

BORDER TRIP NOTES: THE NARRATIVE ACCOUNT OF KEN AND GABE'S TRIP TO NOGALES, AZ & MEX.

Monday, August 12, 2019

The power of proximity: the experience of being on the border and engaging with people on both sides—migrants and those committed to helping them—opens our eyes and hearts. It also raises so many questions about how what is came to be, and what our place is and can be to change it. Hopefully the notes below capture some of our efforts to make sense of it all.

- An image: we are walking on the Mexican side of the border next to the ugly rusted steel pillars now topped with razor wire courtesy of the Trump Administration. We are with Joanna Williams, the Director of Education and Advocacy at the Kino Border Initiative (KBI) which is the bi-national aid and advocacy group we are volunteering with for the week. We near the bus stop where we will take the local Mexican bus to the aid center where KBI provides meals and services to hundreds of migrants now stopped at this border. She points to a portion of the fence which, in contrast to the dark rusted black-brown steel of the U.S. side, is painted robin's egg blue—all 30 feet from where the pillars touch the ground to the newly erected additional superstructure on the top. Joanna tells us that Mexican artists and community members painted this blue a few years ago so that the fence would blend in with the sky—a small gesture of defiance to suggest that we all live under one sky whatever people try to do to deny that fact. And, in fact, the blue wall does blend into the bright, Sonoran sky. Something to ponder.

Gabe and I are in southern Arizona for a week to volunteer with KBI and otherwise provide help as we can to groups supporting migrants along the Arizona-Mexico border. We are staying in Tucson with an old colleague of mine from the Justice Department, Lori Jones, whom I haven't seen for 25 years and who is now a juvenile court judge, and her husband Jamie, a Univ of Arizona law prof. It's been an intense immersion into southern Arizona – the high Sonoran desert that both Gabe and I find beautiful even in heat that gets above 100 degrees in these summer days.

This morning, we woke early to get to Nogales by 8.15. Nogales is a border town, with an American Nogales of about 20,000 people and a Mexican Nogales with over 200,000. An hour away from Tucson, we were given directions that seemed to suggest a bit of the descent into another world: "drive to the end of the HWY 19 and look for the McDonald's right before the port of entry. That's where our office is." And sure enough, that's where the KBI U.S. office was.

KBI is a Jesuit-founded bi-national NGO that serves migrants seeking to come to the U.S. by providing humanitarian assistance, doing education about issues at the border to national audiences (such as high school students, faith leaders, etc.), and advocacy (both policy and legal). Primarily providing services on the Mexican side of the border, they operate a "Comedor"—a day drop-in center in Mexican Nogales for migrants who somehow find their way there, as well as a women's shelter and the U.S. administrative office. Our point of contact is Joanna Williams, an intelligent, remarkably positive and energetic young woman who will orient and educate us. She first volunteered at KBI while a Georgetown undergrad 8 years ago and found her calling.

We do have some nerves as we wake early and get on the road. We are fairly uncertain what we are getting ourselves into. Importantly, we are there to provide real services: I have done some asylum legal work before and have offered that to KBI, although I don't speak Spanish. But Gabe has spent the past

five weeks in Central and South America improving his Spanish and is going to be the translator. Very appropriately (in our view), Joanna has conditioned our participation on making sure that Gabe's Spanish is sufficient, something they can only do by having a conversation in Spanish. They were unable to do this while Gabe was out of the country. So our ability to do the work we came for all depends on a conversation in Spanish between Joanna and Gabe once we arrive.

We do find the KBI offices. It is all a dusty border location in the 21st century should be: a white stucco exterior in a row of shops along a barely paved road that ends at the formal Point of Entry (POE). There is a strange collection of people outside the KBI office which mystifies us a bit until we realize the storefront next door is the Greyhound bus station. I drop Gabe off and go to park, and by the time I return, I can tell from the smiles on both Gabe's and Joanna's faces he has passed the test. Joanna later tells us she was nervous too, but she is comfortable that Gabe's Spanish, although not perfect, is sufficient to establish rapport and engage with migrants about their deeply personal and traumatic experiences. And then to translate all this to me so I can prepare the legal documents.

