

TO THE HONORABLE MEMBERS OF THE
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,
ORGANIZATION OF AMERICAN STATES:

EMERGENCY REQUEST FOR PRECAUTIONARY MEASURES
AGAINST MEXICO UNDER ARTICLE 25 OF THE RULES OF PROCEDURE
OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS ON
BEHALF OF *AL OTRO LADO* DIRECTORS
NICOLE RAMOS, ERIKA PINHEIRO, AND NORA PHILLIPS

Submitted by Petitioner and co-counsel for Petitioner pursuant to Article 25 of the Rules of Procedures of the Inter-American Commission on Human Rights:

Nicole Ramos
Director, Border Rights Project
Al Otro Lado, PETITIONER
Calle Primera 8250
Zona Nte., 22127
Tijuana, B.C., MEXICO
Tel: +52 (664) 422 4222
Email: nicole@alotrolado.org

Graciela Zamudio Campos
Director, Alma Migrante, A. C.
José Clemente Orozco 1506-104,
Zona Urbana Río, Tijuana, B. C.
México
Tel. +52 (1) 55 2686 3273
Email:
graciela.zamudio@almamigrante.org

David Baluarte
Director, Immigrant Rights Clinic
Washington and Lee University
School of Law
1 Denny Circle,
431 Sydney Lewis Hall
Lexington, VA 24450
Tel: + 1(540) 458-8066
Email: baluarted@wlu.edu

Sarah Paoletti
Director, Transnational Legal Clinic
University of Pennsylvania School of
Law
3501 Sansom Street
Philadelphia, PA 19104 USA
Tel: +1 (215) 898-8427
Email: paoletti@law.upenn.edu

INTRODUCTION

Nicole Ramos, Director of AL OTRO LADO's Border Rights Project, working in the Tijuana, B.C. MEXICO office, on behalf of Petitioner AL OTRO LADO, submits this emergency request for precautionary measures, under Article 25 of the Rules of Procedures of the Inter-American Commission on Human Rights, seeking immediate protection on the part of government of the State of Mexico from all actions that threaten the safety and welfare of AL OTRO LADO directors NICOLE RAMOS, ERIKA PINHEIRO, and NORA PHILLIPS, and that directly interfere with their abilities to carry out their work as human rights defenders, seeking to protect and ensure the rights of asylum seekers and other migrants on both sides of the U.S. / Mexico border.

Co-counsel Graciela Zamudio Campos, Director of Alma Migrante, A.C., David Baluarte, Director of the Immigrant Rights Clinic of Washington and Lee University, and Sarah Paoletti, Director of the Transnational Legal Clinic at the University of Pennsylvania School of Law, join in the submission of this emergency request on behalf of AL OTRO LADO directors NICOLE RAMOS, ERIKA PINHEIRO, and NORA PHILLIPS.

AL OTRO LADO is a bi-national, direct legal services organization serving indigent deportees, migrants, and refugees in Tijuana, Mexico. AL OTRO LADO also provides assistance to families with aspects of reunification in Mexico when it has been determined by U.S. authorities that it is in the best interest of the child to live with his or her parent in Mexico. In addition, AL OTRO LADO works with non-custodial deported parents to ensure their rights as parents are protected in the United States family court system.

AL OTRO LADO, and specifically its staff, NICOLE RAMOS (Director of the Border Rights Project), ERIKA PINHEIRO (Director of Litigation), NORA PHILLIPS (Legal Director), and other members of AL OTRO LADO, have already experienced significant threats to their lives (ACHR Art. 4), physical, mental, and moral integrity (ACHR Art. 5), as well as their personal liberty (ACHR Art. 7), and Al Otro Lado, as an organization, and the human rights defenders working for Al Otro Lado in Mexico, face ongoing imminent risk of irreparable harm, as described below.

Section A. Context: The Work of Petitioner Al Otro Lado and the History of Threats and Persecution Against Human Rights Defenders Working for the Organization

1. The Work of Al Otro Lado

Al Otro Lado is a binational legal services organization with its principal office located in Los Angeles, California. Al Otro Lado also has offices in San Diego, California and Tijuana, Mexico.

Al Otro Lado serves refugees and deportees in the Tijuana border region, asylum seekers detained inside for-profit immigration detention centers in Southern California, as well as non-detained immigrant victims of domestic violence, and immigrants who are chronically ill or disabled, as well homeless immigrants in the Los Angeles area.

