DECLARATION OF MICHELLE BRANE OF THE WOMEN'S REFUGEE COMMISSION

I, Michelle Brané, hereby declare as follows:

1. I am the Director of the Migrant Rights and Justice (MRJ) Program of the Women's Refugee Commission (WRC), where I have worked on research and policy advocacy since August of 2006. Prior to joining the WRC, I was the Director of the Access to Justice Program at Lutheran Immigrant and Refugee Services, a Human Rights Officer and Election Monitor seconded by the U.S. Department of State to the OSCE (Organization for Security and Cooperation in Europe), and an Attorney Advisor at the U.S. Department of Justice, Board of Immigration Appeals. I am admitted to practice law in New York. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I submit this declaration to document the widespread and systematic denial by the U.S. government of the rights of asylum seekers and danger to which this exposes asylum seekers and especially unaccompanied children, who present themselves at the port of entry in Tijuana/San Isidro.

The Women's Refugee Commission and the Migrant Rights and Justice Program

3. The WRC is a non-profit organization that advocates for the rights of women, children, and youth fleeing violence and persecution. The WRC is based in New York, New York; the MRJ Program is based in Washington, D.C.

4. The WRC was founded in 1989, originally as a program within the International Rescue Committee, after having identified a dearth of programming to protect women and girls displaced by humanitarian crises around the world. It subsequently evolved into an independent entity. WRC's mission is to improve the

lives and protect the rights of women, children and youth displaced by conflict and crisis.

5. The WRC is a leading expert on the needs of refugee women and children, and the policies and programs that can protect and empower them. The WRC regularly consults displaced women, children, and youth, and works with the community-based organizations that are usually the first responders in any humanitarian crisis. It then raises those needs with policy makers and implementers, including local and national governments, the United Nations, and other international non-governmental organizations that drive humanitarian policy and practice.

6. The MRJ program focuses on the right to seek asylum in the United States. It strives to ensure that refugees, including women and children, are provided with humane reception in transit and in the United States, given access to legal protection, and protected from exposure to gender discrimination or gender-based violence. The MRJ program regularly consults with diverse stakeholders, including affected migrants and refugees; community-based, national, and international organizations; policymakers, including Members of Congress and their staff; and federal government officials from several departments and agencies that work on immigration-related issues and conduct oversight.

7. Since 1996, the MRJ team has made numerous visits to the southwest border region, including along Mexico's northern border, as well as to immigration detention centers for adult women and families and to shelters housing unaccompanied children throughout the country. Based on the information that we collect on these visits and our legal and policy analysis of the issues, we advocate for improvements through various methods, including meetings with government officials and service providers, and by documenting our findings through fact sheets, reports, backgrounders, and other materials. We make recommendations to address identified or observed gaps or ways in which we believe the corresponding

department or agency could improve its compliance with the relevant standards. We use these materials in our advocacy work to inform the perspectives and decisions of policymakers. Although the WRC has not litigated cases directly, the MRJ program has filed amicus briefs and declarations in pending litigation on issues such as the conditions and standards for the custody of unaccompanied children.

Recent Experiences of Asylum Seekers in Encounters with U.S. Authorities

8. Since December 2016, members of my staff in the MRJ program and I have conducted several visits to the U.S.–Mexico border, after receiving reports from local advocates that asylum seekers were being systematically turned away from U.S. land Ports of Entry. Most recently we visited Tijuana, Mexico and San Isidro and San Diego, California on November 26 – 30, 2018. My focus today is on observations and findings from this visit.

9. The structure of our visit consisted of crossing the border from the United States to Mexico by foot. Once in Tijuana, Mexico, we met with NGOs Government officials, International Organizations, and migrants, over the course of several days. We observed events and attempts to enter through the port of Entry at "Garita El Chaparal" – or Pedestrain Access West. We spoke with migrants and asylum seekers about their experiences crossing the border, trying to cross the border, or before attempting to cross the border from Mexico into the United States. All of the asylum seekers we encountered were seeking safe haven in the United States after fleeing targeted violence or other serious harm in their home countries.

10. I also met with CBP representatives on the U.S. side of the border, to learn more about what they were observing on these same issues and to share our findings.