Over the course of the day, it becomes clear that the border is a feature both physical and atmospheric. In something I didn't expect, the wall seemingly cuts through the middle of residential neighborhoods: there are single family dwellings lining the hills on both sides of the fence, and one easily sees through the mesh covered openings between the steel pillars to the parking lots, shops, and streets on the other side—regardless of which side one is on. In fact, were the wall not there, it would have felt like a relatively poor but mixed-income southwestern town with taco stands and fast food restaurants interspersed with homes, stores, and factories.

Other observations:

- Nogales has two POEs that serve as the conduits for border crossings. The main one near the KBI office reminds me of an old bus station/airplane hangar with various entry and exit doors and tunnels attached to a set of toll booths like one sees on the New Jersey Turnpike. We use only the pedestrian paths that wind around, into, and through the building; the toll booths are for vehicles that form long lines on both sides. The entry through the POE into Mexico doesn't even involve someone checking our papers: we simply walk through a turnstile and are suddenly on a dusty street with food stands, school children and a hub-bub of commercial activity—far more energy than on the US side.
- With Joanna as our guide, we get through the POE for the first time and then take the Nogales (Mexico) municipal bus to the Comedor (7 pesos). The bus is a refurbished American school bus, now painted red and white with brightly personable religious icons and various knickknacks hanging from the mirrors and change machine around the driver. In the mile or two ride, Joanna points out markers so we will know how to do this on our own next time: the cemetery with the above ground graves means we're close, the climb up the hill to the outdoor restaurant means we're there.
- A hundred yards from the bus-stop where we disembark, we arrive at a single roomed storefront in which probably 50 or 60 people are crammed at picnic tables eating a hot breakfast. They are mostly Latino families with a couple Africans mixed in. (We later learn the Africans are from Cameroon --still not sure how they got to Nogales.) Despite the crowd and

heat, the atmosphere is warm and supportive with the nuns who run KBI providing the food with easy smiles and generous laughter. This is unquestionably a place driven by faith, with a wonderful roughly painted mural of the Last Supper on the back wall, but an inclusive faith that focuses on good works and is open to all who will join in them.

- Joanna explains that Nogales is actually somewhat safer than might be expected because there is a single cartel in control so there is no inter-gang violence—something at the source of much of the worst of Mexico’s violence problems. This is a relative blessing, of course. From the Comedor, she points to a hilltop a block away that commands a view of the border and explains the cartel uses it as a lookout since they require any migrant crossing the border to pay a “fee” to get there. It would be dangerous for any of the migrants KBI serves, she notes, to walk to the border without the cartel’s knowledge and paid fee.
- While today is simply orientation rather than a day where we will be put to work, Joanna introduces us to the full room and explains we will be back later in the week to do interviews. As the tables clear (the migrants cannot stay there during the day—and one of the great challenges is finding safe spaces until they return for an evening meal), we sit down and a couple with nervous energy comes over. As we do what is really an intake interview with the couple whom I’ll call M and J, the painful reality of the disconnect between what is going on at the border and our asylum system comes into full relief. With Gabe’s Spanish clearly sufficient to communicate (and, to his credit, he is comfortable asking for someone to repeat if needed), it is clear that M and J deeply love their five year-old who scampers among the benches, and are seeking a better life for her by trying to get into the US. But this is highly unlikely to be enough. I find myself tearing up as Gabe follows my suggestion and explains how much I understand and respect the desire to do whatever one can for one’s child. But we are also forced to explain that their desire to get a better education for their daughter and find work that pays more than the \$4/day in their violent-ridden province is unlikely to be enough to receive asylum in the US.
- I am also deeply and powerfully moved by Gabe’s Spanish ability. We are interdependent to do something of value for these people, and it’s a wonderful thing.
- After several hours, Joanna leads us back to the bus stop so we can retrace our steps to the border and return to the U.S. We are followed out of the Comedor by two women with several children, and I pay for their bus fare (some 35 cents). Joanna thanks me, but notes that there are strict rules against providing funds to anyone in the Comedor: these ground rules are needed to help them maintain the relationships that focus on service and support. When we get back to the POE, we now have to stand in a long line of pedestrians who must enter a guarded room staffed by the Customs and Border Patrol (CBP) agents who personally inspect and question each person seeking to enter the U.S. The sense of CBP power is palpable, and I feel a latent tension as people make their way through a guarded turnstyle and into the interview lines akin to what one goes through at customs in airports. While for us the 45-minute wait is only a hassle, it is not hard to see how it feels for others who are not equipped with the “privilege” of white skins and American-accented English. We get through the

checkpoint with one or two cursory questions and a wave and smile from the CBP officer. And then we are back in the U.S. of A.

