The Central American Humanitarian Crisis and US Policy Responses

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Introduction

The Center for Migration Studies of New York (CMS), a nonpartisan think tank/educational institute focusing on the study of international migration, and the Scalabrini International Migration Network (SIMN), a not-for-profit organization focusing on protection and development programs for migrants, traveled to El Salvador, Guatemala, and Mexico from August 15 to 22 to visit migrant shelters operated by the religious Congregation of the Missionaries of St. Charles Borromeo, Scalabrinians. The delegation toured migrant detention and return facilities, met with public officials and nongovernmental organizations (NGOs), and assessed how the US-Mexico policies of deterrence and interdiction have impacted the region and particularly those seeking to flee the record levels of violence in the Northern Triangle states of Central America.

Overview

Since March 2014, the number of persons — mainly unaccompanied children and family units (mostly mothers and children) — arriving at the US border has increased dramatically. As of August 2016, more than 160,000 unaccompanied children and a similar number of family units had arrived since the spring of 2014. The highest numbers were seen in 2014, with about 69,000 of each group having arrived by the end of the fiscal year on October 1, 2014.¹

In response to this flow, the United States has prioritized border enforcement and detention, as well as interdiction by Mexico, of minors and families seeking refuge in the United States. In FY 2015, the numbers arriving at the US border fell 45 percent compared to FY 2014, while deportations of Central Americans by the Mexican government increased 50 percent, reflecting US outsourcing and externalization of enforcement policies. In 2015, the Mexican government returned close to 200,000 Central Americans to the Northern Triangle countries of Guatemala, El Salvador, and Honduras, a jump of 70 percent from 2015.²

This deterrence strategy also featured the re-introduction of family detention, with a massive new facility built in Dilley, Texas, to hold families and one in Karnes, Texas as well. Refugee and children’s rights advocates have opposed the use of detention for these populations and numerous reports have documented ill-treatment and coercion of migrants in the detention centers. Both Karnes and Dilley detention centers are operated by for-profit companies, exacerbating the problem of public

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accountability for their operations. In early January 2016, the Obama administration launched a series of enforcement actions (characterized as “raids”) focused on family units, resulting in 121 family members being incarcerated, with many eventually deported. The enforcement actions were intended as a further signal to families not to travel north to the United States. The United States has also begun to deport children who have “aged out,” or turned 18, even prior to the end of their asylum cases.³

Yet despite these enforcement efforts, in 2016 the number of unaccompanied children and family units arrested at the US-Mexico border has exceeded 2015 numbers and stand just below the record numbers of 2014. . . . Clearly, the deterrence strategy deployed by the United States has failed.

Yet despite these enforcement efforts, in 2016 the number of unaccompanied children and family units arrested at the US-Mexico border has exceeded 2015 numbers and stand just below the record numbers of 2014. Family units arriving at the Mexico-US border have outpaced the number of unaccompanied children by 25 percent. At the end of August 2016, the number of arriving family unit subjects (68,080) was just below the total number for FY 2014 (68,445), which means family members will far exceed FY 2014 numbers by the end of September.⁴

Clearly, the deterrence strategy deployed by the United States has failed.

Thus, while the US deterrence strategy may have succeeded initially in reducing arrivals at the Mexico-US border, it has failed to stem the flow of refugees and migrants from Central America. Moreover, deterrence and enforcement strategies have not been accompanied by rigorous refugee screening and protection systems.

The United States has launched some protection programs to help children and families fleeing gang-related violence to receive protection in their home countries, but these programs have floundered because of logistical, informational, and resource problems. The Central American Minor (CAM) program, which allows lawfully-present US residents to apply for refugee status or parole for their children living in El Salvador, Guatemala, and Honduras, has received over 9,500 applications since 2015, with only about 300 children having arrived in the United States.⁵

The July 2016 announcement that the US government would establish an in-country resettlement program in the Northern Triangle countries plus an emergency resettlement program out of Costa Rica, will extend protection to additional refugees, but the implementation of these initiatives has been slow and the programs modest in relation to the need.

