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Seeking Asylum as a Mexican Victim of Drug Cartel Violence

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Mexico has long been plagued by extreme violence generated by the sadistic practices of drug cartels which commonly include mass killings, torture, dismemberment, and car bomb explosions. Consequently, these sadistic practices have led observers and policy analysts to raise concerns regarding Mexico's stability and ability to protect civilians from drug cartel persecution. The Mexican community, as well, is concerned about being persecuted by the cartels, which is why many decide to emigrate to the U.S. to seek asylum relief.

In 2012, more than 9,000 Mexicans applied for asylum and only 126 were accepted, which is less than 2 percent. Such a low percentage is disappointing, given that the increased violence in Mexico has led to numerous deaths, thereby creating a serious concern for public safety. Although the Mexican government does not release statistics regarding the number of people being killed due to drug cartel violence, some estimates include: 28,000 deaths since 2006; over 23,000 deaths since January 2007; 12,600 deaths from January 2008 to March 2009; 45,000 deaths since Mexican President Felipe Calderon launched his effort against the cartels, beginning in early 2007; and, as of January 2013, an astounding total of 60,000 deaths.

PRIMARY REASONS FOR MEXICO'S DRUG WARS

Mexico's extreme surge of violence has been a result of many factors. However, Americans' hunger for drugs, in particular, has long been a central factor in the success and prominence of the cartels. This use of the term hunger is by no means an exaggeration, given that Americans spend between 18 and 39 billion dollars annually on narcotics. With such high demand for drugs, Colombia created a transportation network with Mexico, which helped facilitate



the transportation of drugs to this country. Colombia, in many ways, served as a model for Mexico, given that Mexican cartels learned how to lead and manage a sophisticated drug enterprise. The ultimate breaking down of several Colombian organized criminal groups was what allowed Mexican cartels to gain control over the drug market.

While Americans' hunger for drugs remains a primary reason behind the growth of cartels, former Mexican President Felipe Calderon's campaign against organized criminal groups remains the most popular explanation for Mexico's current drug war. Calderon's campaign was successful as key cartel leaders were apprehended or killed. However, drug cartels violently resisted this campaign, which led to increased violence.

Similar to President Calderon's campaign for combating drug cartel violence, Mexico's current president, Enrique Peña Nieto has stated that one of his top priorities is to combat the everyday violence affecting Mexican civilians. In order to meet his priorities, Peña Nieto has focused on

strengthening Mexico's security operations. However, despite these efforts, violence generated by cartels continues to rise, thereby suggesting that these efforts are unsuccessful.

Prevalence of Mexican Drug Cartels

While numerous drug cartels are responsible for the violence surging from Mexico, the Sinaloa Cartel and the upstart Cartel Jalisco Nueva Generación (CJNG) are the most prominent cartels remaining in Mexico. A former core component of the Sinaloa Cartel, the Beltran Leyva Organization (BLO), has also become a powerful cartel due to its alliances with Los Zetas, the Knights Templar, and the Juarez Cartel. These alliances have aided BLO in its "war" against the Sinaloa Cartel.

Together, these cartels have exerted dominion over various parts of Mexico. The Sinaloa Cartel, for instance, operates on the Pacific Coast of Mexico, as well as in Southern Mexico. Los Zetas, a cartel founded by ex-Mexican military members as the armed wing of the Gulf Cartel, now operates on its own along the United States-Mexico border in the Nuevo Laredo area and in the Yucatan peninsula. Because of disputed territorial and market boundaries, Mexico has experienced an increase in violence.

With such extreme violence over control exerted by cartels, Mexican immigrants have no option other than to escape and emigrate to the U.S. Escaping this violence, however, is not an easy journey. Among several other burdens, immigrants are required to demonstrate that they meet the refugee definition as described under the 1951 Convention (the Convention) and the 1967 Protocol.

The Convention was initially adopted as a way to provide protection to the hundreds of thousands of refugees displaced by the Second World War. Specifically, the Convention and the 1967 Protocol define a refugee as:

[A person who,] owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his [or her] nationality and is unable, or owing to such fear, is unwilling to avail himself [or herself] of the protection of that country; or who, not having a nationality and being outside the country of his [or her] former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (Buchanan, 2010, p. 35).

With such a narrow and specific definition, many asylum seekers are not seen as meeting the definition of refugee. Thus, it becomes necessary to amend and adjust the definition in a way that will help address the needs of refugees from Mexico. Otherwise, this definition will solely serve as a barrier to several immigrants who are in serious risk of persecution.



