and Local Involvement in Refugee Resettlement](#) (Executive Order #13888) limits resettlement to cases in which both state and local officials consent to such.
4. Since the last UPR submission in 2015, the United States federal government has taken a zero tolerance approach to immigrants living without legal status in the United States. Immigrant communities are being met with attrition through enforcement policies that make immigrant lives difficult through the enforcement of state and federal policies geared at making the lives of immigrants so unbearable that they choose to “self deport.” The cases below represent various contexts in which the rhetoric and policy of this administration has had dramatic impacts on the human rights of immigrants and immigrant communities in the United States.

Methodology

5. The US Human Rights Network is a national network of organizations and individuals working to strengthen a human rights movement and culture within the United States led by the people most directly impacted by human rights violations. This report was written by member organizations of the US Human Rights Network who work on immigrant rights issues in the United States. These member organizations worked together in a working group consisting of the following organizations: Coalición de Derechos Humanos, Poder in Action, Puente Human Rights Movement, South Texas Human Rights Center, the Border Network for Human Rights, the Rio Grande Valley - Equal Voice Network, the University of Dayton Human Rights Center, and Trans Queer Pueblo.
6. The information and evidence captured in the case studies are reported by community-based, grassroots organizations that work in close proximity to affected people.

Normative Framework

International Legal Obligations

7. The United States was integral in the drafting process of the Universal Declaration of Human Rights (UDHR), signing it on December 10, 1948. Marking the 70th anniversary of the adoption of the UDHR, the US delegation to the UN Human

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Rights Council issued a statement: “the United States celebrates the importance of [this declaration and]...reaffirms our commitment to the principles enshrined in [it].”¹

8. The United States is party to the International Covenant on Civil and Political Rights (ICCPR; 1992), the Convention on the Elimination of all forms of Racial Discrimination (CERD; 1994), and the Convention Against Torture (CAT; 1994). In 1995, the United States signed the Convention on the Rights of the Child (CRC), though it has yet to ratify the treaty. Many provisions of the UDHR and CRC are widely considered customary international law.

Treaty Bodies and Special Procedures²

9. Following up on a 2013 request from the Committee to End Racial Discrimination, in May 2017 the Committee requested a response from the United States government regarding the “discriminatory effects”³ of the expansion of the border wall between the United States and Mexico, particularly regarding its “adverse impact on the communities living along the border, especially Indigenous communities.”⁴ The Committee states that this order was “implemented without any type of consultation or consideration of potentially affected communities.”⁵
10. In a press briefing in June 2018, the Spokesperson for the UN High Commissioner for Human Rights stated that, “The practice of separating families amounts to arbitrary and unlawful interference in family life, and is a serious violation of the rights of the child.”⁶ Additionally, they said that “the US should immediately halt this practice of separating families and stop criminalizing what should at most be an administrative offence. We call on the US authorities to adopt non-custodial alternatives that allow children to remain with their families and fulfill the best interests of the child, their right to liberty and their right to family life.”⁷ Also in June 2018, Special Rapporteurs to the UN called upon the US to release migrant children from detention, and stop using them to deter migration, calling out the executive order that “fails to address the situation of thousands of migrant children forcibly

¹ US Mission Geneva. “U.S. Statement on the 70th Anniversary of the UDHR and the 25th Anniversary of the VDPA.” February 28, 2018. <https://geneva.usmission.gov/2018/02/28/u-s-statement-on-the-70th-anniversary-of-the-udhr-and-the-25th-anniversary-of-the-udpa/>.

² Portions of this section originally appeared in “Advancing Human Rights: A Status Report on Human Rights in the United States.” December 2018. <https://ushrnetwork.org/uploads/Resources/USHRN%202018%20Status%20of%20Human%20Rights%20in%20the%20US.pdf>.

³ Crickley, Anastasia. Received by Mr. Theodore Allegra. May 17, 2017. Letter from Committee on the Elimination of Racial Discrimination Chair to the Deputy Permanent Representative of the United States of America to the United Nations Office.

⁴ Ibid.

⁵ Ibid.

⁶ “Press Briefing Note on Egypt, United States and Ethiopia.” OHCHR. June 5. 2018. www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23174.

