

## DECLARATION OF CECILIA MENJÍVAR

I, Cecilia Menjívar, declare as follows:

I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows:

### **I. Qualifications**

1. I am the Cowden Distinguished Professor in the School of Social and Family Dynamics at Arizona State University, a position I have held since 2008.
2. I received my Ph.D. in Sociology from the University of California, Davis in 1992. My doctoral dissertation was titled “Salvadoran Migration to the U.S.: The Dynamics of Social Networks in International Migration.”
3. Since 1996, I have been a full-time faculty member at Arizona State University, where my teaching and scholarship has focused on women and gender in Central America, immigration, and sociological research methods.
4. In addition to my primary faculty position, I have and continue to serve as an affiliate of the Women’s Studies Program, the Asian Pacific American Studies Program, and School of Transborder Studies at Arizona State University.
5. Additionally, in 2012-2013, I served as non-resident Senior Fellow at the Immigration Policy Institute, American Immigration Council, where I co-authored a report on immigrant women in the legalization process. I am currently a member of the National Academy of Sciences panel on immigrant integration. I am further responsible for summarizing and representing the most important sociological research about and from Central America for the Library of Congress’ Handbook on Latin American Studies.
6. I am the author or editor of six books addressing violence, gender, and immigration, primarily focusing on the context of Central American states. My first published book, *Fragmented Ties: Salvadoran Immigrant Networks in America*, was named one of the twelve

most influential books on the family since 2000 in a review published in the journal *Contemporary Sociology*. My second monograph, *Enduring Violence: Ladina Women's Lives in Guatemala*, was published by the University of California Press in 2011; the Spanish translation was published in Guatemala in 2014. I just finished co-writing a book on immigrant families that will be published in early 2016. In addition, I have edited several volumes of essays and articles related to immigration and the lives of Central American and migrant women.

7. Since 1993 I have published more than 100 peer-reviewed scholarly articles, book chapters, and contributions to encyclopedias, many of which present the results of original quantitative and qualitative research about migration to the United States from Central America. A complete list of my publications is included in my C.V.

8. I currently sit on the Editorial Board of seven journals dedicated to the fields of sociology and migration.

9. Between 2011 and the present, I have previously provided affidavits or testimony as an expert witness in nineteen cases in immigration court or asylum proceedings.

## **II. Summary of Findings and Opinions**

10. I am providing this declaration to offer my considered opinion concerning the claims made in three declarations – that of Tae D. Johnson, dated March 20, 2015, Ronald Vitiello, dated March 10, 2015, and Thomas Homan, dated March 20, 2015 – regarding the deterrent effects of the detention of families migrating from Central America.

11. My opinions derive from the over two decades of study that I have carried out specific to the topic of migration and gender; my hundreds of interviews with migrants and potential migrants from Central America and their families (many of these being mothers who migrated or attempted to migrate, both with and without their children); review of the relevant research on the topic in my field of general migration, and more specifically of

migration and gender, and gender and violence in Central America; and my understanding of prevailing norms of social science research methods as developed through my training, scholarship and teaching.

12. It is my opinion that the Johnson, Vitiello, and Homan declarations (hereinafter, “declarations” unless otherwise differentiated) suffer from shared flaws that render their opinions regarding detention and its deterrent effects unreliable and invalid.

13. First, the declarations misidentify the motives of migrant families who are traveling to the United States, specifically those who arrive seeking asylum. Second, they are based on an inaccurate reading of recent statistics showing a decline in the number of Central American families apprehended at the border.

**The Misidentification of Motives of Migrant Families.**

14. Over the course of my career, I have interviewed close to two hundred migrants from Guatemala, El Salvador, and Honduras in the United States, as well as potential migrants in their home countries. Most recently I have conducted and supervised long term research projects in El Salvador and Honduras addressing the effects of migration on those who stay in their countries of origin as well as “return migration” – the life of migrants who have returned (for whatever reason – be it deportation or voluntary departure) to Central America from the United States.

15. Based on these interviews, which addressed the motivations underlying the decision to migrate, it is my conclusion that any perception of lax border enforcement or detention policies does not meaningfully contribute to the migration of families from Central America to the United States.