Mexican Military forces fighting in the Mexican Drug War in Michoacán, Mexico. Photo courtesy of Wikipedia user, Diego Fernandez.

THE REQUIREMENTS FOR ASYLUM

For Mexican immigrants' fleeing drug cartel persecution, asylum is the most desired kind of relief sought. Asylum relief is desirable because it provides refugees with a pathway to citizenship and legal work authorization. Specifically, the applicant must show a well-founded fear of persecution in order to qualify for asylum. This requirement is composed of both a subjective and an objective element. The subjective element, specifically, requires that the applicant's testimony be evaluated to determine whether the applicant has the requisite motive of fear. Courts have held that the threshold for demonstrating a well-founded fear of persecution requires a showing that a reasonable person in the same situation would also fear persecution.

Additionally, the determination of whether an applicant qualifies for refugee status must be made on an individual basis, and the applicant must also show a good cause as to why he/she is living in fear of persecution. The applicant can meet this requirement by proving a personal experience of persecution or by showing that he/she fears persecution as a result of close friends/family members already being persecuted.

Proving a Well-Founded Fear of Persecution

It is very likely that a reasonable person would fear persecution after receiving direct threats of violence and death from drug cartels. A reasonable person would likely also fear persecution after witnessing the death of a close friend or family member due to similar threats. The common barrier faced by Mexican victims of drug cartel violence, however, is that they often receive solely general threats of violence. This creates a significant burden in applying for asylum because general threats of violence are deemed insufficient for asylum relief. Nonetheless, Mexican civilians may argue that they have an individualized fear as a result of a general threat of

violence. While all Mexicans seeking asylum are encouraged to make this argument, this argument may be more viable for certain sectors of society whose identity, in particular, makes them more vulnerable to drug cartel violence.

Additionally, Mexicans can point to the fact that the lack of government protection has been instrumental in their well-founded fear of persecution. That is, while Mexican presidents have attempted to combat Mexico's drug war, the surge of violence has increased, as well as government corruption. This would allow for one to conclude that the government is unable and unwilling to protect victims of drug cartel violence.

Proving Persecution

According to the United Nations High Commissioner for Refugees (UNHCR) Handbook, it may be inferred from Article 33 of the 1951 Convention that a threat to life or freedom for reasons of one of the five enumerated grounds constitutes persecution. A positive aspect of this element of persecution is that asylum seekers may also qualify for refugee status under U.S. law based on past persecution. Specifically, this element provides that, by establishing past persecution, there is a rebuttable presumption of a well-founded fear of future persecution.

Barriers to Proving Persecution

Persecution, with respect to asylum, refers to an act that is either serious and/or severe. From this view, applicants would be barred from asylum if their claims were to solely allege mere harassment by drug cartels. This is problematic because courts may differ in how they define *mere harassment*, which may likely bar many Mexican victims from asylum.

The court's decision in the case of Mexican journalist Jorge Aguirre, however, shows that death threats may meet the level of severity and seriousness implied by the term persecution. In this particular case, Aguirre, a journalist, received death threats by a government official, which, as the court held, rose to the level of a well-founded fear of persecution. Specifically, Aguirre began receiving death threats shortly after the death of a former journalist who, like Aguirre, published articles regarding the drug wars. Interestingly, the court held that these death threats rose to the level of a well-founded fear of persecution without clearly stating how it arrived to that conclusion.

The court, however, considered the following factors crucial in determining whether this case rose to the level of a well founded fear of persecution: Aguirre's profession as a journalist, the fact that a fellow journalist had recently been killed, and the fact that the persecutor was a government official.

Establishing the Required "Nexus"

As previously mentioned, one of the primary reasons why many Mexicans are not granted asylum is due to their failure to establish the required link between persecution and one of the protected grounds. Proving this nexus is often a significant barrier because much of the drug-related violence by drug trafficking organizations is indiscriminate. That is, it does not always target a particular individual. Consequently, few civilians are able to show that they have been specifically targeted by a cartel, thereby reducing their possibilities to qualify for asylum.