⁷ Ibid.

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separated from their parents and held in detention at the border.”⁸ This “may lead to indefinite detention of entire families in violation of international human rights standards.”⁹

11. In July 2018, 193 countries signed onto the Global Compact for Migration with the US being a notable exception.¹⁰ UN Special Rapporteurs called upon the US to sign the Compact, stating that, “Migration is not a crime, and migrants in irregular situations should not be treated as criminals or deprived of their liberty and security,”¹¹ and that “[c]hildren must never be detained because of their or their parents’ migration status. It goes against the best interests of the child, is a clear violation of child rights, and causes irreparable harm that can amount to torture.”¹²

Past UPR Recommendations Supported in Whole or in Part by the United States (2015 cycle)

12. This section captures recommendations germane to the circumstances of immigrants and immigrant communities, which have previously been accepted by the United States (US) government following the 2015 UPR cycle as articulated in the State’s response to the Working Group’s report.¹³ Based on evidence contained in the case studies below this report contends that the US government has failed to implement the recommendations it accepted during the last UPR.

- a. Acceptance of International Norms

- i. Consider ratifying Convention on the Rights of the Child [§176.1 (Peru); §176.21 (Kazakhstan); §176.23 (Bulgaria); §176.24 (India); §176.25 (Indonesia); §176.27 (Romania); §176.31 (Botswana); §176.32 (Iceland); §176.34 (Democratic Republic of the Congo); §176.35 (New Zealand); §176.38 ((the former Yugoslav Republic of Macedonia); §176.46 (Austria); §176.47 (Mali); §176.48 (Sweden, Timor-Leste, Algeria, Maldives, France, Portugal, Slovenia, China, Japan, Canada); §176.49 (Estonia); §176.50 (Libya); §176.55 (Burkina Faso); §176.56 (Islamic Republic of Iran)

- b. Racial Discrimination

- i. End discrimination in law and practice against all minorities and migrants, particularly against women and children from poor families [§176.125 (Islamic Republic of Iran)]

⁸ “UN Experts to US: ‘Release Migrant Children from Detention and Stop Using Them to Deter Irregular Migration.’” OHCHR. June 22, 2018.

www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23245&LangID=E.

⁹ Ibid.

¹⁰ Ana Campoy. “The Global Migration Plan that Every UN Country Agreed to-Except the US and Hungary.” *Quartz*. September 17, 2018. www.qz.com/1332922/the-entire-united-nations-agreed-on-the-global-compact-for-migration-except-the-us-and-hungary.

¹¹ Ibid.

¹² Ibid.

¹³ A/HRC/30/12; A/HRC/30/12/Add.1.

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- ii. Adopt measures at the federal level to prevent and punish excessive use of force by law enforcement officials against members of ethnic and racial minorities, including unarmed persons, which disproportionately affect African-American and undocumented migrants [§176.154 (Mexico)]
- c. Police misconduct
 - i. Ensure the independent and objective investigation of all cases of police arbitrariness, including murders, torture, arbitrary, detention, use of military equipment and seizure of property [§176.218 (Russian Federation)]
 - ii. Strengthen the existing mechanisms to prevent the excessive use of force and discriminatory practices in police work [§176.139 (Peru)]
 - iii. Implement measures to assist states and local governments in combating excessive use of force by the police and eliminating racial profiling [§176.151 (Brazil)]
- d. Right to an Effective Remedy
 - i. Further ensure that all victims of torture and ill-treatment — whether still in United States custody or not — obtain redress and have an enforceable right to fair and adequate compensation and as full rehabilitation as possible, including medical and psychological assistance [§176.286 (Denmark)]
- e. Lesbian, Gay, Bisexual, and Transgender Rights
 - i. Heighten efforts to promote non-discrimination of any kind, including discrimination on the basis of sexual orientation and gender identity [§176.162 (South Africa)]
 - ii. Keep promoting progress in lesbian, gay, bisexual, transgender and intersex issues, especially in preventing discrimination based on gender or sexual orientation [§176.163 (Israel)]
- f. Prohibition of Torture, and Cruel, Inhuman, and Degrading Treatment
 - i. Strengthen safeguards against torture in all detention facilities in any territory under its jurisdiction, ensure proper and transparent investigation and prosecution of individuals responsible for all allegations of torture and ill-treatment [§176.210 (Czech Republic)]
 - ii. Respect the absolute prohibition on torture and take measures to guarantee punishment of all perpetrators [§176.217 (Costa Rica)]
 - iii. Ensure a sustained human rights training for law enforcement officers [§176.224 (Democratic Republic of the Congo)]
 - iv. Investigate cases of deaths of migrants by customs and border patrols, particularly those where there have been indications of an excessive use of force, and ensure accountability and adequate reparation to the families of the victims [§176.229 (Mexico)]