Al Otro Lado is also the principal legal service provider to Central American parents who arrived to the US-Mexico border and who were separated from their children, and subsequently deported to their countries of origin, without their children (who remain in the United States) by US immigration authorities.

Al Otro Lado's Border Rights Project provides legal orientation and know-your-rights training to asylum seekers in Tijuana, Mexico who wish to present themselves to U.S. authorities in order to seek asylum. The Border Rights Project also conducts daily human rights monitoring at the port-of-entry, and documents violations of the rights of asylum seekers at the port of entry by governmental actors. To maximize its impact the project leverages the support of a wide network of volunteer attorneys, legal workers, and other professionals delivering humanitarian aid in order to meet the demand for services by asylum seekers trapped in Tijuana and who are unable to access the port of entry.

In Southern California, Al Otro Lado represents vulnerable asylum seekers who are detained in their proceedings before the Immigration Court, as well as asylum seekers who are not detained, but rather monitored through GPS monitoring devices by immigration authorities, in their proceedings before the Immigration Court. Many of Al Otro Lado's detained and non-detained asylum clients received legal orientation from the Border Rights Project during their time in Tijuana.

As an organization, Al Otro Lado engages in broader legislative, media, and legal advocacy efforts to challenge systemic human rights violations committed by state

actors, including two federal class action lawsuits, *Al Otro Lado v. Nielsen* and *East Bay Sanctuary Covenant v. Trump*, which challenge agency practices and policies that infringe upon the right to seek asylum at the US-Mexico border. The facts alleged in the organization's litigation also directly implicate the Mexican Government's collaboration with the United States Government in human rights violations against asylum seekers at the U.S.-Mexico border.

In addition, Al Otro Lado is also co-counsel in two class action lawsuits against private prison corporations that contract with US Immigration, Customs, & Enforcement (ICE). This litigation (*Gonzalez v. Core Civic* and *Novoa v. Adelanto*) challenges the practice of forcing detained migrants to work in for-profit detention facilities for one dollar per day, and in many instances, for no pay at all.

2. The Caravan, Social Impact, and Government Responses

Since the arrival of the Central American Exodus in November, Al Otro Lado has served over 2,000 asylum seekers in Tijuana through its daily legal orientation clinics held at Al Otro Lado's Tijuana office, as well as off-site legal orientation clinics held at migrant shelters, and the Benito Juarez and Barretal refugee encampments.

Through its daily legal orientation program, Al Otro Lado has served members of the Central American Exodus, and other asylum seekers trapped in Tijuana, including individuals and families from Mexico, Guatemala, El Salvador, Honduras, Nicaragua, Colombia, Venezuela, Cameroon, Guinea, Eritrea, Haiti, Cuba, Iran, Russia, Ukraine, Kyrgyzstan, Yemen, and India, among others.

Before the arrival of the November 2018 Refugee Caravan, Al Otro Lado provided legal orientation to asylum seekers in three prior refugee caravans that arrived to Tijuana in May 2017, November 2017, and April 2018, in addition to providing regular legal orientation to asylum seekers in Tijuana migrant shelters, including Instituto de Madre Assunta, Casa Migrante, Ejercito Salvacion, La Caritas, Embajadores de Templo de Jesús, Desayunador Padre Chava, and Juventud 2000, among others.

Caravans have received a negative response from the United States Government, from the Mayor of Tijuana and in general reached the northern border of Mexico under a cloud of controversy aggravated by widespread misinformation that undermines their fundamental rights as asylum seekers. The negative and xenophobic responses of the United States Government, the Mayor of Tijuana, Municipal Police, and nationalists with social media platforms that reach tens of

thousands of individuals binationally, including *Paloma for Trump* and *Fuerza Civil de Tijuana*, among others, have created an environment in which asylum seekers are demonized, criminalized, and vulnerable to violence by both state and non-state actors.

Section B: Security Incidents that Have Contributed to the Steady Increasing State of Insecurity of Al Otro Lado Directors Nicole Ramos, Erika Pinheiro, and Nora Phillips.

1. Security incidents from unknown agents

During the course of Al Otro Lado's work the organization has identified numerous asylum seekers who are fleeing organized crime, and agents of foreign governments pursuing human rights defenders and anti-corruption whistleblowers through Mexico to the northern border. Al Otro Lado has assisted the most at-risk individuals to locate safe housing while they wait to access the asylum process in the United States. As a result, Al Otro Lado staff members have been followed in Tijuana, and staff vehicles have been broken into with items related to the organization's work removed from the vehicles as they were parked outside the organization's office.