Manner in Which Asylum Seekers Are Denied Processing

11. All asylum seekers, including those from Mexico, are told by U.S. border officials that prior to processing or entry they have to coordinate with Mexican immigration authorities. In practice, what we observed – confirmed by asylum seekers, Mexican and U.S. government officials, and NGOs working in Tijuana – is that asylum seekers must register themselves on a list that is maintained by migrants themselves and the Mexican agency known as "Grupo Beta."

12. Asylum seekers maintaining "the list" are self-appointed through an ad hoc nomination system. I observed that asylum seekers managing "the list" are stationed at a table outside of the Port of Entry. Migrants who approach them are asked for their identity documents, their name is put on the list, and they are given a piece of paper with a number on it. Every evening, this list is given to the Mexican agency, "Grupo Beta" for "safekeeping" overnight.

13. Asylum seekers, NGO personnel, and Grupo Beta themselves informed us that Grupo Beta maintains the lists of asylum seekers waiting to present at a specific Port of Entry every night, and in the morning, after being informed by U.S. authorities how many will be accepted, they escort the individuals whose turn it is to the U.S. officials at the Port of Entry. We were told that if an asylum seeker approaches the Port without being on 'the list", he or she would be turned away by U.S. authorities, refused processing, and be told that they need to get on "the list".

14. On this visit, we spoke to asylum seekers from Mexico, Honduras, and Venezuela. All of the asylum seekers with whom I spoke were confused and concerned about the process.

15. Unaccompanied children are unable to access the port of entry through the "metering" system implemented by the United States. Unaccompanied

children are unable to get on the list – or present themselves at the border based on the list. They are also unable to approach the port of entry without being on the list.

16. Any children who present themselves to Mexican authorities (as required by U.S. officials) to be escorted to the Port of Entry are referred to Desarrollo Integral de La Familia (DIF) – the Mexican agency charged with the protection of children. Once referred to DIF, children risk detention and deportation. As a result, children are unable to get on "the list" and access the port of entry.

17. DIF is charged with the care and custody of all unaccompanied children in Mexico. Children and adults to whom we spoke reported that being sent to DIF meant deportation. While DIF is responsible for screening children for protection, the reality is that this often does not happen and children in custody are often unable to access protection.[1]

18. In addition to not being able to sign onto the list and access the port of entry, children who are unaccompanied informed us that they are afraid to identify themselves. Their status as unaccompanied children puts them at increased risk (see examples below).

19. We also met with Al Otro Lado (AOL), DIF officials, and leaders of the Casa Inca YMCA shelter for unaccompanied children in Tijuana. Where possible (when they are identified and when there is space available and where a child is willing), unaccompanied children identified by NGOs or DIF are sent to Casa Inca. When they become aware of unaccompanied children who are interested in applying for asylum in the Unites States, AOL attorneys and volunteers provide them with a legal orientation, do a screening, and in appropriate

[1] Georgetown Law Human Rights Institute Fact Finding Project, The Cost of Stemming the Tide, April 2015, https://www.law.georgetown.edu/human-rights-institute/our-work/fact-finding-project/the-cost-of-stemming-the-tide/.

cases will accompany a child to the Port of Entry.

Threatening Conditions along Mexico's Northern Border

20. During my visit to Tijuana, I saw and spoke with many asylum seekers, who reported that CBP had refused to process them. These individuals, who were waiting in shelters in northern Mexico while figuring out what to do next were in a very vulnerable situation. A small number have found accommodations either in rental space or with Mexican families. The majority are unable to afford private accommodations. These asylum seekers were dependent on the Mexican authorities or non-governmental entities to provide them with lodging and food.

21. On the day I spoke to migrants whose number was expected to be called who were waiting for entrance, I encountered Mexican, Venezuelan, and Honduran families. They were fleeing violence and persecution and had been waiting at the port for several weeks.

22. Asylum seekers stranded along Mexico's northern border are particularly susceptible to opportunistic or predatory behavior.

23. One of the shelters we visited – a sports complex known as Benito Juarez– was located in the red light district of Tijuana. We were told to leave the area before dark because it was extremely dangerous and that the neighborhood was the home base for traffickers. We were told that it was "not safe" to walk or spend time outside around the shelter. We were also told that there is an unofficial 5:00 p.m. curfew in place for the area, since violent crime picks up after dark.

