

Trump administration and Mexican government collaborate to deny life-saving care to refugees with HIV

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30 March 2020

Interviews with refugees, their attorneys and international aid workers have revealed a coordinated strategy to deny lifesaving care to HIV positive asylum seekers by the US and Mexican governments by using the “Remain in Mexico” program—formally known by the falsely titled Migrant Protection Protocols (MPP).

After being sent back to Mexico, they face a growing shortage of medication due to sweeping cuts imposed by the government of Andres Manuel Lopez Obrador (AMLO). Now, they must also contend with a coronavirus epidemic, without the medication they need to maintain their compromised immune systems.

In one example recounted by the *Washington Post*, Daniel, a 20-year old man, applied for asylum after his home country of Venezuela ran out of his medication as a result of the international embargo placed on it by the Trump administration. After his T-cell count fell below the 200 mark that indicates full-blown AIDS, he fled to the US, where he was turned away at the border. He was given a date for an asylum hearing several months out. Daniel’s skin turned yellow from jaundice as he waited without medication in Piedras Negras, Mexico.

At the hearing, his lawyer presented these facts, along with volumes of medical paperwork as evidence and pleaded for a medical exemption as stipulated by the MPP. In its “MPP Guiding Principles,” US Customs and Border Protection (CBP) says refugees with “known physical/mental health issues” are “not amenable” to the program—meaning they should await their hearing in the US rather than being sent back to wait in Mexico.

However, in the absence of clear guidelines, it is extremely rare in practice for a CBP agent to determine that an immigrant has a known physical or mental

health issue. Agency spokesman Matthew Dyman claimed that such guidelines granting exemptions cannot be formalized because “if specific medical issues guaranteeing exemptions were to be standardized and made public, they would be exploited by human smugglers.”

Daniel’s attorney, Scott Weaver, explained that his client faced certain death if he remained in Mexico. “The applicant seeks parole because he is HIV positive and can no longer obtain the medication he needs to survive in Mexico.” Officials quickly ruled against him and sent him back to Mexico.

Over 60,000 asylum seekers have been turned away since the Remain in Mexico policy was initiated by the Trump administration in January 2019. Many are fleeing persecution from governments and criminal gangs seeking to scapegoat individuals with HIV and other medical conditions.

Fernanda, whose story appeared in the same *Washington Post* report as Daniel’s, fled her home in Honduras after she contracted HIV from the father of her child. Thugs from a local drug gang showed up at her house, making threats and accusing her of intentionally trying to infect members of the community. Like Daniel, she was turned away at the US border and told to wait in Mexico for months until her hearing.

US officials would not advise her on how to obtain medication in Mexico, and she soon ran out. Because of the experience that caused her to flee, she is afraid to ask other immigrants in her shelter, or Mexican officials, for help. “I’m worried that people here will find out that I have HIV, and then what will happen? Will they kick me out or come after me? I thought the

US agents would understand, that they would allow me to get help in America. But they sent me back here and I didn't know what to do." Her immune system is starting to fail and she is experiencing flu-like symptoms.

"The screening process completely disregards physical and mental health needs," Kathryn Hampton, an officer with the asylum program at Physicians for Human Rights, told the *Post*. "These are medical conditions that can deteriorate until someone dies because they don't get the care they need."

Obtaining HIV drugs in Mexico is difficult, and cuts to health services by the AMLO government have made it nearly impossible even for many Mexican citizens. "HIV in Mexico is once again a time bomb that will explode," Aram Barra of Open Society Foundations told the International AIDS Society conference last year in Mexico City. Last month, HIV patients in Mexico City protested a shortage of antiretroviral drugs in front of the national palace.

Before the cuts imposed by AMLO, immigrants could obtain medicine through Seguro Popular, a public health insurance option. That program has been eliminated and replaced by one that blocks access for most migrants, according to the Catholic Legal Immigration Network.

The Mexican Health Ministry claims that it provides HIV medication to migrants for three months while they await their US asylum hearings. But in many cities on the border and in rural areas, treatment can be difficult to find. Three months also falls far short of the need faced by most migrants. Many asylum seekers wait in Mexico for six months or more.

The dangers to HIV positive asylum seekers will be compounded by AMLO's callous response to the coronavirus, which rivals that of US President Donald Trump in terms of ignorance and recklessness. He has called the virus a "fad" and refused to take any measures to halt the spread of the disease in Mexico.

In near-daily rallies and public appearances, AMLO openly defies the recommendations of medical experts, assuring Mexicans that there is nothing to worry about, encouraging them to "live life as usual." He told one audience last week that he was not afraid of the coronavirus because his unparalleled level of honesty and integrity would protect him.

The US government sending refugees with life-

threatening medical issues into such conditions amounts to nothing less than a policy of mass murder. The denial of medication and assistance to migrants seeking asylum parallels efforts to deny life saving measures to the elderly and infirm suffering from the COVID-19 pandemic in the United States.

Making matters even worse for HIV positive asylum seekers, the US is phasing out the MPP in favor of a set of informal agreements with other "safe third countries" that will afford even less protections.

Until the Central American country suspended the flights on March 17 over fears of COVID-19 being spread from the US, the Trump administration had been shipping refugees to Guatemala on cargo planes, often in the dead of night, and without providing any information to the immigrants. They were told merely that their case was being "transferred."

Until the program was suspended at least 1,000 Hondurans and Salvadorans were put on planes and did not learn they had left the United States until they landed in Guatemala.

The "transfers" were done with so much secrecy and informal documentation that attorneys and doctors were not able to track sickened immigrants once they leave. "There's no way to know who is placed in these programs," Linda Rivas, executive director of Las Americas Immigrant Advocacy Center in El Paso, explained to the *Post*. "That's the terrifying thing to me. We aren't even able to fight for them."

The other "safe third countries" that have signed agreements with the US are Honduras and El Salvador which have yet to begin accepting the asylee flights. Together with Guatemala, the three countries are known as the "northern triangle," and they supply almost all of the asylum seekers in North America.



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