The debate in the United States about how to handle the flow of unaccompanied children and family units has revolved around whether these vulnerable groups are seeking protection from persecution or simply hoping to rejoin family members or find a better life, whereas large

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⁴ US Customs and Border Protection.
movements of refugees and migrants invariably include persons who are migrating for different reasons. In fact, a significant portion of these groups are fleeing for their lives.

Honduras, El Salvador, and Guatemala have among the highest murder rates in the world, with El Salvador having displaced Honduras atop the list since the end of the truce between the government and the gangs in 2015, when the homicide rate jumped to 92 per 100,000 persons. Honduras is now ranked second and Guatemala seventh.6

The MS-13 and 18th Street gangs dominate certain neighborhoods in all three countries, while even rural communities are being controlled by the groups in El Salvador and Honduras, making it more difficult for unaccompanied children and families to find safe haven within their nations, especially after they have been returned.

Moreover, the record number of returns from Mexico to the Northern Triangle has not significantly halted the migration north, as 2016 numbers have exceeded the numbers from 2015. Smugglers have likely found more sophisticated routes north, with smuggling rates having jumped to $10,000 per person, which pays for three attempts to reach the United States. Statistics show that arrivals at the US border have jumped at different ports of entry from 2015 to 2016, with Yuma, Arizona showing a 278 percent jump, El Centro up 124 percent, and El Paso up 374 percent.7

A CMS study found that the US undocumented population from Central America increased by 5 percent between 2010 and 2014, but decreased from Mexico by 9 percent.8 The US undocumented population from Central American nations other than the Northern Triangle states fell even more precipitously (by 17 percent for Nicaraguan nationals, for example, and 22 percent for South American nationals). Such a disparity suggests that irregular migration from the Northern Triangle is driven by more than just economic or family reunification motivations, but also by endemic violence.

Finally, a number of evidence-based reports from the region have found that 50 to 60 percent of children and families fleeing Central America have valid asylum-based claims. The United Nations High Commissioner for Refugees (UNCHR) produced two reports, entitled *Children on the Run* and *Women on the Run*. The report on children found that six out of 10 had credible fear claims, while the report on women found that nearly seven out of 10 had been attacked and did not feel that local police could protect them.

At the same time, protection in the region has been virtually nonexistent, while deportations have skyrocketed. According to a March 2016 Human Rights Watch report, Mexico increased its deportations of children nearly 270 percent in 2015, with only 56 children receiving refugee status.9

7 US Customs and Border Protection.
With the Obama administration winding down and a new administration soon to take over, US policy toward large movements of unaccompanied children and families from Central America is at a crossroads. The following report lists findings and policy recommendations, as the Central American humanitarian crisis shows no sign of ebbing in the near future.

**Findings**

**Violence in the Northern Triangle region has continued at the same rate since 2014, and, in some countries, has increased dramatically.** In 2012, the Salvadoran government agreed to a “truce” with the gangs in the country, both MS-13 and the 18th Street gang, in which all three parties would stand down from a street war. In fact, this turned out to be a “false truce,” according to civil society activists, as it gave the gangs political standing and space to consolidate their power and territory. Civil society groups report that gangs also used murder as a negotiating ploy, ordering more killings when it suited their purposes. Moreover, gangs and members of drug cartels have extended their control over the rural areas of the country, controlling small towns and villages outside of urban areas.

An estimated 6.5 million persons between the ages of 15 and 24 in Northern Triangle states live in communities controlled by gangs. Gang members have infiltrated schools and often make the daily passage to and from school a harrowing experience for children and adolescents. Many children live in territories controlled by one gang but attend a school in an area controlled by another, leaving them suspect and at the mercy of both gangs. As one person put it, “if you’re young and poor, your lives are at risk every day.” Children without parents at home are at particular risk. In one Catholic parish in San Salvador, more than one-half of the children have parents living abroad.