24. Sanitary conditions are extremely concerning at Benito Juarez. Toilet facilities consisted of a small building with indoor toilets that were overflowing and had a line of about a hundred people pushing to get in. In addition, there was a line of about 25-30 port-a-potties. Many had doors completely broken off or falling off the hinges. They were not segregated by gender. There were only two showers, outdoor with no privacy barriers or proper drainage. The area around the

toilets was flooded with standing water.

25. Garbage receptacles were inadequate and overflowing.

26. We saw no security within the shelter – which was housing over 4000 migrants, except for two civilian clothed municipal employees restricting access to an indoor facility that housed a limited number of women and children, and single men with children. Many women, children, and families remained outside the enclosed area.

27. The only public health presence we witnessed was public health personnel handing out face masks as protection for respiratory illness.

28. On November 30 the shelter was transferred to a new location known as El Barretal. The new location is better equipped for sheltering in the winter months because it has a roof and concrete floors. However, the new shelter is also in a very dangerous neighborhood and is very remote from the city and ports of entry. Getting access to the port of entry to request asylum, sign up on "the list", or report when your number is called, is difficult.

29. We interviewed many asylum seekers at the shelter and in other shelters in Tijuana. The majority were from Honduras and told us they were fleeing violence ranging from extreme domestic violence, to gang and cartel violence, and violence from governmental entities based on political opinion. Information about asylum rights is extremely lacking in the shelters. The majority of the people to whom we spoke expressed fear of returning home but were unfamiliar with asylum or the criteria. We encountered many unaccompanied children in the shelter who had no information about their rights to protection in Mexico or the United States.

30. Most of the unaccompanied children to whom we spoke did not know how to ask for asylum in the U.S. They were either unaware of the list or knew about the list and told us that they were unable to get on the list as unaccompanied

children. Several told us they "need an adult" to help them cross.

31. Unaccompanied children were very hesitant to tell us they were unaccompanied. They explained that if they encountered authorities they would be taken, detained, and deported. Most of the children we spoke to expressed great fear of being returned to their home countries.

32. In several cases their understanding gave us serious concern that they were at risk of trafficking or of getting themselves into risky smuggling situations. Where we identified unaccompanied children, we referred them to attorneys and the children's shelter but the children were often mistrustful and not sure what to do, and both space at the shelter and attorneys are limited.

33. We encountered one 16-year-old boy who was traveling with his 8-year-old half-brother. The boy was afraid to stay at the Benito Juarez shelter or go to the new shelter because conditions were so bad and dangerous. He was also afraid to go to the border or to try to get on the list because he was unaccompanied and feared he would be detained and deported. He wanted to go to his family in the U.S. but had no idea how. We told him about the children's shelter and he said he would try to find his brother and bring him, but by the time he went to look for his brother, he had left.

34. We encountered a 13-year-old girl from Honduras who was looking for safety. She was alone and knew that she would not be able to register at the job fair offered by Mexican authorities because she was too young. She was also aware of the risk of deportation if she presented herself to the Mexican authorities for registration. She did not know how to get to the port of entry because she knew she needed an adult to do so. While we were speaking to her we were approached by a woman who said she was looking out for her. The girl looked uncomfortable. The woman asked her why she was speaking to us and the girl said she was trying to get information about seeking protection. The woman said "Why would you need protection? You have me." The girl had made an arrangement to care for the

young woman's child while she worked. We told the girl where to find the attorneys who could explain her rights to her and get her to the children's shelter, but we do not know if she made it there.

35. Cases like these two children's are common. Unaccompanied children who are turned away from the border are often left with no recourse and are very vulnerable to exploitation.

36. WRC continues to remain very concerned about this trend and will continue to invest resources in monitoring this issue, due to the serious impacts it has on the rights and well-being of asylum seeking individuals and in particular unaccompanied children arriving at the U.S. border.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 5, 2018 at Washington, DC.