- Gabe and I take a detour as we head back to Tucson to drive along the border and try to get a feel for what it is like. It is bizarre: this ugly rusted steel fence snaking along the hilly terrain with paved and dirt roads alongside it with driveways to one side leading to single family homes. Gabe appropriately notes how it would be if we did not look as we do: we feel only mild concern as we pass numerous CBP trucks and vans engaged in border surveillance, and exchange waves and head nods. Yes, hard not to imagine what would happen with darker skin.
- Realizing we will get back to Tucson by mid-afternoon, we decide to visit Lori (or Judge Jones as we learn to call her in the juvenile court). She happily gives us a tour of her courthouse. In a wonderfully sensitive move, they have separated this juvenile court from the downtown central courthouse: it is in a different location with plenty of parking and toys in the broad, carpeted hallway outside the courtrooms. It turns out that the juvenile facility also has impressively lowered the number of kids they hold from the 200 beds they have to less than 40 residents, meaning that there is ample vacant space. And the county has just volunteered to turn the space over to Catholic Community Services (CCS) for a place where migrants released in the United States can stay as they figure out their next steps. While we had not planned it, we walk around the courthouse to the place that CCS is operating and it is remarkable: brightly colored carpeting and drapes for what were once cells, donated clothes arranged and set up like a department store, and—most of all—brilliantly colored signs of welcome that match the energy of the volunteers. It turns out we are there as the local congresswoman and head of the board of supervisors come to show their support. All in all, a welcome contrast to the dismal and ominous sense of CBP presence in American Nogales—the elfin glade vs the gloom of Mordor, I guess.

TUESDAY: Aug 13

Takeaway image: we get to the Comedor this morning on our own and at the time when they open the doors. There are more people this morning than the Comedor can hold, so it appears they will do breakfast in two shifts. As they let people in, one of the staff squirts Purrell on each of their hands so they can clean off dirt, germs, and the like. It's a striking image: that one form of support is about helping the families who have gone through so much try to do what they can to stay clean and sanitary. We later find out that one of the real problems for migrants stuck here are communicable diseases, including measles, which makes the image all the more poignant.

Some notes from the day:

- Most of our day is spent at the women's shelter that KBI operates. We are driven there by one of the nuns and through locked gates enter a brightly lit small home with a few bedrooms crowded with bunk beds. We spend most of the day with two women living there with their children. One, whom I will call Katrina, is facing an immigration court hearing in San Diego on Sept 3, and we are there to help her prepare the papers she needs to make an asylum claim. She is Salvadoran and her experience is horrific. First, the gang that dominated the small community she comes from killed her mother because the mother couldn't afford the increase

in extortionate “renta” they demanded so she could run a business. Then, after Katrina moved with her young daughter and siblings to a larger town nearby, the same gang tried to recruit her brother even as they extorted money from her for the business she now ran. In response to her brother’s refusal to join the gang and her own inability to pay more rent, she was told in no uncertain terms that they would kill her. So they fled.