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- g. Arbitrary Arrest and Detention
 - i. [S]eek alternatives to detention and end use of detention for reason of deterrence [against immigrant families and children] [§176.252 (Mexico)]
- h. Migrants
 - i. Continue efforts to implement the human right to safe water and sanitation, ensuring this human right without discrimination for the poorest sectors of the population, including indigenous peoples and migrants [§176.311 (Spain)]
 - ii. Guarantee the enjoyment of human rights of the minorities and vulnerable groups in the country, including the indigenous peoples and migrants [§176.321 (Nicaragua)]
 - iii. Guarantee the right to family reunification of migrants held in detention and continue with the efforts to protect the human rights of migrant persons, particularly their economic, social and cultural rights [§176.338 (Paraguay)]
 - iv. Ensure due process for all immigrants in immigration proceedings, using the principle of the best interest, especially in the case of families and unaccompanied children [§176.339 (Honduras)]
- i. Cooperation with Special Procedures
 - i. Consider extending a standing invitation to all special procedures mandate holders of the Human Rights Council [§176.110 (Latvia)]
- j. Human Rights Education, Trainings, and Awareness Raising
 - i. Strengthen human rights education programs and training for all civil servants, particularly for law enforcement and immigration officers, and combat impunity concerning abuses against defenseless persons [§176.74 (Costa Rica)]

Case Studies

Trans Queer Pueblo

12. Trans Queer Pueblo's Liberation Project supports folks detained in Arizona detention centers through visits, letters, connecting them with legal support, and providing post-detention support and support like housing, transportation, and clothing. In 2017, we supported 54 LGBTQ+ detainees, 16 of whom were liberated. In 2018, we supported 69 LGBTQ+ detainees, 29 of whom released. From January - September 2019, we supported 65 LGBTQ+ detainees, 19 of whom were liberated. We will highlight three troubling trends in ICE's treatment of queer and trans migrants and undocumented people.
13. **First, ICE heralds its gay, bisexual, and trans "pods" as a humane breakthrough in their treatment of LGBTQ+ people. The case of the Cibola 29 shows that ICE is incapable of providing humane care to anyone, especially trans women.**

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14. Since June 2019, 29 trans women and gender non-binary (NB) migrants¹⁴ detained in Cibola County Correctional Facility in New Mexico have been self-organizing to bring to light abuses by ICE officials and detention center guards. Trans Queer Pueblo maintains that this is the latest evidence that no LGBTQ+ migrant is safe in ICE custody.
15. In a handwritten letter dated June 26, 2019, they painted a harrowing picture of conditions at the CoreCivic owned and operated facility: guards hurling psychological abuse; medical staff withholding medications and failing to adequately care for HIV+ and disabled people; unsanitary conditions producing a breeding ground for skin infections. The letter also details detainees being coerced into signing documents that they did not understand.
16. Having come to the U.S. to seek asylum from Mexico and Central America, the trans and gender NB migrants denounced abuses at great personal risk, writing “we fear reprisals, but more so we fear staying in this situation.” In ICE facilities, detainees who speak out are often punished with solitary confinement.
17. Ironically, the letter’s signatories were transferred to Cibola under the claim they would be be “safer” in the facility’s gay, bisexual, and trans “pod”. ICE heralds these units as a humane breakthrough in their treatment of LGBTQ+ people. Trans Queer Pueblo counters that ICE is incapable of providing humane care to anyone, let alone LGBTQ+ migrants and trans women in particular.
18. The Cibola 29’s eyewitness account is only the latest in a troubling history of abuses at Cibola Correctional Facility. The facility is the focus of the #FreeAlejandra campaign to free 44-year-old Alejandra Barrera, a Salvadoran activist detained by ICE since requesting asylum in 2017. In May 2018, [Roxsana Hernandez Rodriguez](#), a Honduran trans woman seeking asylum in the U.S., died after 16 days of sustained abuse at Cibola. Johana Medina perished on June 1st of this year in ICE custody in Texas.
19. Trans Queer Pueblo is campaigning for the immediate release of the Cibola 29, a detainee-led investigation into abuses, an end to LGBTQ+ detention, the release of all LGBTQ+ migrants in detention, the closure of Cibola Correctional Facility and the abolition of ICE.
20. **Second, ICE continues the practice of house trans women in all-male detention facilities, where they are more vulnerable to abuse and sexual assault. Third, the collaboration between private security companies, city police, county sheriffs, and ICE in the City of Phoenix means that small violations of city ordinances often lead to life-threatening deportations.** These trends are highlighted in the case of Naomi Ramirez Rosales, a 34-year-old