Michelle Brané

Lisa Mitchell-Bennett, MA, MPH
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Education:

Master of Public Health, MPH
University of Texas, School of Public Health (2010)

Master of Arts, International Development Administration, MA
School for International Training, Brattleboro, VT (1994)

Bachelor of Arts, Political Science/International Relations, BA
University of California, Riverside, CA (1989)
Dean's List; Departmental Honors

Certificate, Estudios Hispanicos (1987)
University of Granada, Spain

Experience:

Project Manager
University of Texas, School of Public Health
Brownsville, TX 2011 – present
Manage a large team of multi-project initiatives with numerous institutional partners throughout the region. Projects include a diabetes chronic care management program with community health workers, local hospitals, clinics and behavioral health providers (Salud y Vida); an evidence-based youth obesity intervention in the schools and community (MEND); a navigation program for a mobile clinic serving uninsured, rural population; a community-wide campaign with media, policy and environmental change working in 9 towns and cities (Tu Salud ¡Si Cuenta!); and supervising numerous graduate and undergraduate student for research internships.

Quality Assurance Coordinator
University of Texas, School of Public Health
Brownsville, TX 2011 - 2013
Coordinated monitoring and quality assurance for a multi-disciplinary team; developed and evaluated interventions to address obesity and diabetes through a community-wide campaign including media, policy and environmental change to support healthy choices. Managed relationships with community partner institutions, provided training and supervision to community health workers, created and evaluated content for media campaign, involved in grant writing and reporting. Responsible for monitoring, training and implementing coordinated efforts with a clinical research unit, local community partners and research

investigators. Developed and provided training for organizations and community-health workers across the state.

Senior Research Associate
University of Texas, School of Public Health
Brownsville, TX 2003-2011
Coordinated intervention research and community outreach efforts for multiple projects. Facilitated research center's community advisory board; oversaw mini-grant funding for community-based organizations, schools and clinics; provided support and resources to community groups to engage in design, evaluation and dissemination of culturally appropriate programs. Coordinated community health worker training and a media campaign "Tu Salud, Si Cuenta" with U.S. and Mexican media partners. Provided research coordination on numerous community based participatory research studies addressing health disparities including diabetes, teen pregnancy, obesity, cancer (HPV) and emergency preparedness as well as Hispanic science education (manage multi-university summer science high school internship program). Co-facilitated a course on Conducting and Analyzing Focus Group Data and guest lecturer in Evaluation and Health Promotion courses.

Project Director/Health Education Coordinator
Brownsville Community Health Center
Brownsville, TX 1997 - 2003
Managed Campus Care Centers, school-based health center with 3 full-service clinics in a large school district serving uninsured and indigent students and their families; supervised multi-disciplinary team including medical and mental health care providers, social workers, medical assistants and office personnel. Also served as coordinator of health education, prevention and outreach efforts for the community health center (FQHC) in the satellite clinics and schools; coordinated community-based health education on violence prevention and sex education for the school district. Responsible for grant writing, reporting, staff supervision, design and implementation of curriculum for award-winning health promotion efforts in the schools and community.

Division Director, Adult Education and Job Training
Congreso de Latinos Unidos, Philadelphia, PA 1995 - 1997
Directed multi-facet job training and adult education programs for a large inner-city agency in North Philadelphia. Provided contract and grant management; supervision of a large staff including teachers, trainers, social workers and project coordinators; worked closely with city-wide domestic violence programs to recruit and retrain women looking to reenter the workforce; collaborated with the Private Industry Council, the Community College of Philadelphia and the American Street Empowerment Zone; participation on an Executive Management Team for the larger agency.

Project Director
Mano a Mano/One Border Foundation
Brownsville, TX—Matamoros, Mexico 1993-1995
Directed and co-founded a bi-national community health worker organization "Mano a Mano" in U.S.-Mexico border communities of Matamoros, Mexico and Brownsville, Texas. Designed and implemented recruitment, training, grant-writing and facilitated project's advisory board. Fostered cross-border, cross institution relationships and supervised community health workers. Accompanied health worker on home visits and addressed barriers.

Legal Advocate/Unaccompanied Minors Program Coordinator
Casa del Proyecto Libertad, Harlingen, TX 1991-1993
Coordinated advocacy and legal services to Central American unaccompanied minors and refugees. Involved in local and national advocacy efforts; provided legal services to detained adult political asylum applicants; represented in Immigration Court as Accredited Representative, researched human rights policy and provided legal rights presentations in immigration detention facilities and shelters.