- There are so many parts of that story that leave me spinning, including that our government is forcing her to remain in Mexico while they process her case even though it appears to be against the law and there is no reason to do so. But, in something that almost defies belief, even more am I blown away by the resilience of the woman and her five year-old daughter, M. We spend close to four hours preparing the paperwork (which we will need to translate back into Spanish and refine with her later in the week): Gabe does a heroic and exhausting job in both languages and I translate Gabe’s translation of her story into legal argument. But it is M who fills our hearts. It turns out it is her birthday. While she sits and plays patiently for the several hours we spend with her mother, she flies into our arms when we are done—eager to play and share her dolls and be lifted to the ceiling. My memory will be her cries of joy and desire to share her ebullient energy and positive vibes with the world. It is hard to square with what she has been through.
- In the evening, we join a community meeting in Tucson sponsored by KBI and several legal services groups that explain the Trump Administration’s new “Remain in Mexico” policy. The basics are straightforward—and chilling. As part of the multiple steps taken to make the experience of migrants seeking asylum in the U.S. as painful, difficult, and challenging as possible, the Trump Administration has started to return migrants to Mexico even though their claims are being processed in the United States. There are huge problems with this legally (being raised in litigation at the moment) with equally significant practical and moral consequences. Because only individuals who have established a “credible fear of persecution” are eligible to continue with their asylum claims, everyone subject to the Remain in Mexico policy has satisfied this standard. So this new policy puts people found to fear for their lives back in Mexico with no support, but with the requirement that they return to the United States for subsequent hearings if they wish to continue with their case. The policy is just being initiated, and one immediate consequence is that there is now an overwhelming need for shelter and support on the Mexican side of the border from Tijuana to Brownsville. In Nogales, it is far beyond what KBI’s meager resources permit (even as they are working to expand what they do). According to one of the presenters, there may soon be as many 30,000 migrants with legitimate fear of persecution now caught in a U.S.-mandated border purgatory.
- The practical dimensions are seen in Katrina’s case. She had left El Salvador with her two younger siblings (14 and 11) and M, taking a four day-and-night bus trip through Mexico to Tijuana. Consistent with what some families in her situation do, she “jumped” the fence at the border and turned herself in to the CBP within 15 minutes of doing so. (One of the first Spanish words Joanna taught Gabe was a special form of jump – “brincar” --- which is used to describe illegal entry.) Over the course of five days in U.S. detention, her brother and sister were separated since she had no legal papers indicating that she had effectively been their parent

since their mother's death. And then, after she established to an Asylum Officer that she and M had a credible fear of being killed if they returned to El Salvador, she was released at the POE in Tijuana at the end of July being told only that she had to return to San Diego on Sept 3rd for a court hearing.

- Without any support in Tijuana, she and M slept on the street for two nights and were robbed. So she decided the only way to survive was to take a bus to Nogales. Her situation is beyond Kafka-esque: she has to return to San Diego for her Sept 3 hearing, and is expected to show up at the Mexico-U.S. border that morning in time to be transported to the hearing room. Apart from surviving, she needs to have three copies of her asylum petition on USCIS form I-589 with accompanying affidavit and attachments—something that would be difficult in the best of circumstances but except for the accident of our presence is almost impossible to imagine being able to develop in Mexico. By the end of the presentation, we are even more dismayed than we had been at what our government is doing, even if heartened at the quality and energy of the advocates leading the fight against it.

WEDNESDAY, August 14, 2019

Image of the day: I attend a hearing in the United States Courthouse in Tucson with Joanna and a group of high school student volunteers from Baltimore working at KBI. The purpose is to see Operation Streamline in action. Operation Streamline is a federal government effort to return individuals arrested for crossing the border illegally as quickly as possible. Today, I saw it applied to 40-50 people who had been arrested within the past few days, including some arrested the day before. But the visual is what sticks with me: the federal judge perched on a podium at one end of this huge and elegant ceremonial courtroom calling out the 10 or so Hispanic names in the first group. The 10 or so mostly men (with a few women) are shackled so they hobble up to the tables in front of the judge. They are all Latino, many wearing dirty T-shirts with American place names, and are accompanied by suited attorneys (almost all of whom are white). The judge goes through a call and response with each, identifying their name, the charges against them, their willingness to plea, and their understanding that this means deportation to their country of origin. All concur in Spanish, with immediate translation. And when all have answered the judge, they hobble off through a side door where they will be held in detention until they are transported back to Mexico (for the Mexicans) or await a charter plane to their country of origin. There is no dignity and little sense of anything other than a rote administrative process that seems at immense distance from what most of us would consider justice. When after the hearing the judge comes over to take questions from the high school students, he notes that for those troubled by what they saw their response need be at the ballot box: there is a law to be applied and the matter of changing the law depends on those who make it, not those appointed to administer it.