There have been many instances in which asylum seekers have been tracked to Al Otro Lado's offices by a member of the group or groups persecuting them. Al Otro Lado has also received reports of labor trafficking, sex trafficking, and forced disappearances by organized crime, including reports of members of criminal organizations entering shelters in Tijuana to forcibly remove migrants.

On January 18, 2019, the organization began to receive death threats to its office telephone. The caller demanded that Al Otro Lado provide information regarding the whereabouts of an asylum seeker whom the organization served at its legal clinic. The asylum seeker was fleeing a criminal organization that had pursued him throughout Mexico and to its offices.

The caller told Al Otro Lado's legal assistant that if the organization did not disclose the location of the asylum seeker, everyone in the Al Otro Lado office would be killed. On the same day that Al Otro Lado received this death threat, a woman came to Al Otro Lado's office and hand delivered a note that stated everyone in the office was in danger. Several days later, Al Otro Lado received additional calls regarding the same asylum seeker. The organization has since disconnected the office

telephone, only connecting the line to make outgoing calls as the office continues to receive threats and suspicious inquiries when the phone remains connected.

For the past two months, Al Otro Lado's office has also received several written threats and anti-immigrant messages posted outside its office building. Al Otro Lado has not retained all of the written threats and anti-immigrant statements received. However among those retained include the following: "Si les gusta quemar fotos vaya a quemar la más vieja de tu casa if you do not respect," "Mexico law prohibits to any foreigner visitor, student or volunteer to encourage any body to break the laws in Mexico," and "Caravana aquí se respeta las leyes. El Tigre ya se despertó. Te pido respeto a Tijuana y nuestro vecino. El Tigre es bueno pero ya no tolera abusos."

2. Security Incidents Involving Mexican Authorities

In October 2016, Attorney Nicole Ramos was the victim of a false nationwide Amber Alert identifying her as the suspect in a child abduction.¹ The case involved Attorney Ramos' advocacy on behalf of an unaccompanied child asylum seeker from Guatemala. Attorney Ramos presented the child to U.S. authorities after first obtaining a letter from the child's mother granting her permission to travel with the child, notarized by the Guatemalan consulate, and also obtaining an order from a Mexican federal judge in Tamaulipas and an official order from the Reynosa office of Mexico's child protective services agency (Desarrollo Integral de la Familia "DIF"), which authorized the release of the child to Attorney Ramos for the purpose of accompanying the minor to the U.S. port of entry to seek asylum. Licenciado Miguel Cortés Vega filed a complaint on Attorney Ramos' behalf with the Procuraduría General de la República del Estado de Tamaulipas after the issuance of the Alert, and the Amber Alert was then determined to be a false report and later withdrawn.² To-date, Mexican authorities have not identified the parties responsible for issuing the Amber Alert.

Attorney Ramos and Erika Pinheiro are regularly photographed by Mexican authorities. In particular, during their work accompanying asylum seekers to the US port of entry in Tijuana, Mexico, officers of the Instituto Nacional de Migración ("INM"), and Grupo Beta³ officers, as well as Mexican officials dressed in civilian

¹ See "Buscan a niña guatemalteca extraviada en Reynosa," *El Mañana Nuevo Laredo*, 4 Oct 2016, available at: <http://www.elmanana.com.mx/noticia/115245/Buscan-a-nia-guatemalteca-extraviada-en-Reynosa.html>.

² See "Denuncian Falsa Alerta Amber," *El Mañana Nuevo Laredo*, 6 Oct 2016, available at: <https://www.elmanana.com/denuncian-falsa-alerta-amber-pgr-querella-falsa-alerta-amber/3423854>.

³ Grupo Beta is the humanitarian arm of the INM (National Immigration Institute) in Mexico.

clothing and who refused to identify their affiliation have taken photographs of Attorney Ramos and Attorney Pinheiro.

Mexican immigration authorities first began photographing Attorney Ramos in May 2017. Attorney Ramos reported the first incident to the Comisión Nacional de Derechos Humanos in Tijuana in May 2017. It was not a formal complaint, but rather a report documenting the first incident. However, Mexican immigration officers and Municipal Police officers have continued to photograph Attorney Ramos and Attorney Pinheiro during their accompaniment of asylum seekers to the port of entry. Mexican immigration agents have also taken photographs of Al Otro Lado volunteers at the Chaparral port of entry in the Mexican Territory as they provided information to asylum seekers about the legal process.