The CMS-SIMN delegation heard that many parents keep their children out of school and locked in their homes while they work. Other families move frequently in order to try to avoid violence and try to find safe schools. Although this may be the best option available, it interrupts children’s

A Family Flees for Their Lives

Carlos, a father of two, was a bus driver from the municipality of Mejicanos of San Salvador. Gang members demanded that he pay 20 percent of his modest salary to them and often boarded the bus to steal from his customers. The gang also stole his identification card so that they would know where he lived. At one point, gang members chased him through an apartment complex, shooting at him because he crossed territories controlled by different gangs on his commute to and from work and the gang suspected him of being sympathetic to a rival gang. Gang members also shot and crippled his nephew who lived at his home. Carlos switched bus routes and moved three times to avoid the extortion and threats, but the gang would catch up with him before too long. Ultimately it left a letter at his home, promising to kill him if he did not leave because he did not reliably meet their extortion demands. Carlos and his family finally fled El Salvador after a young child, who gangs sometimes send to kill unsuspecting victims, warned him to leave or he and his family would be killed.

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10 Roundtable discussion with Salvadoran NGOs, August 17, 2016.
education. Not surprisingly, the school attrition rate is high, with 130,000 children in El Salvador not attending school on a regular basis. Civil society groups report that 300 teachers whose lives have been threatened in El Salvadoran schools have asked for transfers.  

Exacerbating matters, gangs have also taken over the public recreational spaces previously available to children. As a result, as one activist put it, children and adolescents “feel they don’t have a future” in their nations.

**US protection programs have yet to be effectively implemented and large numbers of refugees and migrants from Central America remain unable to access protection in the region.** The CMS-SIMN delegation found that, despite good intentions, US initiatives to protect vulnerable populations in the region have been plagued by the lack of support and follow-through from Washington, DC. The CAM program, which permits children of legal US residents to apply for refugee status, has encountered several implementation challenges, including insufficient dissemination of information about the program, the absence of security for those children who apply (until they night before their departure to the United States), the absence of information for children in advance of their interviews, and bureaucratic delays on decisions.

Due to processing delays of up to 10 months, parents in the United States have opted to pay to smuggle their children who are eligible for the programs to the United States, rather than expose them to continued danger in their home countries. Another option may be to coordinate with civil society organizations to protect the children from gangs and smugglers during an expedited application and vetting process. Some NGOs have already protected children in these situations.

Another problem has been the small number of refugee admissions through the program compared to those who are paroled into the country. In addition, positive refugee determinations have been changed to grants of humanitarian parole later in the process. The difference between parole and refugee status is significant, as refugees, unlike parolees, qualify for basic needs assistance and integration help once they arrive in the United States and can adjust to lawful permanent resident status after one year. While CMS-SIMN applauds this program, including the recent extension of potential beneficiaries to other family members and caregivers, improvements should be made to ensure it reaches the maximum amount of beneficiaries in the region.

Similarly, the protection transfer arrangement (PTA) program, which allows for the transfer of emergency protection cases to Costa Rica, remains in the infancy stage, while an in-country refugee processing program has yet to begin. The US government should expedite their implementation so they can be fully utilized during FY 2017. At the time of the CMS-SIMN visit, UNHCR was preparing 20 “pilot” cases for the PTA program for review by the United States. CMS and SIMN urge the United States to show flexibility in the types of cases it would consider, possibly political opinion and novel social group categories as grounds for refugee status.

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11 Ibid.
12 Ironically, the CMS-SIMN delegation was shown US Citizenship and Immigration Services (USCIS) pamphlets announcing the CAM program at a return center in El Salvador.
13 Roundtable discussion with Salvadoran NGOs, August 17, 2016.
14 USCIS reported in July 2016 that 48 children had been admitted as refugees and 96 as parolees.
Finally, the delegation heard complaints that US foreign assistance was not reaching governments or local NGOs to help address refugee-producing conditions, perhaps due to conditions placed on the funding by Congress.\textsuperscript{16} Instead, all three countries recently announced a border initiative to interdict persons attempting to cross borders at non-traditional border crossing sites, in the name of controlling gang movement.

Another young woman returned to Guatemala told the delegation that she was intimidated into signing deportation papers, stating that US officials would yell at her: “Sign it!”