We do not have KBI responsibilities today, and, because I have a work call, Gabe has set up his own itinerary: a Water Drop with a local group called the Samaritans. The purpose is straightforward: to put water containers in the Sonoran desert where migrants in transit might find them and increase their chances of survival. At 7 am, I drop Gabe off at a church where he joins three others in a four-wheel drive loaded with water jugs. They go deep into the desert and refill seven caches far from paved roads and clear-cut trails. When I pick him up after noon, he reports that the whole experience is surreal. The desert is beautiful especially in the morning before the heat surpasses 100 degrees, but the task – for all

its deep humanitarian impulse—is a bit bizarre. The CBP knows where most (if not all) of these caches are, and Gabe says they passed several CBP officers as they drove around who were friendly. He gets the sense that they don't want the migrants to die in the desert, so this strange kind of cat and mouse game is played out with a type of knowing winking going on on all sides. That being said, he was deeply impressed with the humility and sense of purpose shown by his fellow volunteers. One was an ex-Army captain who with his wife recently settled in Arizona full-time, and a woman, who must have been 70, showing the resilience borne of commitment as she walked a quarter mile through rough terrain to drop off water on migrant trails. Knowing people are out here doing this work – young, old, religious, with no faith – reaffirms Gabe's belief that the majority of people even in a state like Arizona are repulsed by the Trump Administration's draconian border policies. Let's hope.

There are far more loaded and explosive issues emerging between law enforcement and those providing humanitarian aid. We had seen numerous yard signs and T-shirts in Tucson and elsewhere saying "Humanitarian Aid is Never a Crime." Lori explained to us that there had been a recent case where law enforcement arrested an individual who had helped take migrants found suffering in the desert to safety. He was accused of aiding and abetting and prosecuted in federal court, but a Tucson jury ended up hung. The question of the moment is whether he will be re-prosecuted. So, according to the government, there is a line between broad-based help to non-specific migrants, which is ok, and specific help to those who have crossed into the country illegally, which constitutes criminal activity.

In the afternoon, in addition to attending the Operation Streamline hearing, I meet with Alex(andra) Miller, an impressive attorney who works with the Florence Project which is the US legal services program that partners with KBI. The Florence Project, she explains, has over 100 staff, and is now starting to branch out from its initial work representing those migrants detained in detention facilities in Florence, Arizona (an hour north of Tucson). A Tucson native who went to Stanford Law School and worked at a white shoe NY law firm to pay off her loans before returning to her home town to do the human rights work she always intended to do, she has visions of how the legal program that the Florence Project and KBI are developing could be scaled. There could be pre-established week long visits from lawyers and law students from around the country that law firms or schools could pay for, ties between the national rights groups and those who do the direct service work on the border, etc. It's also enormously helpful to go over the specifics of Katrina's claim and other particulars of what is occurring at the border, especially because Gabe and I will be going into two full days of quasi-legal work at the Comedor.

We head back to her offices which are located in a historic Y near the hip 6th Avenue strip of Tucson. Both Gabe and I have fallen for Tucson. It is clearly a largely liberal enclave in the politically purpled Arizona of today. In fact, Lori and Jamie's home is in Gabbi Gifford's district: the Congresswoman who was shot by a deranged gunman and whose husband, Mark Kelly, is now going to challenge the recently named Republican Senator Martha McSally. The town itself is growing on us as we start to understand it as the hub of southern Arizona with a strange mix of commerce (a downtown punctuated by three high rise office buildings and a large military base), student life (it's the home of the University of Arizona and it's 40,000 students), and natural beauty. With a metro population of 1 million or so, Tucson is set between three mountain ranges that rise starkly from the flat desert plain. And Lori explains that the highest of these, which exceeds 10,000 feet, gets snow in the winter sufficient to support the southernmost ski-resort in the U.S. It is hard to square the normalcy of such observations with the

reality taking place in the Comedor just over an hour away, even as we both appreciate having a chance to let our emotions settle a bit from what has been two intense days.

THURSDAY, Aug 15

We wake and get out of the house early so we can be at the border by 8.30 and the Comedor by 9. It now feels like normal practice to park our car next to the Nogales (US) Burger King, stop by the KBI office, and walk through the POE pedestrian tunnel into Mexico. And it reflects the reality that the border is a dynamic place with large numbers of people who live a bi-national existence and where the communities on both sides are inter-dependent. When later in the day we are walking in Nogales, Mexico, Gabe notes two high school girls who are wearing uniforms from a Catholic high school on the American side of the border. Schoolkids going to school in the other country is as common as Americans coming to Nogales to get cheap prescription drugs or dental care (which are easily available in the pharmacies and medical offices that line the streets of Mexican Nogales). Whatever national politicians want to say, these are places where the fence is part of the landscape but not something that defines who people are or how the region operates.