On July 12, 2017, Al Otro Lado filed a class action lawsuit against the United States Department of Homeland Security in federal district court for the Central District of California in Los Angeles, California. The lawsuit, *Al Otro Lado v. Nielsen*, challenges the practice of US Customs and Border Protection (“CBP”) officers turning asylum seekers away from the port of entry, and the practice of “metering” and “wait lists” for asylum seekers operated in collaboration with the Mexican Government.

Shortly after filing this lawsuit, Attorney Pinheiro noted Grupo Beta vehicles began parking near the building that Al Otro Lado was utilizing as an office and temporary shelter space. While the building is within walking distance of the Chaparral Port of Entry in Mexican Territory, Grupo Beta did not have a usual practice of parking their vehicles in front of the Al Otro Lado office and shelter prior to filing this litigation.

On July 22, 2017, following the filing of the lawsuit, Attorney Nicole Ramos received email communication from Enrique Morones, the Executive Director of Border Angels, a binational humanitarian aid organization most well known for leaving water in the desert along routes known to be traversed by migrants at the US-Mexico border. In this communication, Mr. Morones noted that the local Delegate of the Instituto Nacional de Migracion, Rodulfo Figueroa, had received inquiries from the US Government regarding Attorney Ramos’s immigration status and her permission to remain in Mexico. While Attorney Ramos is not privy to the extent of communications between the U.S. and Mexican governments about her work, this was her first clear indication that the two governments were specifically communicating concerns about her.

On November 21, 2018, Al Otro Lado volunteer attorneys and immigration advocates accompanied eight unaccompanied child asylum seekers to the Chaparral / Pedwest port of entry. The children were then residing at the only youth migrant shelter in Tijuana. Al Otro Lado regularly provides legal orientation to the unaccompanied child asylum seekers in this facility.

As the Al Otro Lado volunteers accompanied the children through the covered bridge leading to the US port of entry, half of the group was intercepted by INM agents. Six of the children ran to the US port of entry and declared their intent to seek asylum. Two of the children were taken into custody by INM officers. The Al Otro Lado volunteers implored the INM officers to release the two children and allow them to present themselves to US authorities to seek asylum. In response, the INM officers threatened the Al Otro Lado volunteers with criminal charges if they did not remove themselves from the port of entry. The children were subsequently transferred to the custody of the child protective services agency (Desarrollo Integral de la Familia “DIF”).

On December 4, 2018, Al Otro Lado volunteer attorneys, and the organization’s volunteer coordinator, Luis Guerra, accompanied eight unaccompanied child asylum seekers to the Otay port of entry. The unaccompanied youth were residents of the migrant youth shelter, and Al Otro Lado accompanied the children with the knowledge and permission of the shelter.

Upon approaching the Otay port of entry, approximately ten US Customs and Border Protection officers formed a human wall in front of the port of entry gate, obstructing access to the gate by Al Otro Lado advocates and the group of unaccompanied children. Shortly thereafter approximately fifteen Mexican federal police officers arrived and directed the group of Al Otro Lado advocates and the unaccompanied children to stand against a wall, essentially directing the children to step over the borderline back onto Mexican soil.

Shortly thereafter, INM officers arrived and began asking the unaccompanied children for the documents to establish their citizenship and proof of migratory status in Mexico. Mr. Guerra inquired of the INM officers as to the necessity for reviewing the children’s migration documents if the intent of the children was to seek asylum in the United States. The INM officers replied that the children were standing on Mexican soil, and that the Al Otro Lado volunteer attorneys and advocates had placed the children in danger by accompanying them to the gate of the port of entry. Following this exchange, the INM officers removed seven of the children, Honduran citizens, from the port of entry. INM officers subsequently returned the children to

the youth shelter. One child was permitted to remain because he was a Mexican citizen and thus could not be forced to leave the area by Mexican immigration.

The INM officers then directed all of the Al Otro Lado volunteers who were not Mexican citizens to depart from the Mexican Territory. Mr. Guerra attempted to advise the INM officers of his status as a dual citizen of the United States and Mexico. However, having no proof on his person of his Mexican citizenship, INM officers directed Mr. Guerra to leave the Mexican Territory. Mr. Guerra returned to Mexico shortly after his spouse provided him with a photocopy of his Mexican Personal ID Code Number (Clave Única de Registro de Población, or CURP) to present to INM officials at the port of entry in order to return to Mexico.