In addition, US-supported interdiction programs in Mexico do not include sufficient refugee screening safeguards. While detention officials are required to transfer persons who express a fear or request refugee status to COMAR (Comisión Mexicana de Ayuda a Refugiados), Mexico’s refugee assistance agency, CMS-SIMN heard reports that prison officials discourage detainees from requesting protection. In addition, some migrants do not want to seek refuge in Mexico, given the strong presence in Mexico of the transnational gangs they have fled. In the United States, enforcement programs prevent de facto refugees from pursuing asylum claims and lead others to abandon their claims.

The CMS-SIMN delegation met one young El Salvadoran who had entered the United States as a minor, been transferred to detention center at age 18, and ultimately abandoned his asylum claim rather than remain detained. Another young woman returned to Guatemala told the delegation that she was intimidated into signing deportation papers, stating that US officials would yell at her: “Sign it!”

Unaccompanied minors, women and children are in increasing peril because of gang-related activity and domestic violence and are subject to increasing dangers on the journey. The delegation witnessed a large number of women and children, both in shelters and in the detention center in Tapachula, Mexico. Such numbers indicate that gangs are becoming more aggressive in attacking families — first the man in the household and then the women and children. Young girls are targeted to become “girlfriends” of gang members, at risk of their lives. Husbands and fathers are being recruited to join the gangs, at risk of harm to them or their families. In addition, incidents of domestic violence remain high, attributable, in part, to poverty and chronic unemployment, lack of legal recourse, alcohol and drug addiction. El Salvador, Guatemala, and Honduras are in the top five countries with the highest femicide rates in the world.\textsuperscript{17}

Women and children are particularly vulnerable along the journey, subject to kidnapping, sexual assault, and other forms of violence from human traffickers, unscrupulous smugglers, and corrupt government officials.\textsuperscript{18} Some are never heard from again. Nevertheless, parents continue to migrate with their children in high numbers, despite efforts by the United States and Mexico to stop them.

\textsuperscript{16} The FY 2016 appropriations bill included the attainment of security goals as a condition for assistance to Central American countries in the Northern Triangle, including maintaining their own borders.


\textsuperscript{18} Estudio Exploratorio, Conflit Armado Interno Y Migraciones Mujeres, Víctimas de Violencia De Genero, Alianza Rompiendo el Silencio y la Impunidad, June, 2015.
Deportees face increasing danger upon return, with many facing displacement, danger, and even death. The CMS-SIMN delegation visited with NGOs that monitor persons who are returned to El Salvador, stating that some who are returned are harmed or even killed. Others try the journey north again, or, if unable to leave their country, relocate to other parts of the country, staying in hiding with friends or family. Local police cannot protect them. Deportees who have exhausted their number of paid trips north and who cannot rely on family or friends in other parts of the country to shelter and support them, are particularly at risk and have no good options.

CMS-SIMN learned that the gangs are increasingly sophisticated in their ability to monitor the migration of certain individuals and families. Not only are gangs present along the journey, but they share photographs and information electronically about persons fleeing them. They are also adept at social media. Thus, persons who leave or attempt to flee gangs are often in peril throughout their journeys north. The week before the CMS-SIMN delegation visited Tapachula, for example, gang members had made migrants sitting outside a migrant shelter strip to their underclothes so that they could be checked for tattoos that would reveal any gang affiliations.

The Scalabrini shelters reported that gang members often try to infiltrate migrant shelters and monitor the migrants inside them. If gang members are identified, they are asked to leave the shelters and welcoming centers. The standard migrant orientation in one shelter includes warnings related to the dangers of migration, including ways to identify gangs and avoid victimization.

In both El Salvador and Guatemala, CMS-SIMN visited return centers, speaking to recent deportees from both the United States and Mexico. Many had paid smugglers for additional trips north and planned to travel as soon as they could. One young man had been assaulted by gangs and drug traffickers in Mexico, and robbed of all his savings. In El Salvador, returnees are given bus fare but otherwise are not provided with assistance with reintegration. In Guatemala, a shelter system has been established that allows unaccompanied minors, women, and children a place to stay for a few weeks, until they can find family or friends with whom to live.