¹⁴ A trans woman is a woman who was assigned male at birth. A person is non-binary if their gender identity is something other than male or female. Binary gender was violently imposed by Europeans when they conquered the Americas. Pre-colonization and in the present day indigenous cultures honored third, fourth, and fifth genders.

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undocumented trans woman and Phoenix resident who stood at the Light Rail station without a ticket (the Light Rail is an above-ground metro system that has caused considerable controversy in the city).

21. A private security guard asked Naomi for her ticket; when she could not procure one, the security company passed her on to Phoenix PD, who passed her on to Maricopa County Sheriff's Office (MCSO), who passed her off to Immigration and Customs Enforcement. She is now being held in an all-male detention center in La Palma Correctional Facility, facing deportation to Mexico, a country she has no known since the age of 5. Trans Queer Pueblo is currently campaigning for Naomi's immediate release, and for the Mayor of Phoenix to end the relationship between Light Rail security and Phoenix PD; and the relationship between MCSO and ICE.

Poder in Action

22. There is a culture of violence within the Phoenix Police Department (PPD) that includes the suppression of poor and working class people, physical violence (e.g., shootings, beatings, tasing, deaths), sexual and domestic violence, psychological harm (e.g., over-policing, intimidation, harassment, threats), along with the protection of property over the well-being of people. This culture of violence also involves the continued collaboration between PPD and Immigration and Customs Enforcement (ICE) and the enforcement of Arizona's infamous "show me your papers" law, A.R.S. 11-1051, or SB 1070 as it is commonly known.
23. Since 2015, there have been notable legal wins related to policing and immigration enforcement in Arizona. In 2016, there was a successful, mass grassroots mobilization among Maricopa voters and the immigrant community, most significantly among undocumented youth, to remove Maricopa County Sheriff Joe Arpaio and end his reign of terror on people of color in Phoenix. The lawsuit against SB 1070 was also settled in 2016, with the court ruling that police officers are not required to demand proof of immigration status of people suspected of being undocumented. After the ruling, Arizona Attorney General Mark Brnovich issued an informal opinion instructing Arizona law enforcement agencies to ignore the requirement that officers must ask for status documents based on reasonable suspicion. Brnovich's informal opinion still allowed enforcement of SB 1070, but no longer required it. PPD incorporated this informal opinion in their policy manual, specifically Operation Order 4.48 which is the compliance order to enforce SB 1070. In 2017 and 2018, additional changes were made to Operation Order 4.48 detailing that officers cannot ask victims and witnesses of crime for identification, and certain categories for reasonable suspicion--categories that clearly condoned racial profiling to determine a person's immigration status--were removed.
24. Despite these wins, the culture of violence persists within PPD. There is no evidence of PPD disciplining officers for not following the informal opinion or the new changes to Operation Order 4.48. Up until 2017, Operation Order 4.48 was written based on the original wording of SB 1070 from 2010, meaning there are thousands of officers