U.S. ASYLUM LAWS ARE INHERENTLY DISCRIMINATORY

America's asylum laws do not address the protection needed by millions of asylum seekers who, due to their low socio-economic standing, are not viewed as targets by drug cartels. That is, the laws are biased and inherently discriminatory. Currently, numerous civilians seek refuge solely on the basis that they are victims of cartel violence. This approach is not an effective way of seeking asylum because it tends to frame all Mexican citizens as potentially being in fear of drug cartel violence, and this definition is too broad. Consequently, arguments for the required nexus are viable solely for specific sectors of society. And, unfortunately, those who may argue that they fit into a specific sector are also not easily granted asylum.

Membership in a Particular Social Group (PSG)

While the meaning of "particular social group" was initially unclear, the Board of Immigration Appeals (BIA) in *Matter of Acosta* held that membership in a PSG can be based either on a shared characteristic that members cannot change or should not be required to change. Among many other shared characteristics, some of the common ones are one's gender or one's profession. This broad definition makes it possible for journalists, law enforcement officers, business people, and other professionals to claim asylum based on common characteristics which have made them an easy target for drug cartels.

Examples and Case Law Regarding PSG

Carlos Gutierrez identified as a successful businessman from Mexico. As a result of this identity, cartel members demanded monthly extortion payments of \$10,000 from Gutierrez. When Gutierrez could no longer pay, cartel members cut off his feet and attempted to kill him. Fortunately, Gutierrez survived this torture and emigrated to the U.S. with his family to seek asylum. Although Gutierrez was permitted to live and work in the U.S., his asylum was neither granted nor denied. Instead, it was administratively closed. This means that although Gutierrez was not deported to Mexico, the judge

did not set a date to determine whether Gutierrez could be granted asylum.

The story of Carlos Gutierrez, a successful businessman, displays the advantage of certain sectors of Mexican society, while also displaying the U.S.'s hesitancy in granting asylum to victims of cartel violence. That is, because of Gutierrez' status as a businessman, he was permitted to work and live in the U.S., which would not have been a possibility had Gutierrez not identified as such. This identity, in conjunction with Gutierrez's life-threatening experience, however, did not result in his case being decided with the kind of immediacy that it required.

Despite the inherent discrimination of U.S.'s asylum laws, there is case law that has broadened the definition of PSG, which may provide certain groups of Mexicans with a stronger argument for asylum on the basis of PSG. In *Cece v. Holder* (2013), for example, the court held that an immutable characteristic could include a shared past experience or status that resulted in some knowledge or labeling that cannot be changed (See para.12). Under this broad definition, Mexican asylum seekers may argue that their status as former police officers qualifies as shared past persecution, which consequently makes them more vulnerable to drug cartel violence.

Similarly, in *R.R.D. v. Holder* (2014), the court held that the arguments made regarding shared past persecution were credible. In *R.R.D. v. Holder* (2014), R.R.D was an investigator for Mexico's Federal Agency of Investigation which resulted in numerous drug cartels attempting to kill him. Due to the great danger that R.R.D. was experiencing, he concealed his job as a police officer to avoid detection and applied for asylum in the U.S. R.R.D. contended that he was a member of a particular social group of honest police officers (See pp. 1-2). The court found this argument compelling because being a former police officer was an immutable characteristic that R.R.D could not change (p. 4). Thus, R.R.D's case serves as an example of viable claims for asylum based on shared past persecution. Like R.R.D., former honest Mexican police officers may apply for asylum based on PSG.

Refusal to Partake in Criminal Activities as a *Political Opinion*

Seeking asylum on the basis of political opinion is a particular, viable option for law enforcement personnel. Political opinion, as has been interpreted under the 1951 Convention, includes any opinion on a matter in which the State, government, and policy are involved. Interestingly, the concept of political opinion also includes situations of *imputed political opinion*. This refers to situations where there is persecution because of a political opinion that has been attributed to an applicant, even if the applicant does not

actually have that opinion.

Due to this broad definition, honest Mexican police officers could argue that because of their decision to not associate or cooperate with cartels, they fear persecution on the basis of *imputed political opinion*. In other words, due to their refusal to partake in criminal and corrupt activities, criminal organizations are likely to view them as individuals who hold a political opinion contrary to their own. As a result, honest police officers are likely to be persecuted.

Further, honest police officers could also distinguish themselves from corrupt police officers by claiming asylum based on their political opinion to not partake in corrupt and criminal acts, as do corrupt police officers. This would be a viable argument because Mexico's corruption, which often includes police officers carrying out the cartels' violent assignments, is information that is generally known or easily accessible. Thus, courts have no reason to not find this argument to be legitimate.

