

DECLARATION OF CECILIA MENJÍVAR

I, Cecilia Menjivar, 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

Distinguished Adjunct State University, a position I have held since 2008

most influential books on the family since 2000 in a review published in the journal

Contemporary Sociology: A Journal of Review, *Evaluating Violence: Leading Women's Lives*

in Guatemala was published by the University of California Press in 2011: the Spanish

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.

United States, specifically the ... Second, they are based on

respectively—worldwide in homicide rates.¹ 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

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, detection, 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 with the 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

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.⁷

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,

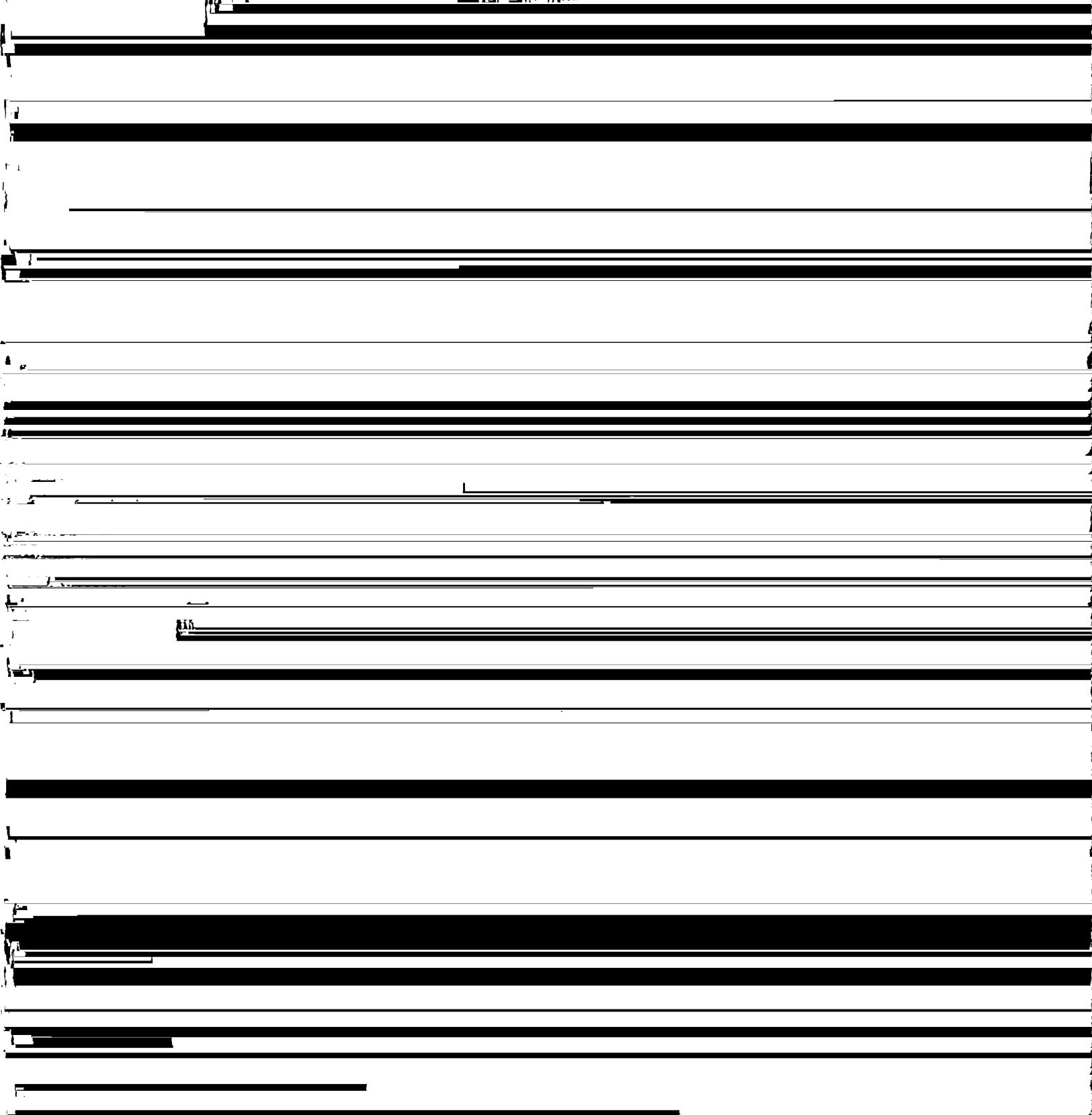
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negative conditions that families have factored into their decision to leave. Compared to the others expected risks – such as rape or death – detention is actually less serious and thus less likely to function as a significant deterrent.

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

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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



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

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