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who were trained on and enforced Operation Order 4.48 as it was initially worded for seven years. Their practices out in the field impact the culture of PPD, and perpetuates the anti-immigrant legacy of 2010. Furthermore, PPD's police union, the Phoenix Law Enforcement Association (PLEA), has been adamant about supporting SB 1070, and has been a vocal supporter of anti-immigrant law enforcement. In 2017, former PLEA President, Ken Crane, wrote a letter to former Phoenix mayor, Greg Stanton, regarding his response to President Donald Trump's executive orders regarding the southern border wall. In the letter, Crane commented, "The threat of terrorist attack is more real today in American than it has ever been. As one of four southern border states, we are literally on the front lines in the war on terror, narcotics trafficking and human smuggling. Our porous border is an open invitation and an open gateway to those who would do us harm." These comments demonstrate PLEA's anti-immigrant ideology that fuels the culture of violence against immigrants within PPD.

25. In 2018, PPD became the most violent police force in the nation, with 44 officer-involved shootings and 25 deaths. In 2019, PPD has shot 12 people, with 10 being fatal, and tased someone to death. This physical violence and death, including the continued collaboration between PPD and ICE, creates a climate of fear among immigrant communities and people of color, who are at most risk for getting in contact with police due to over-policing and racial profiling. This climate of fear and constant stress has forced people to move a lot, leave Phoenix or even the state.
26. Families who have been victimized or who have lost someone due to police violence experience further traumatization when interacting with PPD. There are multiple cases of monolingual Spanish-speaking parents of victims of police violence who did not receive timely or accurate communication/follow through after their sons were shot and killed by PPD. For instance, after 26-year old Alejandro Hernandez was shot and killed by an officer on April 29, 2019, PPD told the family they would send a detective within 72 hours to explain what happened, but that never happened. It also took PPD eight weeks to give Alejandro's family the police report, against their internal protocol that requires PPD to publicly release police records on officer-involved shootings 30 days from the incident. PPD has the practice of informing media of officer-involved shootings before informing families, which adds to the pain of losing a loved one and not knowing what happened until seeing it on the news. Undocumented parents of victims experience additional barriers to justice as they interact with PPD, navigate the criminal/immigration systems, and try to re-build their lives after the loss of their sons. One mother who lost her son in 2017 was detained for hours by PPD immediately after the incident. In the year following her son's death, she did not have access to resources, such as mental healthcare and financial support for rent, and did not learn her rights until connecting with an advocacy organization.
27. This culture of police violence can be addressed through changes in public policy and internal policy among law enforcement agencies. SB 1070 must be fully repealed at the state level. The Maricopa County Sheriff, Paul Penzone, must refuse

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to host ICE at the 4th Avenue jail in Phoenix, which is where PPD and other local police departments drop off detained community members for processing. PPD specifically has received over 80 recommendations over the past 10 years to decrease police violence, but there have been no accountability measures to evaluate the implementation or effectiveness of these recommendations. Currently, there is an Implementation Ad-Hoc Committee within the City of Phoenix that is closely reviewing PPD's implementation of these recommendations. For example, one evidence-based recommendation that has been shown to decrease fatal officer-involved shootings is officers documenting every time they point their weapon at a community member. PPD has vocally refused to implement this practice. The City of Phoenix is also exploring different models for civilian oversight of PPD, which, in order to impactfully decrease police violence, must include a committee that is independent from PPD and PLEA, has subpoena power to call on witnesses, and is sufficiently funded to be effective.

Rio Grande Valley-Equal Voice Network

28. The Rio Grande Valley has been ground zero for Trump's zero tolerance policy against immigrants. The resulting anti-immigrant rhetoric has escalated hate and xenophobia against our immigrant communities. Beyond harmful federal policies, the Rio Grande Valley suffers a double attack since the State of Texas spent more than \$2 billion over the past five years sending state police to the region with the sole objective of targeting immigrants. The consequences of these attacks are as simply disturbing as the number of elderly people opting to go hungry rather than going out after dusk to shop or as tragic as the multiple deaths of children in Customs and Border Protection custody. As a result, new xenophobic policies have been implemented and the RGV-Equal Voice Network is diligently responding and addressing these threats in the following ways.