Honest police officers may also benefit from the fact that the asylum seeker's political opinion need not be the persecutor's only motive. In other words, if a drug cartel persecuted an individual due to retaliation for refusal to cooperate and/or not complying with financial demands, including extortion, an asylum seeker may still claim asylum based on political opinion, as long as the reasons underlying the persecution are mixed with political motives. In this case, as has been established, the political motive would be their refusal to engage in corrupt and criminal activities.

Barrier to the Political Opinion Argument

One major barrier in arguing political opinion as a basis for asylum is that Mexican asylum seekers do not fall within the scope of the traditional political refugee who is persecuted through oppressive government measures. In this situation, Mexican civilians are fleeing drug-related violence. They flee because they are being targeted by drug cartels and, in many cases, by corrupt government officials as well.

Given this unique experience, an acceptable solution would be to consider drug cartels a "de facto government," which is an illegal or illegitimate government that, nonetheless, possesses lawful title.

Considering Mexican drug cartels a de facto government is not an extreme approach given that drug cartels have exerted extensive control over the Mexican government. In particular, cartels have infiltrated both law enforcement departments and government institutions by providing Mexican government officials with proceeds from their drug sales. In exchange for these proceeds, government officials provide cartels with protection and do not punish them for their criminal activities.

In addition, cartels implement strategies to ensure

that they maintain control over the government. One particular practice that cartels engage in, for instance, is the manipulation of presidential elections to place individuals they control in office. With this kind of manipulation, as well as with the use of threats and murder, cartels are able to exert and maintain their control.



Mexican peace activist, Javier Sicilia and civilians participating in a march for peace in Mexico City. Photo courtesy of Wikipedia user, Zapata.

The Mexican Government is Unable/Unwilling to Control Drug Cartels

In their pursuit of asylum status, applicants could also argue that the Mexican government is unable and/or unwilling to control the drug cartels. This should not be difficult to establish because there is extensive evidence to prove this point. For instance, while governmental corruption may be a factor to discuss, an innovative discussion would involve *autodefensas* (self defense groups). Self-defense groups were created in 2013 in Michoacán, Mexico, as a way to provide protection to the community. The primary motivation in creating these groups was the impunity drug cartels enjoyed due to their successful infiltration of local police and government. The extent of corruption was so extreme that members of the community decided to provide their own protection. In return, the Mexican government failed to support these groups, thereby demonstrating its unwillingness to control cartels.

FURTHER ISSUES IN U.S. ASYLUM LAWS

Defensive Asylum Proceedings

While the difficulty in seeking asylum lies in the fact that Mexicans cannot prove the required nexus between persecution and qualifying criteria, it is the discriminatory nature of asylum laws which adds to the burden. For instance, a significant issue faced at the border is that Mexicans are placed in defensive proceedings regardless of whether they have a criminal record or not. This is unquestionably problematic because it is essentially labeling all Mexican applicants as criminals.

Interview Procedures

An additional discriminatory aspect of our asylum laws involves the “credible fear interview” procedures for asylum claims. In particular, Customs and Border Protection (CBP) officers, asylum officers in charge of conducting interviews, are inconsiderate of the applicant’s trauma and language barrier, which often affects their ability to communicate. Not only do CBP officers conduct interviews too rapidly, but they also fail to provide clarification regarding asylum claims, which results in them improperly interpreting the applicant’s story. Often, this leads to courts receiving documents with many discrepancies, which, unfortunately, are later used against the asylum applicant in court. Many attorneys, in fact, have stated that they often see identical boilerplate statements in interview reports, and that CBP officers often fail to accurately record asylum applicants’ statements.

CBP’s officers’ lack of consideration during the interview process is problematic because violence resulting from the Mexican drug war induces a sense of fear and insecurity within Mexican civilians, thereby placing them at risk for developing post-traumatic stress disorder (PTSD). PTSD typically develops after an individual lives a terrifying experience involving actual physical harm or a threat of physical harm. Being a victim of extreme drug cartel violence is undoubtedly a traumatic event, which could result in PTSD. Thus, CBP officers need training to be more considerate and understand that when an individual senses fear and insecurity their ability to communicate or recall traumatic events is impaired.

As Lohmuller (2015) further notes, a study conducted by Meschoulam, *Estudio sobre defectos psicossociales por violencia en Mexico* (Study on Psychological Effects of Violence in Mexico), details the negative effects that drug cartel violence has on Mexican victims. This study was based on a sample of 333 people from 15 of Mexico’s 32 states who were each given a questionnaire to complete. The results of this study revealed that 51 percent of the participants in the study said violence affected their work life, 72 percent said violence affected their social life, and 58 percent said that violence affected their family life. The study, in fact, revealed that 10 percent of the participants moved to a different residence out of fear of drug cartel violence.