We are now in the throes of what we have come to do: to talk to as many migrants as have signed up for consultations which we are to provide in 45-minute sessions. In something that continues to shock us, it is likely that for the vast majority of these people we are the only lawyers they will be able to talk to as they seek asylum in the United States. So the purpose of these conversations is (1) to give them a sense of the process they will face (which we have learned from Joanna and Alex), (2) ask them questions to get at least a rough sense of what has happened to them and how that likely will be viewed by US immigration officials, and (3) answer any questions they have. What we want to do, but cannot, is give them some comfort after the trauma they have faced and offer hope about what will happen. But that is not possible given the Trump Administration and our limited time. So it is triage work, plain and simple. And it feels so woefully inadequate given what they have faced. Gabe and I continually remind ourselves that this drop in the bucket is something that helps -- even if it is far from what they deserve. And the fact that each family is so thankful and generous somehow makes the disparity all the more glaring.

To give a sense of the conversations, here's the essence of one of them. Sitting on our picnic table bench with our backs against the rough hewn stone wall, a handsome Latino couple sit down across from us, the husband taking the lead but the wife active and following closely. They are from a violence-prone state in southern Mexico. They were in a car accident with the wife of a police commandante, and the police official demands that they purchase him a new car and then threatens their lives when they can't. Given the close link between police and cartel in their town, they feel they have no option but to flee with their small child. They are now stuck in Nogales facing hard choices made all the more difficult by what the Trump Administration has done and failed to do.

First, they must decide whether to "jump" (e.g., cross illegally) or wait for their turn to go to the border and request asylum. They are subject to a new policy called "metering" which delays migrants from seeking asylum by physically denying immediate entry. The Mexican border police now give migrants a number and call them when this number comes up in what usually takes weeks, if not months. For this family, they must weigh whether it is likely that the police threatening them are in touch with the police or cartels in Nogales. If so, they must jump. If not, they can wait till their number comes up.

Second, they have to weigh the likelihood that they will be separated once they apply for asylum. As we learn and subsequently advise those we meet in the Comedor, the first hurdle migrants seeking asylum face is showing whether they have a “credible fear of persecution” if they return home—something that is supposed to be determined by a neutral hearing office within days of the migrants presenting themselves to US officials. For those who pass this threshold, the US Government then decides whether they will be released (usually with ankle monitors) or detained for the six months to multiple years it takes for their asylum claim to wend its way through its Kafka-esque process. In the ever-evolving practice and policy of the Trump Administration, almost all single men and many single women are now detained in facilities littered across the southern border states. (Remember these are those found to have a credible fear of persecution and who have followed international and US law by presenting themselves to US law enforcement at the border.) For families, frequently the fathers are detained while the mothers and children are given ankle bracelets and released. So they must decide if the prospect for asylum is sufficiently great that it warrants possible indefinite separation.

The moment that will stay with us comes at the end of our meeting with them on Friday. The father says that it is immaterial if he is detained: what matters is that the mother and child are in the United States and out of range of the police commandante. He says this almost as a matter of fact. His wife next to him nods, making clear they have discussed this and it is not a close call. Several others we talk to tell us the same thing with the same certainty and clarity of objective. Later during our drive back, Gabe and I discuss whether we would find it so easy to make such a decision. We hope so. We also note our anger that this is the type of choice our government is forcing upon people in such dire circumstances. What makes it worse, if that’s possible, is that we have also had to tell them that under the asylum standards as interpreted by the Trump administration fear of violence by itself is not enough: it must be connected to a specific type of reason, such as connection to one’s nationality or political ideology or one’s inclusion in the amorphous “particular social group.” We do not and cannot say how their claim will be received, but we believe that the best we can do is be as clear as we can about how the law is now being interpreted.

By the end of seven or eight of these, Gabe and I are exhausted, especially Gabe who is building rapport as well as trying to be clear as possible both ways. Limp as dishrags, emotionally as well as physically, we take the bus back to the POE, but veer off before joining the line to eat lunch in Mexican Nogales. We find a place that seems populated by locals—the best measure we can think of to assess quality—and then go through the benign (for us) CPB gauntlet and back to the US. As we drive back to Tucson, we go over the conversations, partly to identify questions we should ask Alex whom we’ll speak to later but just as much to try to make sense of what we’ve heard. About ten miles outside of Nogales, we come to the CBP Inspection station where all cars are stopped by CBP agents. A drug-sniffing dog paces outside the cars before the agents ask a few questions and wave most of the cars on. Like the border crossing, it is mostly ministerial, until it’s not. And as we continue our drive north to Tucson, Gabe notes in the broad expanse of desert the places where he went yesterday to drop water for nameless migrants who have chosen different paths.