Senate Bill 4 – Texas' Show Me Your Papers Bill

29. In 2016, Texas Senate Bill 4 (also known as "Show me Your Papers" law) was introduced into the Texas Legislature by Governor Greg Abbott. SB4 was created to force local government and law enforcement agents to collaborate with federal immigration officers comparable to Arizona's SB 1070. However, the bill was more punitive, penalizing local officials for non-compliance with the law or speaking out against SB4. This prompted the RGV-Equal Voice Network along with immigrant advocacy groups, faith-based organizations and public officials across Texas to unite and form massive mobilizations and protests against the bill. It also brought civil rights groups, city and county officials as well as policing agencies to file a lawsuit against the Texas Governor and State Attorney General Ken Paxton. Following a series of legal battles, in 2018, the Court of Appeals issued a ruling that unblocked most of the law, effectively allowing most of SB4 to go into effect. The ruling upheld the right and freedom for local officials to decide on whether to assist federal immigration enforcement and to speak against laws such as SB4 without facing any penalties from the State. Despite the changes, the RGV-EVN has

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witnessed the heightened anxiety and fear among immigrant communities. The Network has organized a series of meetings with local police to encourage them to find creative alternatives to policing practices that target immigrant families.

Resisting the Border Wall

30. Nearly a decade ago, the Secure Fence Act required the Department of Homeland Security to build up to 700 miles of border fencing along the southwest border. Of this, 70 miles was set aside to build a wall along the Rio Grande floodplain, the international boundary between Mexico and the U.S. in Texas. However, only 56 miles of border was built due to the prohibitions of a 1970 Treaty, a treaty between the US and Mexico stating neither country can obstruct the floodplain without both countries agreeing to it. The RGV-Equal Voice Network has advocated against the border wall and joined efforts with local environmental groups and other community organizations to resist further construction of the border wall through mobilization and legal action. Although, these efforts have proved to be successful, in 2019, the Trump administration unilaterally and illegally diverted billions of dollars appropriated for military preparedness and construction to seize privately owned land and build a wall along portions of the southern border. RGV-Equal Voice Network member organizations have assisted private landowners with property in the path of the border wall in defending resulting eminent domain lawsuits.

Remain in Mexico (MPP – “Migrant Protection Protocols”)

31. The Trump Administration has implemented Remain in Mexico, or the “Migrant Protection Protocols,” along the southern border from California to Texas. This program requires asylum seekers be forcibly “returned” to Mexico during the pendency of their asylum cases. These protocols impose an extreme burden on the right to apply for asylum. Many asylum seekers have no living arrangements in Mexico, and are forced to rely on shelters or other unstable living arrangements while they are there. Border cities in Mexico are often dangerous and asylum seekers may be subject to additional persecution and danger while they await a decision in their cases, which may take months or years. This protocol also gives U.S. Border Patrol agents unfettered discretion to decide that someone should return to Mexico, even involuntarily, without any review by an Immigration Judge. This is a potential violation of the Convention Against Torture and the Foreign Affairs Reform and Restructuring Act which says that it is US policy “not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture.” 8 USC 1231. Moreover, the court hearings offered as a part of MPP are held in private, creating yet another layer of opacity in the treatment of those seeking asylum.

32. The border wall and increased militarization and enforcement tactics to deter migrants have imposed extreme harm upon border communities. This has led to an

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increase in migrant fatalities and the expansion of detainment and deportation of border residents.

33. **Recommendations:** We urge for the United States government to be held accountable for the continuous human rights violations along the border and that just and humane immigration policies are adopted to protect migrants and border residents who currently reside in the United States.

Border Network for Human Rights in partnership with the University of Dayton Human Rights Center