Mescoulam’s study highlights the severity of the negative effects that drug cartel violence have on a victim’s well-being. But even more importantly, the results of the study make clear the need for a change in the way CBP officers conduct credible fear interviews. Currently, the manner in which credible fear interviews are conducted is both shameful and disturbing because it is highly discriminatory toward individuals living in fear of persecution. Without providing clarification, properly listening, and correctly interpreting the applicant’s story, CBP officers are increasing the likelihood that asylum seekers will

fail their interview and be removed from the U.S. Involving such a severe consequence as this one requires that efforts be made to ensure that these interviews are conducted in a serious and nondiscriminatory manner.

In order to ensure that credible fear interviews are conducted properly, CBP officers should be trained to ask both open and closed questions. These two kinds of questions are of great value because open questions, on the one hand, give interviewees an opportunity to expand on their story, while closed questions are more focused and make it less likely that the interviewee will divert from a critical question. Furthermore, it is crucial that CBP officers simplify a question if the interviewee's response indicates that the question was not fully understood. Because full comprehension of the interviewee's story is essential, CBP officers should also summarize the information collected at the end of each interview. This would help confirm that the correct information was obtained, while also demonstrating to the interviewee that the CBP officer was properly listening.

AMERICA'S FEAR OF OPENING THE FLOODGATES

An additional reason why Mexican victims are not easily granted asylum is due to the U.S.'s fear of the floodgates opening. This fear is based on the widespread beliefs that numerous Mexicans desire to immigrate to the U.S. solely for economic reasons and that the majority of Mexicans enter the U.S. illegally. Unfortunately, these views and their attendant sentiments are held by immigration officials who have the authority to decline requests for asylum despite the existence of a valid claim. While Americans may believe that this is a reasonable fear, the truth is that most Mexican emigrants who come to the U.S. do so because of extreme situations, such as harassment, threats and persecution by drug cartels.

In order to make progress with respect to this issue, the U.S. must change its perception regarding Mexican immigrants. This perception is both discriminatory and destructive because it results in potential refugees being denied asylum. With such a grave consequence at stake, immigration officials should be educated on the many ways in which immigrants help build and fuel the U.S., so that their biases and prejudices are not reflected in their decisions regarding a persecuted immigrant's right to asylum.

Description of Drug Cartel Violence as Criminal

Portraying the violence generated by drug cartels as criminal also may affect the way in which the U.S. treats those individuals who are leaving Mexico. For instance, cartels are often described as engaged in armed conflicts with criminal groups and whose own objectives are also criminal in nature. Inevitably, in the American mind, innocent Mexican civilians become included in this negative connotation which may result

in their innocence being questioned. A more appropriate way to describe the violence is as one resulting from an internal war that Mexico, as a whole, is facing. This definition separates victims from the negative connotation, thereby decreasing the possibilities that courts will hesitate when deciding whether or not an applicant qualifies as a refugee.

CONVENTION AGAINST TORTURE (CAT) AS A SECOND OPTION

Given the difficulty in establishing what qualifies for asylum, many immigrants seek relief under the Convention Against Torture (CAT). CAT is a relief that prohibits the removal of an individual who is more likely than not to be tortured upon return to their home country. In particular, CAT may provide relief to Mexican victims who are unable to meet the requirements for asylum because, in contrast to asylum, relief under the Convention Against Torture does not require that torture be based on one of the protected grounds of asylum. However, the limitation of this relief is that not all acts of violence are considered torture. For instance, although the CAT recognizes both physical and mental torture, CAT does not recognize pain or suffering arising only from, inherent in, or incidental to lawful sanctions.

Argument for Likelihood of Torture if Returned to Home Country

Victims of drug cartel violence are likely to be able to show that they will be tortured if returned to their country of origin because cartels engage in extreme torture techniques, which would likely be considered gruesome enough to constitute the kind of torture required under CAT. Victims can also refer to the danger in Mexico, as a whole, in crafting their arguments. For instance, Mexico now ranks first in the Americas in kidnappings, and there is evidence showing that more than 28,000 Mexicans have been murdered since 2006.