16. Rather, the primary reason individuals and family units migrate from Central America is because of the conditions in their home countries. They are leaving countries that currently occupy the first, fourth and fifth place—Honduras, El Salvador and Guatemala,

respectively—worldwide in homicide rates.<sup>1</sup> It is difficult to overstate the violence that has become endemic to the region, which is coupled with a breakdown of key state institutions, including the police and the judiciary. In the vacuum, gangs exert unchecked control, backed by violence over large swathes of the population. The States themselves are either powerless to control the violence or are complicit in the violence, oftentimes as the perpetrators of assaults against women in particular.<sup>2</sup>

17. Under these general conditions, women’s experiences are often exacerbated by gender ideologies and inequalities so that they suffer gendered violence (sexualized violence and brutality) and more poverty.<sup>3</sup> This context creates an overwhelming pressure to migrate in order to simply survive, and so migrants (and potential migrants) are willing to take significant risks so that they can live safely.

18. Research conducted among Central American immigrants in the United States as well as with potential migrants in the origin countries has shown that families are aware of the considerable risks that accompany migration and choose to travel because the conditions considerably outweigh these risks.<sup>4</sup>

19. These risks are mainly encountered along the passage north and through Mexico. Migrants not only expect but plan for risks such as robberies, kidnapping, and rape, to the

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<sup>1</sup> In 2012, the homicide rate (reported as homicides per 100,000 people) was 90.4 in Honduras, 41.2 in El Salvador, and 39.9 in Guatemala. In comparison, the 2012 homicide rate in United States and Canada were 4.7 and 1.6, respectively, in 2012. See 2013 Global Study on Homicide, United Nations Office of Drugs and Crime 24, 126, available at [http://www.unodc.org/documents/gsh/pdfs/2014\\_GLOBAL\\_HOMICIDE\\_BOOK\\_web.pdf](http://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf).

<sup>2</sup> A wealth of literature addresses this topic, including my own book, *Enduring Violence*. See also Inter-American Commission on Human Rights (“IACHR”), *Annual Report of the Interamerican Commission on Human Rights 2012* (March 5, 2013); Christine Gervais & Betsy Estevez, *Security Through Solidarity: Honduran Women’s Post-Coup Strategies of Support and Survival*, *Journal of International Women’s Studies* 12(4), 2011.

<sup>3</sup> See, e.g., Tacuazina Morales, *Honduras: Escalada de feminicidios (Honduras: Escalation of Femicides)*, SEMLAC (News Service on Women in Latin America and the Caribbean), March 14, 2011, <http://amecopress.net/spip.php?article6376>.

<sup>4</sup> A recent example of this scholarship is Leisy J. Abrego, *Sacrificing Families: Navigating Laws, Labor and Love Across Borders* (2014).

point where women take contraceptive pills before embarking on the journey north. Death is not infrequent, though the causes for many disappearances of migrants on the journey north may be unknown for years. Migrants also expect and are prepared for apprehension, detention, and deportation either by Mexican authorities or upon their arrival to the United States.

20. As just one example, when speaking of the dangers people in Guatemala face daily and the near impossibility to make a living there, a woman I interviewed in Guatemala for one of my studies (published in my book, *Enduring Violence*), told me that she was considering migrating to the United States because she “lived anguished.” We spoke of the dangers of the journey, enforcement at the border and the possibility of spending time in detention in the United States. She responded, “I know that very well, everyone here knows that, but what’s the difference between dying on the road and dying little by little here?”<sup>5</sup>

21. This sentiment is consistent with the findings of another study which a student of mine and I conducted in Honduras, in which interviews with the relatives of the migrants showed that they too knew well of the dangers of the trip and the possibility of apprehension and detention, as this information is conveyed clearly to those who are contemplating a trip north.<sup>6</sup>

22. Conditions in the Northern Triangle are so dire that even those who have been detained in and deported from the United States plan on re-migrating. One study of deportees to El Salvador and a separate one of Honduran deportees found that these deported migrants

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<sup>5</sup> Cecilia Menjívar, *Enduring Violence: Ladina Women's Lives in Guatemala* 171 (2011).

<sup>6</sup> Sean McKenzie and Cecilia Menjívar, *The Meanings of Migration, Remittances, and Gifts: The Views of Honduran Women Who Stay*, *Global Networks: A Journal of Transnational Affairs*, 11:63-81 (2011).

face such difficult conditions in their origin countries, and reintegration in their communities is so hard and traumatic, that they are highly likely to re-migrate.<sup>7</sup>

23. Against this backdrop – a proper understanding of the conditions that lead to family migration from Central America, and the motivations of the migrants as revealed in numerous interviews – it is highly unlikely that increased detention of asylum seekers would have a deterrent effect. That is because, given the dire context in which they have lived, detention, either in the United States or Mexico, though traumatizing in itself, is one of the many negative conditions that families have factored into their decision to leave. Compared to the others expected risks – such as rape or death – detention is actually less serious and thus less likely to function as a significant deterrent.

