

The New York Times | <https://nyti.ms/3olBa8f>

Migrant Children From Other Countries Are Being Expelled Into Mexico

Children from Central America are being sent by the U.S. to Mexico, where they may have no family to retrieve them. An internal email said the transfers violated the government's own policies.



By Caitlin Dickerson

Oct. 30, 2020 Updated 1:55 p.m. ET

U.S. border authorities have been expelling migrant children from other countries into Mexico, violating a diplomatic agreement with Mexico and testing the limits of immigration and child welfare laws.

The expulsions, laid out in a sharply critical internal email from a senior Border Patrol official, have taken place under an aggressive border closure policy the Trump administration has said is necessary to prevent the coronavirus from spreading into the United States. But they conflict with the terms upon which the Mexican government agreed to help implement the order, which were that only Mexican children and others who had adult supervision could be pushed back into Mexico after attempting to cross the border.

The expulsions put children from countries such as Guatemala, Honduras and El Salvador at risk by sending them with no accompanying adult into a country where they have no family connections. Most appear to have been put, at least at first, into the care of Mexican child welfare authorities, who oversee shelters operated by religious organizations and other private groups.

The expulsions, which appear to number more than 200 over the past eight months, reflect the haphazard nature with which many of the administration's most aggressive immigration policies have been introduced. In many cases, they have led to the shuffling of young children between U.S. government agencies and now, between the governments of countries that are not their own. For years now, the Trump administration's handling of migrant children has left members of families separated for months on end and unable to reach one another.

A report to the courts earlier this month revealed that the parents of 545 such children currently in the United States, some of them separated from their families as long ago as 2017, still have not been located.

Under existing diplomatic agreements and U.S. policies, children from countries other than Mexico are supposed to be put on flights operated by Immigration and Customs Enforcement to their home countries, where they can be reunited with their families.

Rumors of children from other countries being expelled into Mexico have swirled among nonprofit workers advocating for child welfare in Mexico and the United States. But locating any such children has been difficult because of spotty reporting from Mexican government authorities.

But an email from the U.S. Border Patrol's assistant chief, Eduardo Sanchez, obtained by The New York Times, makes it clear that such transfers have not only occurred, but that they are a clear violation of U.S. policy.

"Recently, we have identified several suspected instances where Single Minors (SM) from countries other than Mexico have been expelled via ports of entry rather than referred to ICE Air Operations for expulsion flights," Mr. Sanchez wrote.



Guatemalan children arriving in Guatemala City after being deported from the United States in 2019. Under existing agreements and policies, children from countries other than Mexico are supposed to be put on flights to their home countries, where they can be reunited with their families. John Moore/Getty Images

Referring to the federal public health statute upon which the administration's border closure policy rests, he continued, "Please note that if not corrected, these actions will place Title 42 operations in significant jeopardy and must be ceased immediately. To reiterate, under no circumstances should a SM from a country other than Mexico be knowingly expelled to Mexico."

Brian Hastings, chief of the Border Patrol's Rio Grande Valley sector, acknowledged in an interview that non-Mexican children had been sent back into Mexico.

And Mark Morgan, the acting commissioner of the Customs and Border Protection agency, acknowledged in a separate interview this week that such expulsions would violate an agreement between Mexico and the United States. "That's not part of their policy," Mr. Morgan said of Mexico.

The coronavirus pandemic created an opportunity for the Trump administration to enact its most stringent border restrictions yet. Thousands of children have since been rapidly expelled to their home countries after crossing the border into the United States — a departure from years of established practices, under which children traveling without adult guardians were transferred into an American government shelter system, where they were assigned to caseworkers who worked to reunite them with American sponsors while their cases for asylum were being considered in the courts.

Contrary to that policy, the children expelled during the pandemic have been held only briefly in Border Patrol facilities or in hotels before being sent to their homes countries, often without any notification to their families ahead of time. Some have had to borrow cellphones when they arrive at airports to look for family members who may be willing to take them in.

The latest expulsions add a new and potentially more devastating complication, creating even more confusion for families from Central America and elsewhere who may be trying to find their children.

It is possible that some of the expelled children may have had family members in Mexico who were themselves waiting for entry to the United States, but Mexican authorities did not provide information about children handed off to their shelters.

Lawyers for the American Civil Liberties Union are challenging the practice of expelling migrant children in federal court, arguing that it violates child welfare laws, such as the Trafficking Victims Protection Act, as well as national immigration laws, which require special protections for migrant children traveling alone.

“Even apart from the general illegality of Title 42, it is separately illegal under the immigration laws to expel a non-Mexican child to Mexico,” said Lee Gelernt, the lead attorney in the case.

The government has recently begun referring to migrant children who cross the border alone differently — as “single minors” rather than “unaccompanied alien children” — reinforcing the notion that while the pandemic-related border closure is in place, such children are not eligible for the legal protections that would otherwise have been available to them.

According to public data, U.S. authorities have expelled more than 200,000 people since the new public health border closure took effect, but the administration would not answer questions about how many of them were children, nor about how many were sent to Mexico. In December, border authorities acknowledged in federal court that at least 8,800 children have been expelled from the United States since March.

The human rights organization Women’s Refugee Commission filed a public records request with Mexican authorities and received data suggesting that at least 208 Central American children had been returned to the custody of Mexican authorities between March 21 and June 5 of this year.

Mexican child welfare authorities did not respond to requests for comment.

Zolan Kanno-Youngs contributed reporting.

Caitlin Dickerson is a Peabody Award-winning reporter based in New York who covers immigration. She has broken stories on asylum, detention and deportation policy, as well as the treatment of immigrant children in government custody. @itscaitlinhd