There are an increasing number of reports of persons being abused by traffickers, drug cartel members, and even police, especially in southern Mexico. The delegation learned of 70 documented cases of abuse of migrants in 2016, ranging from extortion to kidnapping, which are the subject of formal complaints (denuncias).

19 Roundtable with Salvadoran NGOs, August 17, 2016. Participants indicated the presence of documented cases of children being killed upon return.
In addition, CMS-SIMN learned of financially questionable policies by Mexican officials, which may lead to unnecessary deportations of Central Americans from Mexico. In particular, Guatemalans who live on the Mexico-Guatemala border can secure 72-hour and 100-kilometer border crossing cards, which allow them to cross the border and remain legally in Mexico for limited periods of time. Guatemalan nationals without these cards can be deported.

This card is provided by Mexican authorities to Guatemalans if they can provide an original birth certificate, with the seal of the Guatemalan government. The Guatemalan government is not providing these original certificates and the Mexican government in Tecun Uman is charging $30 for the authentication of the birth certificates, an exorbitant and preclusive cost for members of poor families and individual children. Thus, deportations from Mexico may include border residents who should be able to pass legally back-and-forth across the border, but who are too poor to do so. Civil society groups and individual migrants accurately characterized this practice as yet another abusive business opportunity (negocio) created by Mexican officials.

The delegation visited the Tapachula detention center and learned that, of the 30,000 persons held there this year, only 217 had applied for asylum in Mexico.

The number of persons with valid asylum claims continues at a high rate, with little or no access to protection in the region, while deportations continue. The delegation learned from records in the Scalabrini shelters that at least half of those in the shelters have valid refugee claims. The Mexican and Guatemalan governments will send migrants to Scalabrini shelters for protection and legal assistance.

The delegation visited the Tapachula detention center and learned that, of the 30,000 persons held there this year, only 217 had applied for asylum in Mexico. Some do not pursue asylum because they want to claim it in the United States or do not believe they will be safe in Mexico, but others are reportedly discouraged from applying by immigration officials.

COMAR and UNHCR provide briefings on asylum in the detention centers, but are not present on a full-time basis. While the asylum approval rate by COMAR has improved, from 10 percent a year ago to about 55 percent now, the agency has limited capacity to be present in the detention centers or to review large numbers of cases. Such wait times discourages applications. In addition, asylum seekers must remain in detention for two to three months, if not longer, for their claims to be adjudicated, another disincentive to seeking protection.

Recently, Desarrollo Integral de la Familia (DIF), the Mexican agency responsible for unaccompanied children, began releasing children to their “partners” (significant others), family or friends with whom they live until the completion of their cases. However, this practice may not include sufficient vetting of these living situations, putting some children at risk. To facilitate these arrangements, Mexico is granting more humanitarian visas for asylees — a one-year visa that protects persons until their cases can be adjudicated.

20 Tapachula Detention Center fact sheet on file with CMS-SIMN, August 2016.
Recommendations

The United States must adequately fund and expand protection initiatives in the region. The United States has spent much more attempting to deter the flow of Central American refugees north than on protection initiatives. The elements for a robust protection regime in the region are in place, including the CAM program, the PTA, and in-country processing. However, adequate funding and implementation of these initiatives must become a priority, including by the next administration.

Foreign assistance should be disbursed to a greater degree to local NGOs to assist returnees, including programs focusing on youth, anti-domestic violence, and re-integration programs. In the FY 2016 budget, Congress appropriated $750 million for the Northern Triangle of Central America, but the funding is conditioned on countries meeting certain security goals. Instead of directing these funds toward security goals, it should be directed to NGOs, including local NGOs and faith-based organizations which perform life-saving work and offer shelter and other services to migrants in the region.

“There is nothing for the young men to return to and they are targets of the gangs,” one official stated.