While INM officers forced almost all of the Al Otro Lado volunteer attorneys and legal workers to leave the Mexican Territory, one Al Otro Lado staff member, Jose Mares, remained behind with the unaccompanied Mexican citizen child. Mr. Mares is a Mexican citizen. INM officers requested that Mr. Mares provide proof of his citizenship, and Mr. Mares presented the officers with his Credencial de Elector (national voter identification card). The INM officers then took a photograph of Mr. Mares' identification, after which they left the area of the port of entry.

On December 17, 2018, a small delegation accompanied another group of unaccompanied children and other high-risk asylum seekers under immediate threat in Tijuana to the Otay port of entry. The delegation included United States congressional representatives Nanette Barragan, Jimmy Gomez, five voluntary attorneys with Al Otro Lado, Attorney Ramos and Attorney Pinheiro. CBP officers subsequently contacted Mexican immigration officers to remove the group from the port of entry. However, because the group was seated peacefully on the US side of the US-Mexico boundary line, Mexican immigration officers lacked jurisdiction to physically remove them. During the seventeen hours that the group was forced to wait outside the port-of-entry, Mexican officials dressed in civilian clothing photographed members of the group. When asked to identify which agency they worked for, the officials refused to identify their affiliation.

On January 29, 2019, Al Otro Lado Attorney Erika Pinheiro was detained by Mexican immigration authorities as she attempted to enter Mexico at the pedestrian crossing of the San Ysidro East Port of Entry. The immigration officials advised Attorney Pinheiro that a foreign government had issued a migratory alert on her passport. INM officials provided no additional information, and after detaining Attorney Pinheiro for two hours, they denied her entry into Mexico and rejected her from Mexican Territory.

Attorney Pinheiro advised the INM officials that her Mexican-born child and her partner were both waiting for her to return to Mexico. Attorney Pinheiro had with her a photograph of her child's Mexican birth certificate. Attorney Pinheiro requested to speak with an attorney Graciela Zamudio-Campos, director of ALMA Migrante, A. C. (an impact litigation organization in Tijuana) and former director of the Regional Office in Tijuana of the National Commission of Human Rights, who had arrived to the port of entry to advocate on Attorney Pinheiro's behalf. Attorney Zamudio Campos was directed to leave the port of entry, and complied with this order.

In addition, Attorney John Hector, a member of Amnesty International, and an attorney in private practice, arrived to the port of entry to advocate on behalf of Attorney Pinheiro. INM officials similarly denied Attorney Hector access to speak with Attorney Pinheiro and subsequently denied Attorney Hector admission to Mexico.

On January 31, 2019, Attorney Nora Phillips, the Legal Director of Al Otro Lado, was detained by INM officers at the Guadalajara Airport.⁴ The stated reason for her detention was a migratory alert connected to her US passport. Attorney Phillips is based in the organization's Los Angeles office, and had traveled to Mexico for a short family vacation with her seven-year-old child, husband, and a family friend. Attorney Phillips was detained for approximately 10 hours, during which time neither she nor her child were given food or water. Attorney Phillips is disabled and requires medication to manage her multiple medical conditions, in particular, her diagnosed condition of Ehlers-Danlos Syndrome, Hypermobility Type. As a result of this medical condition Attorney Phillips suffers debilitating pain in her joints and connective tissue, nausea, headaches, sensitivity to light, orthostatic hypotension, partial joint dislocations, interstitial cystitis, gastrointestinal issues, and extreme anxiety.

Despite informing INM officials of her condition and need to take her medication at the outset of their interrogation, Attorney Phillips was not provided water for over eight hours. INM officials provided Attorney Phillips with water only after she made repeated requests. Attorney Phillips' requests for water were met with derision by INM officers who berated her, but eventually did supply her with water. Attorney

⁴ See "Immigrant rights attorneys and journalists denied entry into Mexico," LA Times, 1 Feb 2019, *available at*: <https://www.latimes.com/nation/immigration/la-me-immigration-attorneys-detained-20190202-story.html>.

Phillips and her child were returned to the United States, via commercial airline, and arrived in Los Angeles Airport on February 1, 2019.

