

# United States Senate

WASHINGTON, DC 20510

September 14, 2020

The Honorable Michael Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, NW  
Washington, DC 20520

The Honorable Chad F. Wolf  
Under Secretary for Strategy, Policy, and Plans  
U.S. Department of Homeland Security  
301 7<sup>th</sup> Street, SW  
Washington, DC 20528

Secretary Pompeo and Under Secretary Wolf:

Given the Trump administration's efforts to deny access to asylum in the United States, we write to express our profound concern for the safety of Venezuelan, Cuban, Nicaraguan and other refugees and asylum seekers. This Administration's policies – including metering, the "Remain in Mexico" policy, and Title 42 expulsions - are forcing thousands of individuals fleeing persecution, torture, and oppression into dangerous conditions that threaten their lives and freedom and undermine U.S. foreign policy goals.

Through these policies, the Trump administration is routinely forcing Venezuelans, Cubans, Nicaraguans, and others seeking asylum back to Mexico's most violent cities, where they are reportedly preyed upon by organized criminal groups who extort and kidnap them for ransom. For example, during just half of last year, U.S. officials forced more than 7,300 Cubans back to Mexico.<sup>1</sup> In fiscal year 2020, the Trump administration already has expelled over 147,000 asylum seekers and migrants from our southern border,<sup>2</sup> including untold numbers of Venezuelans, Cubans, and Nicaraguans. This is deeply troubling given reports that more than 1,110 asylum seekers and migrants returned to Mexico have been murdered, raped, tortured,

---

<sup>1</sup> Gamez Torres, Nora. "After drastic policy changes, more than 20,000 Cuban asylum seekers are fighting deportation," Miami Herald, January 16, 2020.

<sup>2</sup> U.S. Customs and Border Protection, "Nationwide Enforcement Encounters: Title 8 Enforcement Actions and Title 42 Expulsions." Accessed on September 11, 2020 at <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics>

kidnapped, or violently assaulted.<sup>3</sup> Many Mexican migration officials have been charged with corruption, and Mexico apparently is unable to adequately protect migrants from such crimes.<sup>4,5</sup>

We are troubled by reports that Venezuelan women and girls arriving at the U.S. border—who had the courage to flee dictatorship and to escape criminal violence and human trafficking by illegal armed groups—are now being pushed back by the Trump administration to face similar threats of organized crime and violence in Mexico.<sup>6,7</sup> With evidence of cooperation between transnational criminal organizations operating in Venezuela and Mexico’s border regions, delivering these women and girls back into territory controlled by such perpetrators is simply unconscionable.

At the migrant camp in Matamoros, Mexico, several health clinic volunteers are Cuban asylum seekers who were sent to Venezuela by the Cuban government to serve as doctors and nurses, and subsequently fled authoritarianism in both countries.<sup>8</sup> These medical professionals are the very victims of human trafficking that you have purportedly sought to defend, yet the Trump administration forced them back to dangerous conditions in Mexico.

Moreover, the Trump administration has taken the egregious step of sending Venezuelans, Cubans, Nicaraguans, and others directly back into the hands of the persecutors and torturers they fled. Already this fiscal year, the United States has deported over 100 Venezuelans, over 1,300 Cubans, and nearly 1,000 Nicaraguans—the vast majority of whom had no criminal convictions<sup>9</sup> yet many now may face retaliation at home. A recent U.S. deportation flight contained more than 100 Nicaraguan dissidents who had fled to the U.S. border following detention, beatings, and—in some cases—torture by President Ortega’s regime.<sup>10</sup> Their return to Nicaragua means these refugees may be more likely than not to be persecuted and tortured again.

We fail to see how denying protection and inflicting further suffering on Venezuelans, Cubans, and Nicaraguans serves U.S. foreign policy and humanitarian interests. The Administration’s actions appear to violate U.S. law prohibiting *refoulement*—the forcible return of refugees to a place where their lives or freedom would be threatened. And they undermine the United States’ longstanding bipartisan tradition of standing in solidarity with individuals fleeing repression.

---

<sup>3</sup> Human Rights First, “Delivered to Danger,” May 13, 2020. Accessed on September 9, 2020 at <https://www.humanrightsfirst.org/campaign/remain-mexico>

<sup>4</sup> Maureen Meyer and Gina Hinojosa, *Mexico’s Human Rights Landscape During López Obrador’s First Year in Office*, WOLA, November 26, 2019.

<sup>5</sup> Associated Press, “Mexico sanctions 1,400 immigration officers for corruption,” August 14, 2020. Accessed on September 10, 2020 at <https://apnews.com/aab24cd5b5e88661f8595f92a994d8d5>

<sup>6</sup> Insight Crime. “The Ongoing Trafficking and Killing of Venezuelan Women in Mexico,” June 16, 2020. Accessed on August 19, 2020 at <https://www.insightcrime.org/news/analysis/trafficking-venezuelan-women-mexico/>

<sup>7</sup> U.S. Department of State, “2020 Trafficking in Persons Report: Mexico.” Accessed on September 11, 2020 at <https://www.state.gov/reports/2020-trafficking-in-persons-report/mexico/>

<sup>8</sup> Hennessy-Fiske, Molly. “Cuban doctors and nurses seeking asylum keep border clinic running during pandemic,” *Los Angeles Times*, May 26, 2020.

<sup>9</sup> “Latest Data: Immigration and Customs Enforcement Removals,” TRAC database accessed on September 3, 2020 at <https://trac.syr.edu/phptools/immigration/remove/>

<sup>10</sup> Sieff, Kevin. “She fled torture in Nicaragua, only to be sent back,” *Washington Post*, August 30, 2020, p. 1.

The Administration's policies to expel and endanger refugees and asylum seekers from Venezuela, Cuba, Nicaragua and other countries send a message of callousness, cruelty, and disregard for human rights that feeds our adversaries' agenda to cast doubt on the United States' exceptional role as a beacon of freedom and democracy. We urge you to end these policies immediately and to uphold the right to seek asylum in the United States.

Sincerely,



Robert Menendez  
United States Senator



Richard J. Durbin  
United States Senator



Patrick Leahy  
United States Senator



Benjamin L. Cardin  
United States Senator