Associate Editor, Latin America Press
Lima, Peru 1990-1991:
Researched, edited and translated for a scholarly bilingual publication covering a broad range of political and economic issues in Latin America and the Caribbean. Publication based in Lima, Peru.

Trainer, Centro Cultural Costaricense-Norteamericano
San Jose, Costa Rica 1990:
Designed and implemented cross-cultural curriculum for rural Central American youth preparing for high school exchange program and university agricultural programs in the U.S. Worked with U.S. AID funded agricultural grant. Based in San Jose, Costa Rica.

Organizer, Farm Labor Organizing Committee
Toledo, OH 1987
Recruited farmworkers to become members of a labor union through human rights presentations; provided social services and outreach to labor camps across northern Ohio. Organized FLOC annual convention which hosted Cesar Chavez and United Farm Worker Delegates from across the county.

Publications/Presentations:

- Fernandez ME, McCurdy S, Arvey S, Morales-Campos D, Tyson, S, Useche, B, **Mitchell-Bennett, L**, Sanderson, M. HPV Knowledge, Attitudes, and Cultural Beliefs among Hispanic Men and Women in South Texas. Ethnicity and Health. December 2009.

- Heredia, N, Lee, M, **Mitchell-Bennett, L,** Reininger, B.M. Tu Salud¡ Sí Cuenta! Your Health Matters! A Community-wide Campaign in a Hispanic Border Community in Texas. Journal of Nutrition Education and Behavior, 2017.

- Heredia, N, Lee, M, **Mitchell-Bennett, L**, Reininger, B.M. Tu Salud, Si Cuenta! Your Health Matters! A quasi-experimental design to assess the contribution of a communitywide campaign to eating behaviors and anthropometric outcomes in a Hispanic border community in Texas. Journal of Nutrition Education and Behavior. In Press.

- Montoya, J. A., Salinas, J. J., Barroso, C. S., **Mitchell-Bennett, L**., & Reininger, B. (2011). Nativity and nutritional behaviors in the Mexican origin population living in the US–Mexico border region. Journal of Immigrant and Minority Health, 13(1), 94–100. PMCID: PMC3034163

- Reininger, B. M., **Mitchell-Bennett, L.,** Lee, M., Gowen, R. Z., Barroso, C. S., Gay, J. L., & Saldana, M. V. (2015). Tu Salud,¡ Si Cuenta!: Exposure to a community-wide campaign and its associations with physical activity and fruit and vegetable consumption among individuals of Mexican descent. Social Science & Medicine, 143, 98-106. PMCID: PMC4642277

- Reininger, B. M., Barroso, C. S., **Mitchell-Bennett, L**., Chavez, M., Fernandez, M. E., Cantu, E., Smith, K. L., & Fisher-Hoch, S. P. (2014). Socio-ecological influences on healthcare access and navigation among persons of Mexican descent living on the U.S./Mexico border. Journal of Immigrant and Minority Health, 2014 Apr;16(2):218-28 PMCID: PMC4377819

- Reininger, B. M., Barroso, C. S., **Mitchell-Bennett, L.,** Cantu, E., Fernandez, M. E., Gonzalez, D. A., Chavez, M., Freeberg, D., & McAlister, A. (2010). Process evaluation and participatory methods in an obesity-prevention media campaign for Mexican Americans. Health Promotion Practice, 11(3), 347–357. PMCID: PMC2877153

- **Mitchell-Bennett, L.,** "Social cognitive theory and factors associated with Mexican-American parents' beliefs, attitudes and practices regarding communication with their adolescent children about sex" (2010). Texas Medical Center Dissertations (via ProQuest). AAI1470749. http://digitalcommons.library.tmc.edu/dissertations/AAI1470749

