

September 4, 2019

Hector Mancha
El Paso Director of Field Operations
Office of Field Operations
Custom and Border Protection
9400 Viscount Suite 104
El Paso, TX 79925

Beverly Good
El Paso Port Director
Office of Field Operations
Customs and Border Operations
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Dear Mr. Mancha and Ms. Good,

We write to express our concern regarding the increase in the frequency and duration of port of entry closures, particularly in the El Paso sector. The circumstances surrounding recent closures raise serious questions regarding the justifications provided by Customs and Border Protection (CBP) for such actions. We seek an immediate investigation into these recent port closures, an explanation of CBP's policies on port closures, and information regarding the agency's response to the arrival of groups of asylum seekers, particularly Mexican nationals.

In recent months, CBP has increasingly closed ports across the border, often for military-style exercises involving riot gear, tear gas, and weapons in the absence of any actual or perceived threat. These closures have needlessly spread fear and alarm among border communities. Most recently, CBP closed the Paso del Norte port of entry on August 16, 2019 and August 21, 2019. And on both occasions, CBP claimed closures were due to "reports of large groups of people assembling on the Mexican side of the crossing, possibly organizing a mass entry." However, the closure of August 16, which lasted over two hours, appears to be in reaction to a group of approximately only 20 Mexican asylum seekers, mostly family units of mothers and children, sleeping at the foot of the bridge waiting to make their asylum claims in the U.S.¹ There are no public reports regarding the circumstances surrounding the closure of August 21. These reports raise concerns that CBP is closing ports to avoid its lawful duty to process arriving asylum seekers, particularly Mexican asylum seekers, as they present at ports of entry.²

Such closures also raise concerns that CBP continues to escalate the militarization of ports of entry under false pretenses. Beginning in February 2019, CBP increased what the agency describes as "port hardening," including the deployment of concertina wire, concrete barriers, and stationing of

¹ Aaron Montes, "Traffic on Paso Del Norte Bridge disrupted Friday night; migrants gathered on Juárez side," El Paso Times, August 17, 2019, available at <https://www.elpasotimes.com/story/news/local/el-paso/2019/08/17/cbp-closes-paso-del-norte-bridge-downtown-el-paso-reason-unknown/2038655001/>

² The core principle of refugee law, including U.S. law, is that nations cannot return asylum seekers to the country from which they seek protection without consideration of their claim. Rejecting Mexican asylum seekers at ports of entry and forcing them to remain in their home country is a direct violation of this principle. *See* 8 U.S.C. § 1158 (a)(1).

military personnel and heavily armed CBP agents on international bridges.³ Since May 2018, CBP agents have been posted mid-bridge to turn away arriving asylum seekers.

Port closures also serve to disrupt the lives of border communities and generate animus towards migrants already in situations of extreme vulnerability in Mexico. In 2018, over 3.7 million pedestrians and over a million vehicles crossed at the Santa Fe and Stanton ports of entry.⁴ From January to June 2019, 1.9 million pedestrians and nearly 460,000 vehicles crossed at the same ports.⁵ Meaning over 10,500 pedestrians and over 2,500 vehicles cross the ports daily.

We respectfully request that the following actions be taken:

1. Immediate investigation into the justification for the port of entry closures on August 16, 2019 and August 21, 2019.
2. An explanation of CBP's policy for port closures.
3. A full accounting of agency resources allocated to "port hardening" infrastructure and any analysis for the need for such additions.
4. Provision of agency policy regarding the arrival of groups of asylum seekers at ports of entry, particularly Mexican nationals.

We thank you for your immediate attention to these matters and look forward to further information on the requests outlined above.

Sincerely,



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³ The Associated Press, "Agents put razor wire on El Paso border fences," February 22, 2019, available at <https://news.yahoo.com/agents-put-razor-wire-el-172627800.html>.

⁴ City of El Paso, Vehicle and Pedestrian Volumes 2018, available at <https://www.elpasotexas.gov/~media/files/coep/international%20bridges/traffic%20stats/vehicle%20and%20pedestrian%20volumes%202018.ashx?la=en>.

⁵ City of El Paso, International Bridges - Traffic Volumes, available at <https://www.elpasotexas.gov/international-bridges/traffic-volume>.

CC:

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