34. The Border Network for Human Rights (BNHR) has been conducted Abuse Documentation Campaigns (ADC) since the early 2000s. In the past, we have used our findings to constructively engage with law enforcement through a strategy we refer to as the “El Paso Model,” of dialogue and pressure, which has produced a marked decrease in human rights abuses; that is, until 2016. With the election of the Trump administration, everything changed. Previously decreasing patterns of abuse started to shoot upward. Agencies that had changed their ways started to aggressively intrude on people’s dignity and rights. What we have seen in this year’s report is unprecedented. The number of abuses and the degree of seriousness of those abuses is something we have not seen in our twenty years working with borderland communities. The state of human rights in the U.S.-Mexico borderlands is grave, and is only getting worse.
35. Canvassing for the 2019 ADC started with more than thirty trained documenters heading out into the community trained by BNHR on a process of answering five basic questions: Who did What to Whom, When, and Where? Documentations are conducted through in-person interviews that typically run thirty minutes or longer. Over the months of May and June, these volunteers canvassed more than twenty-four locations across El Paso and surrounding areas, including ports-of-entry and immigrant shelters.
36. There are a number of concerning results from the testimonies we collected. This is a summary of some of the most salient findings. There were three major, distinct patterns of abuse:
- a. Inhumane conditions in detention: Exposure to extreme temperatures (hot and cold); lack of adequate access to food; lack of adequate access to water; severe overcrowding; juveniles detained with adults; frequent wake-up and inspection during sleeping hours; lack of access to adequate medical care; separation of family units; and lack of access to bathing or hygiene, including feminine hygiene products.
 - b. Physical and psychological abuse: Excessive force by law enforcement during arrest as well in detention; sexually abusive conduct during interrogation at ports-of-entry, including strip searches, as well as groping of breasts and genitals during searches while in detention; dehumanizing verbal abuse against immigrants in detention, including being spat on, cursed at, laughed at, called

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names, employed profanity and shouting, and use of threatening and aggressive language.

- c. Denial of due process: Immigrants are kept in detention for lengthy periods of time before processing, without access to counsel. Detainees were threatened, deceived, and coerced to sign their own temporary deportation orders on forms not written in a language familiar to them.

36. The abuses detailed in this report constitute torture by the definition stipulated in the Convention Against Torture, evidence grave violations of the law under the International Covenant on Civil and Political Rights, and contravention of the norms and provisions of the Universal Declaration of Human Rights and Convention on the Rights of the Child, both of which are considered customary international law.

37. **Recommendations:** We call on the United States government to immediately improve conditions for immigrants in detention by increasing medical staff, provide adequate access to clean water and nutritious food, and reduce overcrowding. In the medium term, we strongly urge Customs and Border Patrol to explore and implement alternatives to replace detention as a policy option. There must be an open and expedient investigation into the allegations contained in our report and any individuals found responsible must be prosecuted.

Coalición de Derechos Humanos

38. The criminal prosecution of people attempting to cross the US/Mexico border has dramatically increased through a 2005 program called "Operation Streamline," designed to expedite the prosecution of Title 8 Sec. 1325 and Sec. 1326, resulting in the mass conviction and incarceration of migrants. This short-cut to a conviction represents a direct violation of the Due Process and Equal Protection Clauses of the US Constitution, Refugee Act of 1981, and International Law and Treaties. Migrants are selected for criminal prosecution by the US Border Patrol, sent to the US District Court where they plead guilty in en masse-type proceedings, where language, as well as basic comprehension of the legal proceedings, present questions of basic fundamental fairness.

39. As a co-founder and co-chair of the Board, and organizer with, Coalición de Derechos Humanos, I have been involved in the migrant rights struggle since 1976, with many of us leading marches, creating coalitions, doing transborder organizing, creation of popular know-your-rights and other educational materials, litigating cases, and fighting the general criminalization of our communities. We have helped inspire and organize many human and civil rights groups, from UNIDOS to No More Deaths, and the many promotoras de derechos humanos across the state.

40. As the oldest human rights organization in Southern Arizona, we have been working directly in and with the mexicana/chicana/indigenous communities for over 4 decades, advocating and organizing for policy and structural changes around us. As such, we have monitored US border policies and enforcement strategies to find that

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they are directly responsible for the death and mass incarceration of migrants. In what our member and founder of the University of Arizona Binational Migration Institute, BMI, Raquel Rubio Goldsmith calls the “Policy of Death.” Part of the “border security” strategy is to give migrants a “consequence,” with people arrested, charged, convicted and incarcerated from 1-180 days for the misdemeanor, and 2-20 years for the felony. Our work on this issue led to the creation of End Streamline Coalition, that has gathered much data surrounding these cases.