Migratory alerts pose a widespread challenge to persons attempting entry into Mexico, and pose specific challenges for human rights defenders and others who may be targeted by the State. The fact that the Mexican authorities have expelled two AL OTRO LADO Directors from Mexican territory with the pretext of migratory alerts suggests that Director Nicole Ramos will face the same problem if attempts to pass through a Mexican Port of Entry.

3. Security Incidents Involving U.S. Authorities

On December 21, 2016, Attorney Ramos accompanied a cognitively disabled Mexican man, to the Pedwest / Chaparral Port of Entry. Attorney Ramos was alerted to the situation of this asylum seeker by his immigration attorney in the United States, who had been appointed by the Immigration Court to represent the asylum seeker in the asylum seeker's immigration proceedings due to the severity of his cognitive disability. After being released from immigration custody, the asylum seeker became disoriented, entered Mexico accidentally, and was detained against his will in a rehabilitation center.

After obtaining the release of the asylum seeker from the facility, Attorney Ramos escorted him to the port of entry. Attorney Ramos advised the CBP officers on duty that the asylum seeker was cognitively disabled and had wandered into Mexico after becoming disoriented. Attorney Ramos presented the officers with documents from the Immigration Court to demonstrate that the asylum seeker's court proceedings were ongoing, and to provide them with information about the nature of his disability. CBP officers however refused to process the asylum seeker. Following their refusal, Attorney Ramos requested to speak with a supervisor. A few minutes later a supervisor arrived, flanked by several other CBP officers. The asylum seeker verbally expressed his fear at the site of multiple officers approaching. Attorney Ramos explained to CBP Supervisor Wong the legal requirement of the agency to accept the asylum seeker for processing, and indicated that Attorney Ramos knew this to be the process based upon extensive direct experience. In response, Supervisor Wong stated "we know who you are and what you do." After further discussion with Supervisor Wong, and insistence on Attorney Ramos's part that the officers comply with their obligations under US federal law, the CBP officers accepted the asylum seeker for processing.

On January 26, 2017, Supervisor Gomez of US Customs and Border Protection of the Chaparral / Pedwest Port of Entry threatened to have Attorney Ramos removed from the port of entry by Mexican authorities as Attorney Ramos advocated for the agency to accept a Turkish asylum seeker for processing. Fearing that they would be detained, Attorney Ramos was forced to leave the port of entry with the asylum seeker. Approximately one week later, Attorney Ramos accompanied this asylum seeker and seven other asylum seekers to the Chaparral / Pedwest Port of Entry, after which the group was accepted for processing. This accompaniment was successful in large part due to the presence of four other attorneys who accompanied the group, along with local press reporting on the issue of asylum seeker turnbacks at the US port of entry. The Turkish asylum seeker that was originally turned away by Supervisor Gomez on January 26, 2017, was later granted asylum by the San Francisco Immigration Court.

During the months of February, March, and April 2017, Attorney Ramos received reports from asylum seekers that CBP officers made multiple slanderous statements against her while officers processed the asylum seekers at the San Ysidro port of entry. Specifically, the asylum seekers noted that CBP officers referred to Attorney Ramos as a “fraud,” a “fake attorney,” a “troublemaker,” and accused them of having “been coached” by Attorney Ramos to provide false accounts of their persecution. CBP officers also warned asylum seekers that Attorney Ramos would later charge them exorbitant fees to secure their release from detention, and that Attorney Ramos “had lied to them” about their rights in the legal process.

Shortly after *Al Otro Lado* filed its class action lawsuit against the Department of Homeland Security on July 12, 2017 (*Al Otro Lado v. Nielsen*), Attorney Pinheiro crossed the San Ysidro border crossing and was questioned for several minutes by a CBP officer, during which time the officer stated to Attorney Pinheiro “I better not be rude to you or you will sue me too!”

On January 10, 2019, as Attorney Ramos crossed the San Ysidro vehicle crossing into the United States, CBP sent her into secondary inspection, during which time her SENTRI card to enter the United States was suspended and confiscated. Attorney Ramos was advised by CBP Supervisor Griffin that she could make inquiries as to the reason for the suspension at the SENTRI office, which at that time was closed due to the U.S. government’s shutdown. It is clear that the decision to revoke her SENTRI was made by government officials who were not part of the SENTRI office staff, as the revocation occurred during the period when the SENTRI office was closed, and Attorney Ramos had crossed the border without incident four days prior.