24. In addition, the government’s declarations appear to rely on statements given by migrants, at least some of whom appear to be detained, to border patrol agents. *See, e.g.*, Johnson Dec. ¶ 7; Vitiello Dec. ¶¶ 9, 10, 11. Such statements are inherently unreliable. Due to a long history of human rights abuses by authorities in the Northern Triangle, these migrants’ fear of authorities clouds any interaction they may have with border patrol agents (who are uniformed and represent authority/law enforcement). Thus, it would not be surprising, especially in the context of interviews with migrants that take place while they are detained, if individuals might have simply responded affirmatively to a question about “permisos” in order to please the officer.

**The Lack of Causal Link Between the Government’s Detention of Migrant Families and Recent Drop in Number of Families Apprehended at Border.**

25. A second problem of the declarations is the theorized causal link between family detention policies and a recently reported short term decrease in the number of Central American families detained along the border.

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<sup>7</sup> Jacqueline Maria Hagan, Nestor Rodriguez and Brianna Castro, *Social Effects of Mass Deportations by the United States Government, 2000–10*, *Ethnic and Racial Studies*, 34 (8),1374-91 (2011).

26. As an initial matter, it is extremely difficult to establish a causal effect between detention and deterrence. While there are scientifically valid methods capable of isolating such causal effects, the declarations employ none of these. There are multiple other factors that can influence the number of migrants who come to the United States, including, for example seasonal changes, with travel sharply decreasing during the colder months. A basic rule of sociological research is that examination of one factor alone is insufficient to predict an outcome, especially an outcome as complex as migratory patterns.

27. Yet the declarations relied upon by the government fail to take into account other factors that could account for the short-term decrease in Central American families detained along the border – most notably the massive increase during the past year in the Mexican government’s efforts to detain and deport migrants from Central America, most of whom are en route to the United States.

28. In the summer of 2014, the Mexican government announced a program to increase border enforcement, entitled the “Southern Border Plan.”<sup>8</sup> Statistics released by the Mexican government show that this program has resulted in nearly double the number of deportations of Central American migrants in January and February 2015 as compared to the same months in 2014 – a jump from 12,830 to 25,069 deportations.<sup>9</sup> There has been a similarly sharp increase in the number of deported minors from Mexico – from 1,605 in the first two months of 2014 to 3,289 in the same period in 2015.<sup>10</sup>

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<sup>8</sup> Nina Lakhani, *Mexico Departs Record Numbers of Women and Children in U.S. Driven Effort*, *The Guardian*, February 4, 2015, available at <http://www.theguardian.com/world/2015/feb/04/mexico-deports-record-numbers-women-children-central-america>.

<sup>9</sup> Brianna Lee, *Mexico Steps Up Deportation of Central American Migrants*, *International Business Times* (Apr. 6, 2015), available at <http://www.ibtimes.com/mexico-steps-deportations-central-american-migrants-1870618>; Washington Office on Latin America (“WOLA”), *New Figures Show Sharp Increase in Deportations from Mexico*, Apr. 6, 2015, <http://www.wola.org/news/mexican-government-releases-new-figures-showing-sharp-increase-in-deportations> (summarizing official Mexican statistics).

<sup>10</sup> See WOLA summary, *supra* at n.9.

29. Without looking more specifically at the effect of Mexico's efforts, it is simply impossible to assess whether an expansion of family detention is having any deterrent effect on migration. Indeed, based on the numbers referenced above, it is far more likely that the decrease in the number of families apprehended at the U.S. border is the result of Mexico's new enforcement policies.

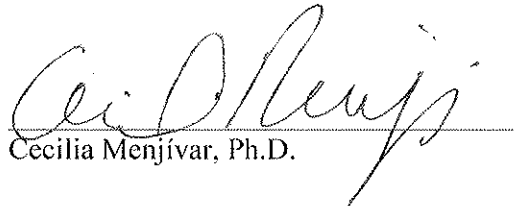
**III. Compensation**

30. I am not being compensated for my services on behalf of the Plaintiffs in this case.

31. I reserve the right to amend or supplement this report as appropriate upon receipt of additional information or documents.

I declare under penalty of perjury under the laws of the United States and the District of Columbia that the foregoing is true and correct.

Executed this 15<sup>th</sup> day of April, 2015, at Tempe, Arizona.

  
Cecilia Menjivar, Ph.D.