FRIDAY, August 16th

It’s our last day, as hard as that is to believe, and Gabe and I operate like clockwork getting out of Tucson, across the border, and to the Comedor for another full day of interviews. They continue to be as emotionally wrenching as the day before, and represent a broad mix of situations. About half are

Mexicans escaping violence in their home states, and most of the others are Central Americans fleeing hellish situations where gangs have threatened them personally or, in one case, a brutal domestic violence situation where the husband knows the police in town and thus the wife has no options for help. In these conversations, we seek to explore whether the violence and threats can be related to one of the particular classes that are needed to make an asylum claim. Both Gabe and I wonder how much the migrants we speak to understand what must seem like legal niceties. We also talk to a couple of Venezuelans, fleeing their country's political meltdown. Because these folks are part of the opposition party and were threatened because of their political activities, they have a more traditional asylum claim and probably stand greater chances of success.

Even as we hold these 45-minute sessions, we have continued to go into much greater depth with Katrina. Both yesterday and today we have held supplemental meetings with her to help draft her I-589 and affidavit. Through the good graces of Jamie and Lori, we have found through the immigration clinic at the University of Arizona law school a translator who is taking the draft documents I have prepared in English and putting them into Spanish so Katrina can review and revise. We are deeply fortunate to have such resources at hand, especially because as we have learned more about the law it is clear the Trump Administration has intentionally put up increased obstacles for people like her. In July, just several weeks ago, Attorney General Barr has reversed almost a decade of legal guidance agreed to by several courts of appeal and made it substantially more difficult for a family facing clear-cut and documented gang violence to qualify for asylum. The purpose behind this ruling, like the institution of "metering" or the Remain in Mexico policy, is clearly to limit the ability of migrants facing such dangers from being able to come to the United States.

Before we head to the women's shelter to see Katrina which will be our final effort in our week, we get to tour what will become the new KBI "Comedor" with a wonderful KBI staff person, Marla. KBI has purchased a large building across the street from the existing soup kitchen and is working hard to renovate and get it up and running. It will transform KBI as a service provider and an organization. Close to the size of a decently large grocery store in the U.S., it is a two story building that, when fully renovated in October, will not only house the new Comedor soup kitchen and day drop-in center, but rooms for lawyer meetings (no more picnic bench consultations) and medical services, vocational training and much more. Most notably, it will provide up to 140 beds for migrants that are on two floors so men and women can be separated. Marla notes with some anxiety the new pressures it will place on KBI, even though it's a much welcome and needed addition. She also notes that it will allow KBI to feed some of the indigenous homeless people in Nogales—something that might appease part of a growing resentment among the Mexicans in town about all the resources going to migrants when many who live there are in need. The building is well done, designed by a pro bono architect who has helped flood the space with broad windows that allow the natural light to shine through. Taking advantage of the high ceiling in the central atrium, several workmen are in the midst of installing and painting floor to (high) ceiling bright murals of religious figures and other inspirational matters.

From this vision of KBI's future, Marla drives us to the current shelter apartment to see Katrina (and M). We spend a half hour finalizing the documents, getting her signature, and explaining the steps she (with the KBI staff) will have to take to get them into shape to present to the court on Sept 3 in San Diego. Katrina seems to understand, and, because Marla is there, we feel there is a conduit to help make sure it can happen, although I can't imagine what Katrina thinks about the need to get things into triplicate and make it through the San Diego POE to the courthouse two weeks from now. M remains her ebullient

self, and it is with some difficulty that Gabe and I finally say good-bye to both, exchanging numbers and wishing them well with all our hearts.

For our final crossing back into the U.S., we learn the line is an hour long so we go to an alternative plan. Because I have Global Entry (the international TSA-type card), I can skip most of the pedestrian line, so I go through the entry we normally use and pick up the car. Gabe goes through a different POE in Nogales that is mostly for trucks and commercial vehicles but doesn't have many pedestrians. So I get the car near the Burger King and drive the five miles or so to pick him up. It's a minor logistical hassle for us; it's hard not to contrast our situation with that of the migrants we've gotten to know whose paths into the U.S. will be exponentially more complicated.