In addition to the incidents described above, U.S. attorneys and immigration advocates volunteering with Al Otro Lado have been diverted into secondary inspection by U.S. immigration authorities as they entered the United States, and questioned about their humanitarian work with migrants in Mexico.

Section C: The Imminent Risk of Irreparable Harm to AL OTRO LADO Directors NICOLE RAMOS, ERIKA PINHEIRO, and NORA PHILLIPS Warrants the Issuance of Precautionary Measures.

The facts set forth above clearly demonstrate a “serious and urgent situation[] presenting a risk of irreparable harm,” Art. 25(1) of the Rules of Procedure of the Inter-American Commission on Human Rights, warranting the issuance of Precautionary Measures to urge the Mexican State to take all necessary steps to protect the safety, security and fundamental rights of Al Otro Lado Directors, Nicole Ramos, Erika Pinheiro, and Nora Phillips. The combination of the ongoing threats against the life and physical security by persons who have presented themselves as associated with criminal organizations against Al Otro Lado Directors Nicole Ramos, Erika Pinheiro and their staff in Tijuana, Mexico, together with the intimidation and threats by Mexican authorities against Al Otro Lado that culminated in the recent arbitrary detention and expulsion of Al Otro Lado Directors Erika Pinheiro and Nora Phillips, has created a situation of urgent insecurity. The strong suggestion that Mexican authorities have taken these most recent abusive actions at the behest of the U.S. government, as a means of punishing human rights defenders whose only objective is to assist asylum seekers in pursuing their claims for international protection adds a troubling dimension to this request that merits special attention. The result is an intolerable situation in which the Al Otro Lado Directors are squeezed in between merciless criminal organizations and an unforgiving Mexican State, such that they themselves now require international protection from this Honorable Commission so that they can continue their crucial work as human rights defenders.

With regard to the irreparable nature of the harm that the Al Otro Lado Directors fear, the Honorable Commission should consider both the death threats that began January 2019, from criminal elements that forced the organization to disconnect its phone, as well as the threats directed towards the organization from anti-immigrant agitators. Asylum seekers stream through Al Otro Lado offices in Tijuana every day, and a significant number of those individuals are actively fleeing dangerous gangs and criminal organizations like the one that began issuing the January death threats. Just as these organization are intent upon killing the asylum seekers that the Al Otro

Lado Directors and staff work to protect, their death threats against anyone who would dare to harbor their intended victims should be treated with the utmost seriousness. Similarly, anti-immigrant agitators have made continuous threats against Al Otro Lado in recent months, and the Directors are most at risk of any possible violence due to their high profile role with the organization. The threats of death could result in violations of the right to life (ACHR Art. 4), just as the threats of physical violence could result in violations of the right to physical, mental and moral integrity (ACHR Art. 5), if they occur without the requisite protection from the Mexican State.

Rather than provide Al Otro Lado Directors and staff with the protection of the State that the current situation of intense insecurity demands, the Mexican State is engaged in its own, simultaneous campaign of harassment through its immigration authorities. As was documented above in detail, as early as July 2017, Mexican authorities, specifically Grupo Beta, have been conducting surveillance of Al Otro Lado offices, and uniformed and plain-clothed Mexican officials have been photographing Al Otro Lado Directors Nicole Ramos and Erika Pinheiro. This intimidation and harassment has made the Al Otro Lado Directors feel less safe, and has aggravated the insecurity they feel as a result of the threats and harassment from the criminal organizations and anti-immigrant agitators that target them.

This extremely precarious situation that the Al Otro Lado Directors have managed in recent months culminated in the events of the last week when Erika Pinheiro was detained and expelled from Mexico by Mexican officials on January 29, and Nora Phillips was detained and expelled from Mexico on January 31. Nicole Ramos reasonably fears detention and expulsion based upon the treatment of the other two Al Otro Lado Directors, and her fear of harm from nefarious non-state actors in Mexico is now compounded by her fear of the Mexican State itself. Indeed, the Mexican State has sent a clear message to the Al Otro Lado Directors that their work as human rights defenders on behalf of asylum seekers on the U.S.-Mexico border has made them unwelcome in Mexico, and that Mexico is willing to deprive them of their liberty (ACHR Art. 7) and attack their physical, mental, and moral integrity (ACHR Art. 5) in order to punish them for their work on behalf of refugees.

