

Myth vs. Fact: Migrant Caravans

Myth: “People have to apply for asylum in Mexico first, and if they fail to do that, the U.S. will turn them away. The courts are asking the U.S. to do things that are not doable!”
—President Donald Trump, October 22, 2018

Fact: United States law guarantees asylum seekers the right to request protection.

Congress adopted the Refugee Act of 1980 to bring the United States into line with its obligations to protect refugees under international law. The United States is obliged to provide protection to people fleeing persecution, including asylum seekers. These individuals are entitled to a screening interview to determine whether they have a credible fear of persecution. Those who pass the screening are then placed into immigration court removal proceedings, where they have an opportunity to apply for asylum and have their eligibility assessed by an immigration judge.

Fact: Asylum seekers are not required to ask for asylum in Mexico before requesting protection in the United States.

United States law generally does not require asylum seekers to request protection in the countries they passed through while fleeing to the United States. Asylum seekers cannot be expected to request protection in a country that does not offer refugees legal recognition, lacks a functioning asylum system, places severe restrictions on refugees, or where that country is not itself safe. Only where the United States has a so-called “safe third country” agreement may it require asylum seekers to request protection in that country first. Canada, which has a well-functioning asylum system, is the only country with such an agreement with the United States.

Fact: The United States is capable of processing asylum claims by caravan members.

The United States immigration system decides tens of thousands of asylum applications each year through the asylum offices and the immigration courts. The arrival of past refugee caravans has not collapsed that system. Of the several hundred members of the April 2018 caravan who requested protection, 95 percent were found to have a credible fear of persecution and were referred for a full hearing in the immigration courts. Further, the number of southwest border apprehensions in fiscal year 2018 remained near historic lows—with this year’s total the fifth lowest since 2000.

Fact: Mexico is not a safe country for many Central American asylum seekers.

July 2017 [research](#) by Human Rights First found that migrants and refugees face grave risks of kidnapping, disappearance, sexual assault, trafficking, and other harms in Mexico. They are targeted not only due to their inherent vulnerabilities as refugees and migrants, but also due to their nationality, race, gender, sexual orientation, and gender identity. Some have been trafficked into forced labor, while refugee women and girls have been trafficked to Mexico’s southern border where they have been exploited in bars and night clubs that cater to police, military, and other forces.

Fact: Mexico’s immigration system does not adequately protect or recognize refugees.

Human Rights First’s [research](#) also found that Mexico deports many refugees—in violation of its domestic and international legal obligations—who are blocked or discouraged by Mexican immigration officials from seeking asylum in Mexico, or who do not even know they can apply for asylum. The Mexican asylum system also lacks effective national reach and capacity resulting in long processing delays. Further, disparities in recognition rates raise concerns that refugees from El Salvador, Honduras, and Guatemala are denied protection in Mexico.