We are drained as we take our final hour-long drive back to Tucson. It will take some time to process much of what we have seen and felt, and we have a few ongoing tasks to do, including some work for Katrina to help her make her claim as strongly as possible. We hit a few minutes of rain after the CBP Inspection station. It is beautiful as lightning is seen in the distance and the peaks on either side of us catch the storm-clouds and help reflect colors other than the normal browns and faded greens of the desert. As we look out, it's clear that these clouds cross the border and bring needed rain south as well as north of the wall. Again, something to ponder.

FINAL THOUGHTS

As I start to reflect on this, the starting point is how deeply glad I am to have done it. I don't know how much we have helped, even though (as we remind ourselves) something has to be better than nothing. It feels odd that whatever help we gave feels modest, and the learning and sharing and experiencing we received feels immense. It leaves me with a sense of responsibility to try to continue to help the individuals we met and the organizations who are serving them so well. I also come away with deep pride in Gabe who was the one who wanted to do this and magnificently committed himself to be an indispensable part of what we did.

One thing that strikes me powerfully is how little the migrants are asking. What they want is so simple: a place of sufficient safety and security so they can raise their children, work hard to support their families, and create a life that is not dominated by fear of murder, kidnapping, extortion and violence. It is why Emma Lazarus' poem on the Statue of Liberty (recently so bastardized in racist and xenophobic fashion by Ken Cuccinelli) speaks to their situation so directly. They are not seeking a handout, only opportunity. For people like Katrina, the Mexican couple, and the rest, I have absolutely no doubt they will work incredibly hard and become good, productive citizens that are a credit to our nation if given a chance. For them, the promise of America is tangible and immediate, and the consequences if America does not live up to what we claim to represent profound. Perhaps the question is whether our nation deserves them, not the other way around.

I am also moved by those who are devoting their time, energy, and lives to supporting the migrants—from Joanna and Marla and the nuns at KBI, to the Catholic Community Services folks creating the welcoming center at the juvenile building, to the Samaritans doing Water Drops, to Alex and her legal colleagues at the Florence Project. I have always been inspired by those who are mission-driven and find meaning in a cause beyond themselves, and all of these are doing so in one way or another. I cannot help but think about the immense potential that exists to scale all these efforts if they can be connected to the money and resources that exist in New York and around the country. I have offered

help to both KBI and the Florence Project to connect them to donors and others, and one potential follow-up is to help them create a stronger volunteer and resource conduit to increase their services and impact.

As to policy, the visit has deepened my understanding and sense of the complexities of what immigration policy should be. I do think their needs to be laws and processes that govern migration; in other words, I don't think there should be an "open border" (although I don't know anyone who really does favor that and really think it is a phrase manufactured to create a false impression of what progressives believe). But such laws and processes should be humane and consistent with our values. What this trip showed me so clearly is that the rule of law is not being followed by the Trump Administration: a government that (mis)uses the laws to keep out people who have a right to enter while claiming the mantle of "rule of law" to justify Operation Streamline is deeply corrupt.

Joanna said something I liked a lot when we asked her at the outset of our trip about what U.S. immigration policy should be. She observed that one of the core challenges is that the whole immigration debate is cast as a national security problem. While Trump has brought immense amounts of racism and xenophobia into the conversation, this framework predates him. She said that the only way to really develop meaningful policy solutions is to realize that the borders are the place where migration issues become most visible, not where they are created, resolved or best addressed. Migration has immense economic, practical, and moral dimensions, many of which are positive and crucial to growth and prosperity. Instead of seeing the United States as a fortress to be protected, in other words, the reality is that the United States is like a family member in a large house with many others and should be thinking about the best living arrangements that benefit everyone.

At the end of the day, what I really come away with is remembering how important proximity to people like Katrina is. She will be in our hearts as she continues to move through a journey I can scarcely imagine.

FOR THOSE INTERESTED, HERE ARE THE WEB SITES FOR THE ORGANIZATIONS WE WORKED WITH:

Kino Border Initiative: <https://www.kinoborderinitiative.org/>

Florence Project: <https://firrp.org/>

Green Valley-Sahuarita Samaritans: <https://www.gvs-samaritans.org/>