More assistance should be directed to youth programs, such as job training, skills development, and education, so they have meaningful options and hope for their future. The child welfare systems of El Salvador, Guatemala, and Honduras should also be bolstered. Finally, resources should be directed toward effective re-integration programs, so that child deportees and deported families can be returned safely, placed in family settings, and offered follow-up services.

According to civil society groups, the re-integration of males, both children and those who have reached the age of majority, deserves far greater attention and should become a priority. “There is nothing for the young men to return to and they are targets of the gangs,” one official stated. In addition, one civil society leader pointed out the need for “norms” between the United States and Northern Triangle states related to the protection of returned unaccompanied children and for reintegration (or re-insertion) services and protocols in these states.

With help from the United States, Mexico should expand its asylum protection system, while resettlement of unaccompanied children and families should be started out of Mexico. While Mexico is doing the “dirty work” of the United States through interdiction and deportation, it is not sufficiently protecting children and families transiting through its territory. Children and families remain in danger in Mexico, subject to gangs, drug cartels, and human traffickers. While DHS has announced an initiative to help train immigration authorities in Mexico to better screen migrants for refugee status, more funding should be provided to COMAR to expand its capacity to adjudicate cases. DIF should be funded to screen persons to whom children may be released pending the outcome of their refugee claim. Finally, Mexico should not indefinitely detain persons because they are from certain regions or nations in the world.

Moreover, the United States should consider resettlement out of southern Mexico, as is being done now with a few LGBTI cases, with the help of UNHCR. Best interest determinations (BIDs) should be used in the adjudication of unaccompanied minors.

As one migrant mother of five said, “. . . we bear our coffin day after day on our shoulders, because every moment and every place can be our cemetery without cross and flowers.”

A strategy to address displacement of individuals and families must be devised and implemented. In the Northern Triangle region of Central America and parts of Mexico, more than one million persons have been displaced from their homes in the last year because of organized crime. They often have to flee their neighborhoods to another country or another part of the country, usually without their belongings or resources. Families and friends in different parts of the country cannot indefinitely sustain these migrants. Those who are returned cannot return to their communities, forcing them into hiding and to migrate again out of the region. A program must be devised to provide support to the internally displaced who have fled their homes because of violence. The plan should include the provision of basic needs, education, employment services, housing, and health care.

Both the United States and Mexico should minimize deportations to the Northern Triangle until protection programs are fully in place. Because those returned are either displaced from their homes, seek a return trip north, or are harmed or even killed, steps should be taken to limit deportations back to the region until protection mechanisms are fully established and humanitarian assistance is fully deployed. The Obama administration, for example, could grant temporary protective status (TPS) to US residents from Guatemala and to recently arrived El Salvadoran and Honduran residents before it leaves office early next year. Mexico can provide humanitarian visas on a wider basis for migrants who express a fear of return.

Conclusion

US policy toward Central America and the flow of refugees and migrants out of the Northern Triangle is at a crossroads. Despite providing assistance to Mexico to stem the tide, plus other deterrence policies within the United States, unaccompanied minors and families continue to...
risk their lives to travel north. While the United States has taken steps to introduce protection mechanisms in the region — the CAM program, the PTA, and in-country resettlement program — these initiatives are either not yet at full force or have not been implemented effectively. Moreover, they do not cover large numbers of Central American migrants with bona fide claims who are not screened at all. Re-integration programs, which ensure protection and improvements in child welfare, youth, and employment programs, should be strengthened in the region.

At the same time, the vulnerable groups fleeing violence in Central America remain at risk, subject to kidnapping, sexual assault, extortion, and violence. Those who are returned face danger from well-organized, transnational gangs that track their movements and seek to exact revenge or simply to extort them. As one migrant mother of five said, “. . . we bear our coffin day after day on our shoulders, because every moment and every place can be our cemetery without cross and flowers.”

In terms of protecting these groups, lives are lost each day due to a lack of vigilance, resources, and effective protection programs. The United States should fully support protection, development and rule of law initiatives in the region and should work to help these nations improve opportunities for their citizens, especially youth. Without such support, this crisis will continue into the indefinite future.