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Deportations violate U.S., global laws

By Jennifer Moore

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The nearly 600 Central American mothers and children currently detained by the U.S. Department of Homeland Security in Artesia are fleeing persecution in the form of gang and cartel violence, extortion and human trafficking, and domestic violence that public authorities in their home countries are powerless to prevent or remedy. The detention and summary deportation of these moms and kids is in violation of U.S. and international law.

Central American mothers and children apprehended at the border are entitled to apply for asylum, as are all foreign nationals, regardless of legal status. The right to seek asylum established in the Immigration and Nationality Act reflects U.S. treaty obligations under the 1967 Protocol on the Status of Refugees.

Under U.S. and international law, asylum may be granted to refugees due to “persecution or a well-founded fear of persecution.” Just as asylum-seekers are entitled to seek protection, U.S. officials are prohibited under U.S. and treaty law from “removing” or deporting an alien to a country where his or her “life or freedom would be threatened.”

Since July 2014, 1,100 individuals have been detained in the Federal Law Enforcement Training Centers facility in Artesia. As of late October, 324 persons had been deported from Artesia to Central America and 227 released on bond or granted asylum, leaving nearly 600 still in detention.

As undocumented individuals apprehended at the border, the women and children detained in Artesia are subject to expedited removal proceedings. However, their detention is discretionary. The moms and kids in Artesia thus face the double burden of applying for asylum in summary proceedings, while their liberty is constrained.

For individuals held in Artesia and other family detention sites, the ability to express their fear of persecution is heavily compromised. Pro bono legal representation is provided by volunteer attorneys who travel from around the country, often at their own expense, trained by the American Immigration Lawyers Association.

Lawyers set up shop in a portable structure on the center’s grounds, interviewing the mothers with their children on their laps or playing nearby, within earshot of their mothers’ stories of violence, fear and trauma.

The tendency of judges to refuse bond or set high bonds on specious “national security grounds” is out of step with common sense and legal precedent. Bonds for Artesia asylum applicants range from \$2,000 to \$30,000, despite the judge’s discretion to set bond as low as \$1,500.

Physical and psychosocial conditions in Artesia discourage the mothers from pursuing asylum claims. Medical services are rudimentary, mental health care is almost non-existent, primary education is on hold and moms watch as their children lose up to 15 percent of their body weight. These heartbreaking conditions compromise the families’ asylum claims in violation of U.S. and international law.

Hundreds of women and children have been deported from Artesia and others have agreed to return, demoralized by their living conditions. Yet immigration judges have granted all the Artesia asylum claims that have reached the merits, suggesting that bona fide refugees have been deported from Artesia to Central America.

The stakes for the women and children in Artesia are very high, as are the stakes for U.S. lawmakers, public officials and citizens in our obligations to protect refugees seeking asylum on our borders.

Lawyers, law students, immigrant families, church congregations, nonprofits and community members are joining together to demand lawful and humane treatment for the women and children in immigration detention.

First, we seek humane psychosocial and material conditions of life for the moms and kids in Artesia.

Second, we seek adequate legal representation, including support for pro bono attorneys and reasonable bonds for women of limited financial means.

Third, we seek closure of the Artesia detention center and an end to the federal policy of family detention. The jailing of youth migrants and their mothers flies in the face of our humanitarian obligation to protect individuals fleeing persecution in their native lands.

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