Twitter Thread by Ariana Maia Sawyer



Ariana Maia Sawyer
@ArianaMSawyer



A horrifying report from the Government Office of Accountability (@USGAO) on two secretive and abusive DHS programs at the US-Mexico border. Before the analysis, a reminder that neither @POTUS nor DHS secretary nominee @AliMayorkas have agreed to end them.

Very troubling to see the stunning lack of context on the length and conditions of detention from @USGAO. @CBP held asylum seekers in unsanitary, punitive conditions well beyond the 72-hour limit. GAO also takes for granted certain false or misleading assertions by DHS.

Before I dig into those issues, a couple of highlights from the data. CBP placed a total of 5,290 people into either program (HARP for Mexicans, PACR for non-Mexicans), which hold asylum seekers effectively incommunicado while they are rushed through a “credible fear” interview.

Of the total, at least 3,730 people placed in the
programs were removed from the US. There are about 50 people in detention now pending removal (whose cases should be reviewed given the deportation moratorium!). These folks were all denied a meaningful opportunity to seek asylum.

The majority of people placed in the programs were families with children (not single adults). Only 20 percent of those asylum seeking families spent 7 or fewer days in CBP border jails, which is already way too long. 86 percent of people spent "20 days or fewer" in border jails.

That means that hundreds of people, including children, or about 14 percent of the total, were detained in frigid border jail cells for MORE THAN 20 days. But the number of people who were ultimately held for weeks in those conditions is in the thousands.

In fact, nearly half of all of the asylum seekers placed into these programs were children, or 2,583 kids. Where are they now? DHS makes no effort to keep track of the tens of thousands of asylum seekers it has turned away or returned to potential harm, persecution or torture.

Asylum seekers, especially children, should never be detained, and if they are, it should be for the shortest period of time possible. Detention causes long-lasting trauma. It's also discretionary. CBP and ICE can and sometimes do exercise their authority to release people.

The @USGAO report fails to interrogate the various excuses provided by CBP and ICE for why they kept these families locked up - for example, that the government couldn't find a cheap enough flight that left sooner. No value is assigned to the trauma inflicted upon these families.

The report also fails to include contextual information about the conditions of detention. There is a 72-hour limit on the length of time for which anyone can be detained in CBP custody for a good reason, and if anything, should be shortened to hours. https://t.co/AI7wej4GZ0

An federal judge in Arizona for example ruled that the agency must comply with that 72-hour limit because CBP facilities are “presumptively punitive and violate the constitution.” He said the conditions there are even worse that jails or prisons. https://t.co/RXxMVjAPYu

The report also appears to take at face value the claim that CBP gave asylum seekers access to phone booths for 24 hours and then later for "at least 48 hours." But asylum seekers placed in similar expedited processing and attorneys consistently described extremely limited access

This is all on top of the fact that DHS applied a higher that normal standard of proof to the actual fear screenings themselves. Credible fear screenings exist to ensure asylum seekers are not returned to even the possibility of abuse. DHS has failed miserably in that endeavor.

That refugees were returned by the United States to persecution in their country of origin is a near certainty. HRW research shows that sending asylum seekers back to harm results in rape, assault, death, and other abuses. https://t.co/GESshQstpo

BY THE WAY the rule responsible for imposing an improperly high screening standard was vacated by a judge, but only after the programs had already been paused. Everyone denied a meaningful opportunity to seek asylum under the programs deserves another shot and redress for harms.

The Biden admin and DHS should commit to ending both PACR and HARP, as well as any other expedited processing programs. No one can properly prepare for critical asylum officer interviews or look for an attorney from within detention. The programs exist to turn asylum seekers away