Barrier to CAT Relief

In contrast to asylum, which requires that the persecutor either be the government or an entity that the government is unwilling or unable to control, CAT relief requires that the pain or suffering be inflicted by, at the instigation of, or with the consent or acquiescence of a public official or other person acting in official capacity.

This particular requirement is often the most significant barrier in applying for relief under CAT because it is not an easy task to show acquiescence or consent. That is, many times, due to corruption and secretive collaborations between government officials and cartels, it is difficult for a victim to prove this requirement. Although courts differ in their point of view regarding the acquiescence requirement, numerous circuit courts have interpreted this requirement to mean that

the government official who will torture the petitioner, or acquiesce in the torture, will act under color of law. Acting under color of law refers to when an official wrongfully uses his/her authority. Acting under color of law also includes situations in which violence arising from a personal dispute that takes place when the government official had access to the victim as a result of being a government official, or the government official was able to exert violence by the exercise of government authority. Given the extensive corruption characterizing the Mexican government, Mexican asylum seekers should be able to prove the acquiescence requirement for CAT relief.

Arguments for acquiescence

In situations where a petitioner can only demonstrate that they will be tortured by members of drug trafficking organizations, and that there will be no government involvement, it may be argued that these organizations constitute as the de facto government of the nation. Consequently, any torture committed by those organizations is "government torture" for purposes of CAT. This is a viable option given that the facts that have been previously mentioned showcase drug cartels' extensive control over the Mexican government.

The Mexican Government Does Not Act Monolithically

Another barrier to CAT relief involves the fact that governments, especially in times of crisis, do not act monolithically. For instance, within the Mexican government, there are officials who supposedly are attempting to prevent torture, while other officials are acquiescing to the torture. As a result, judges, in particular, are unsure of how to address this issue and have often denied CAT relief given that some officials are attempting to prevent torture.

THEORIES AS GUIDING PRINCIPLES

Because of the many burdens in applying for asylum, theories should be used in developing guiding principles in



order to amend the rigid requirements of asylum law.

Humanitarian Theory

The humanitarian theory of international refugee law focuses on the asylum seeker's need for protection, regardless of how that need came about. Essential to this theory is the immediacy and degree of life threatening violence confronting an applicant.

Under this theory, Mexicans may be seen as eligible to be granted asylum because the danger they experience is often immediate and life threatening. In applying this theory, the court's analysis would likely emphasize the severe harm civilians would experience, such as extreme torture and/or death. Furthermore, despite any evidence of a direct threat, the court may also refer to statistics displaying the violence in Mexico in general. Such statistics would help further highlight the applicant's immediate need for protection.

Human Rights Theory

Under human rights theory persecution is defined as the continuous or orderly violation of basic human rights, indicative of a failure of state protection. This theory is particularly helpful to asylum seekers escaping cartel violence because, although the Refugee Convention may not specifically address Mexico's current drug war, this theory suggests that adaptations be made in order to provide protection to those persons experiencing unique torture and violence, such as many Mexican civilians. However, while this theory is more accommodating, its major flaw is that it fails to address the nexus between the persecution and one of the protected grounds, which is required for asylum. This is particularly problematic because the Refugee Convention was drafted for the primary purpose of providing protection for certain kinds of harms. The human rights approach should, thus, be used solely as a guiding principle in emphasizing the importance of recognizing other forms of persecution, such as cartel violence. This kind of usage of the theory will hopefully broaden the protected grounds of persecution, so that Mexican civilians can also be able to prove their eligibility for asylum. By only utilizing the human rights approach for this purpose, the nexus requirement, which is essential to the Refugee Convention, will continue to prevail.

CONCLUSION

Statistics and the mass media highlight the atrocious drug wars that Mexico is currently experiencing; thus, this tragedy is by no means unknown to the U.S. The U.S. knows about the threats, murders, and corruption in Mexico, and nonetheless, fails to amend its laws to make asylum an option for Mexican victims of cartel violence. By failing to amend its asylum laws, the U.S. conveys the view that the fear and vulnerability experienced by Mexican victims is of little importance. In other

words, this failure is an act of discrimination because it favors some refugees, while denying protection to others. This is highly problematic because the very core of the Convention is to provide protection to the most vulnerable and helpless, without making any distinctions among people.

The Convention was by no means drafted to leave out certain immigrants from the possibility of seeking refuge. It is, thus, the U.S.'s obligation to amend its asylum laws to reflect the drafters' intention, as well as the current realities that many Mexican victims of cartel violence are facing today.

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