41. Since 2015, hundreds of thousands of migrants have been criminally convicted for crossing the border. We believe this program has guaranteed suffering, as migrants are treated poorly, many are separated from their families who accompany them, legally condemn them from seeking to enter again, and face the conditions that all those who are convicted in this country. Last year, using this little-known program, committed the worst human rights abuse - Zero Tolerance for families crossing the border. We separated over 3,000 children from their family members, resulting in torture and longterm problems for these children. Although the program was discontinued, the actual practice of separating children from their families has not. Thousands of children, many of them Indigenous Peoples, are in detention in one of the camps in the country. The priority on the prosecution of migrants for entry is racist in its application, refuses the realities of our immigration histories, as well as the reasons people are migrating. This program has also resulted in violation of the individual's rights to seek asylum or withholding of removal and the right to Due Process. We have observed many migrants in court who plead their case for asylum only to be told that they are in the wrong court for their request, women crying about being separated from their children, and many migrants who went through the process with a lawyer, and yet, did not understand the court proceedings.
42. **Recommendations:** The federal government should immediately suspend Operation Streamline, and stop all prosecutions of unlawful entry. This relatively new policy of prosecution of migrants should be halted, and Sec. 1325 and Sec. 1326 should be removed from the criminal code. Many of the Indigenous Peoples do not understand the process, and when the lawyer mentions it, that person is damaged in that the court will continue it for a court interpreter, resulting in continued incarceration of the person.

South Texas Human Rights Center

43. The humanitarian and human rights crisis of migrant deaths is on the US-Mexico border in the course of migrants trek or journey to the United States. These are “deaths by deterrence policies and practices.” This is enhanced by lack of accurate data on the migrant deaths and missing migrants. This is a clear failure of States to consider first the protection of the right to life and preventing deaths and also developing best practices in search and rescue and into right to the investigations of said deaths. The right to be identified and the right for families to know forensic of your identity. There is no human rights forensic infrastructure that protects the right of a dignified burial and or repatriation.

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44. The South Texas Human Center (STHRC) has deployed and managed water drops of 200 water stations utilizing approximately 10,000 gallons of water since 2013 in our efforts to uphold our mission of ending migrant deaths. The STHRC has in conjunction with Brooks County Sheriff's Office (BCSO) developed a database excel file that documents since 2004 recovery incident reports of skeletal remains and deceased migrant bodies totaling 776 total.

45. The STHRC thru its Missing Migrant Hotline has received from May 31, 2018 to May 31, 2019 a total of 839 new missing migrant calls of which 579 were in detention and we had 34 rescue attempts with 28 successful rescues. A total of 258 remained missing or 30% remain missing.

46. Recommendations

- a. Create regularized pathways for employment offers and opportunities so that migrants can have an orderly, safe, and regular transit and not enter without inspection at the US Mexico border through more hazardous, more dangerous and more perilous routes and at the mercy of smugglers.
- b. Eliminate the demonization of migrants by decriminalizing their movement and end policies of deterrence and militarization. That exacerbates the possibility of deaths.
- c. Eliminate high-speed chases which jeopardizes communities.
- d. Develop a fail-safe "migrant in distress"- 911-respond system not just dependent on Border Patrol and commercial wireless companies.
- e. More permanent search and rescue Border Patrol units independent of apprehension and detaining assignments.
- f. Upon documentation of a migrant missing a more thorough investigation should be protocols.
- g. States have an obligation to protect and search, rescue, and identify with due diligence.
- h. Migrant deaths must be treated with dignity in the burial procedures and DNA preserved for future identification.

Recommendations

In addition to the recommendations called for in the cases above, the implications of the evidence in the aggregate suggest a supplemental series of policy changes:

47. Abolish ICE

48. The establishment of "Welcoming Centers" in cities across the southern border of the United States, including at McAllen, Texas; Laredo, Texas; El Paso, Texas; Nogales, Arizona; Yuma, Arizona; Calexico, California; and San Diego, California.

- a. These facilities will replace existing holding/processing/detention facilities.
- b. These "Welcoming Centers" should be open to NGOs and attorneys to work alongside Federal agencies in processing arriving migrants, asylum

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seekers, and refugees, providing access to basic legal information and orientation to life in the United States—including an introduction to private transportation systems such as interurban bus lines and airports, and basic English.