- American Public Health Association (APHA) Paper presented (Washington D.C.,2007) “Latina mothers' communication with their

adolescent children about sexuality, sexually transmitted diseases and the reproductive system"
- American Public Health Association (APHA) Paper/Poster presentations (Philadelphia, 2005); "Assessing Cultural Beliefs and Practices Regarding Healthcare Utilization Among Hispanics in the Lower Rio Grande Valley (LRGV)" & "Assessing Attitudes and Science Career Choices Among Hispanic Youth in LRGV"
- Research Symposium, University of Texas, Brownsville. "Hispanic Adolescent Attitudes and Preferences Regarding Employment During High School" (2007)
- Healthy Communities Annual Meeting, "Assessing Cultural Beliefs, Attitudes and Practices of Lower Rio Grande Valley Hispanic Parents' Communicating With Their Adolescent Children About Sex" (2006)
- Rio Grande Valley Science Association Annual Conference, San Juan, TX, "Assessing Attitudes and Science Career Choices Among Hispanic Youth in the Lower Rio Grande Valley, Texas" (2005)
- U.S.-Mexico Border Health Conference, El Paso, TX "Campus Care Centers: Comprehensive School Based Health Centers" (1997)
- University of Texas Health Science Center, Border Health Conference, Presenter / Expert Panel Member San Antonio, TX, "Mano a Mano; A Promotora de Salud Model" (1995)

Certifications:

- Department of State Health Services Community Health Worker Instructor certification (2012- present)
- Accredited Representative, Accredited by the Board of Immigration to represent political asylum cases in Federal Immigration Court (1995)

Community Service:

- Board of Directors, Brownsville Wellness Coalition (2017-Present)
- Guardian Ad Litem, Young Center for Immigrant Children's Rights (2015-2017)
- Friends of the West Rail Trail Organizing Committee (2015- Present)
- Board of Directors, Episcopal Day School (2012-2014)
- Board of Directors, Casa del Proyecto Libertad (1999-2005)
- United Brownsville Health Committee (2010-2013)
- Volunteer, La Posada Soup Kitchen, Brownsville, Texas (2010-2013)
- Institutional Animal Care Research Committee, University of Texas, Brownsville (2010)
- Vestry, Church of the Advent Episcopal (2007-2008)
- Rio Grande Valley Science Association, Board Member (2004-2008)
- Steering Committee Member, REACH Coalition/Walk El Valle (2002-2003)
- Advisory Board Member, Mano A Mano Promotoras (1998-2000)
- Health Trendbenders, Healthy Communities of Brownsville (2002-2008)
- Member, National Assembly on School Based Health Care (1997-2000)

- Steering Committee, American Lung Association (1997-1998)
- Executive Committee, Save Our Children Brownsville (1997)
- Board Member, American Street Empowerment Zone (1995-1997)
- Member, Philadelphia Job Developer's Network (1995-1997)
- Member, Singing City Philadelphia Inner City Choral Music (1995-1997)
- Volunteer Director, Cameron Park Community Center (1993-94)
- Executive Committee, March of Dimes Rio Grande Valley (1993-1995)
- Delegate, Citizen's Observer Mission to El Salvador (1994)
- Volunteer, General Board of Global Ministries UMC (1991-1993)
- Volunteer, Pamplona Alta Soup Kitchen, Lima, Peru (1990-91)

Awards and Honors:
Domonic Napoli Humanitarian Scholarship (1985); United Methodist Church College Scholarship (1985); University of California Alumni Award for Community Service (1989); University of California, Dept. of Political Science Honors (1989); Ford Foundation Immigration Advocates Training Scholarship (1991); Rio Grande Valley Human Rights Award (Holy Spirit Parish-1995); Congress of United Latinos' Service Award (1997); Award for Excellence in Texas School Health (2000); University of Texas, Houston Health Science Center, American Public Health Association Annual Conference Scholarship (2006); Finalist, Fulbright U.S. Student Program Scholarship.

Other Experience:

- Teacher (English as a Second Language and Spanish),
- "The Language Connection", Phoenix, Arizona, Phoenix Public Schools,
- Arizona, and Euroidiomas Language Institute, Lima, Peru.
- Intern, International Affairs Council, Riverside, CA
- Teacher Trainer, Brownsville Independent School District Developed and implemented puberty and sexuality education training for district teachers, counselors and nurses, Brownsville, TX

Languages:
English (Fluent); Spanish (Fluent); French (Proficient).
I have lived and/or worked in Mexico, Colombia, Indonesia, Switzerland, Spain, Costa Rica, Peru and the U.S.

References available upon request.