The role of the United States in this matter cannot be overlooked. Al Otro Lado Directors are U.S. citizens, and U.S. authorities have harassed them and encouraged Mexican authorities to do the same. As a result, the Al Otro Lado Directors have been left without adequate protection in their role as human rights defenders from their host country, as well as their country of citizenship. Accordingly, there is an urgent need for action by the Inter-American Commission in this matter to insist that

OAS Member States recognize the inviolability of human rights and dignity of human rights defenders and encourage State protection that is appropriate in such cases of vulnerability.

Al Otro Lado, and its staff operating in Mexico, warrant special protections as human rights defenders, whose work in seeking to protect the rights of asylum seekers and other migrants is directly linked to the retaliatory threats to their safety and well-being. Should Al Otro Lado be forced to stop the work they have been doing for years, the migrants of the caravan and the thousands of other asylum seekers trapped in Tijuana would lose access to accurate legal information about their human rights and how to defend themselves against abusive practices of U.S. immigration authorities. Al Otro Lado would also be precluded from further fact-gathering essential to the organization's litigation seeking to halt these abuses through injunctive relief. Furthermore, daily monitoring of human rights violations at the port of entry will cease, contributing to an environment of impunity around any actions on the part of CBP and INM that violate the human rights of asylum seekers. Should Attorney Ramos, specifically, be forced to leave Mexican Territory, between 40 and 80 volunteers would not be coordinated in the field each day, and they would no longer provide their invaluable services to asylum seekers in Tijuana. Defending asylum seekers' rights at the border Port of Entry in Tijuana to ensure that they have accurate legal information about the legal process, and that they have access to the port of entry to initiate this process, is particularly urgent now, as a new caravan is approaching Mexico's northern territory.

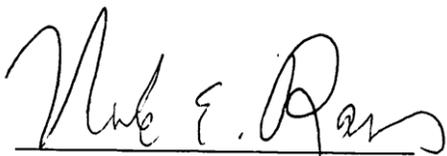
Such risk is directly related to the government of the United States of America's migration policies, which have grown disrespectful of human rights. These policies include metering of asylum seekers, turning asylum seekers away from US ports of entry outright, the forced return of non-Mexican asylum seekers to Mexico, and the forced and continued separation of asylum seeking children from their parents by US immigration authorities.

Section D: Request for Precautionary Measures

For the above-described reasons, Petitioner Al Otro Lado requests that this Honorable Commission issue the following precautionary measures on behalf of AL OTRO LADO Directors NICOLE RAMOS, ERIKA PINHEIRO, and NORA PHILLIPS:

- I. Request that the Mexican State take the necessary steps to ensure the security of AL OTRO LADO offices in Tijuana, Mexico, recalling unnecessary immigration patrols and surveillance, and deploying instead security officers with the sole intention of providing necessary state protection to AL OTRO LADO Directors, staff, and volunteers.
- II. Request that the Mexican State create a specific security protocol for Director NICOLE RAMOS, in direct consultation with Attorney Ramos, and including but not limited to scheduled patrols at her home and office, as well as a panic button that will allow her to alert security officials instantaneously if she faces a threat to her physical safety.
- III. Request that the Mexican State create a specific security protocol for Director ERIKA PINHEIRO, in direct consultation with Attorney Pinheiro, and including but not limited to scheduled patrols at her office, as well as a panic button that will allow her to alert security officials instantaneously if she faces a threat to her physical safety.
- IV. Request that the Mexican State remove the “migratory alert” that it has placed on AL OTRO LADO Directors NORA PHILLIPS and ERIKA PINHEIRO, as well as any such alert that the State may have placed on Director NICOLE RAMOS and any other AL OTRO LADO staff, with the goal of making them more secure.
- V. Request that the Mexican State provide information about the origin of the “migratory alert” placed on AL OTRO LADO Directors NORA PHILLIPS and ERIKA PINHEIRO, as well as any such alert that the State may have placed on Director NICOLE RAMOS and any other AL OTRO LADO staff, with the goal of making them more secure.

Respectfully submitted,



Nicole Ramos
Director of the Border Rights Project
AL OTRO LADO



Sarah H. Paoletti
Practice Professor of Law
Director, Transnational Legal Clinic
University of Pennsylvania
School of Law



David Baluarte
Associate Clinical Professor of Law
Director, Immigrant Rights Clinic
Washington and Lee University
School of Law



Graciela Zamudio Campos
Director, Alma Migrante, A. C.