



THE ADVOCATE

ACTION AT HOME FOR JUST POLICIES ABROAD

The Biden Administration's Latin America Policy: It's a Start...

Lisa Hugaard & Antonio Saadipour

The Latin America Working Group is organizing with you to press the Biden-Harris Administration to adopt a just and humane foreign policy towards Latin America and the Caribbean. We are calling on the White House not just to roll back damage done during the Trump Administration but to create far more just policies than those advanced by the United States in the past.

It's early days yet. But here's what we can tell you about what we've done and where we see progress—and where we don't see movement yet. And what you can do about it.

Central America & Root Causes of Migration

First, President Biden's focus on Latin America is all about migration. The administration is concentrating its efforts on restoring access to asylum (see p. 4) and introducing an immigration reform bill, while on foreign policy, it is squarely focused on addressing the roots of migration from El Salvador, Honduras, and Guatemala. Other Latin America issues take a back seat.

The White House announced that it would be developing a "root cause strategy" to address migration from Central America. The memorandum has some good objectives, including combating corruption, promoting respect for human rights, labor rights, and a free press, and addressing sexual, gender-based, and domestic violence. However, it gives few details about how this would be accomplished and how it would be different from past U.S. policy.

Then, the White House introduced the U.S. Citizenship Act of 2021 into the Congress. Chock full of remarkably positive actions on immigration (see p. 5), the bill has a section on addressing root causes in Central America that, while it has some good elements, doesn't advance enough from past approaches. For example, it includes aid for security forces. This "root cause" section may be changed as the bill moves through Congress.

Next, the White House appointed a special envoy for the Northern Triangle, Ricardo Zúñiga, a diplomat with deep knowledge on Latin America whose career in government included being the Obama Administration's point person for negotiating the diplomatic opening to Cuba. And it announced that Vice President

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ABOUT US

The Latin America Working Group (LAWG) and its sister organization, the Latin America Working Group Education Fund (LAWGEF), mobilize concerned citizens, organizations, and networks to call for just U.S. policies towards Latin America and the Caribbean. We educate the public about the impact of U.S. foreign and immigration policy and advocate before the U.S. Congress and the executive branch. We coordinate a coalition of over 50 U.S. organizations and work closely with civil society partners in Latin America to support their human rights campaigns and make sure their voices are heard in the policy debates that take place in Washington, D.C.

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Harris would lead U.S. efforts to address root causes of migration from Central America.

We've seen some positive signs that the Biden Administration is raising the right, tough issues with the three governments—for example, top-level U.S. officials let the Guatemalan government know they were concerned about how it is undercutting the independence of the nation's Constitutional Court, which will decide crucial decisions, including over indigenous land rights and mining concessions. But how much leverage the U.S. government is willing to use when governments fail to curb corruption, authoritarian actions, or human rights abuses remains to be seen.

What is LAWG doing to urge just policies towards the northern countries of Central America? The Latin America Working Group sent a letter (bit.ly/3fyL20v) signed by faith, humanitarian, human rights, grassroots, and immigrant-led organizations to the White House calling for **“The U.S. government [to] stand not with corrupt officials and abusive security forces but with the citizens and civil society organizations working to build more democratic, just, and inclusive societies.”** The letter urges the U.S. government **“not to repeat the mistakes of the past, including the ways in which U.S. policy has contributed to human rights violations and driven forced migration from the region.”** We are meeting with top-level administration officials in the White House, State Department, and USAID to urge them to stand with civil society activists working for change, from anti-corruption activists to indigenous and Afro-descendant environmental and land rights activists, and women and LGBTQ+ defenders. We are briefing key congressional offices to ask them to press the White House to do the same, and we are working with congressional allies to improve the root cause section of the immigration bill.

What can you do? Right now, show support for a better approach, specifically in Honduras, by urging your elected officials to support the Honduras Human Rights and Anti-Corruption Act in both the House and the Senate. But stay tuned to our e-alerts for further action on Central America (or sign up to receive them at lawg.org/take-action/sign-up/ if you haven't already!).

Peace in Colombia

Working with our Colombian and U.S. partners, we developed a blueprint, Protect Colombia's Peace (bit.ly/3w8ZfbB), and sent it to members of Congress and to the Biden transition team to urge the United States to focus on pressing the Colombian government to implement the historic peace accords, in danger of failing, and to support Colombia's endangered human rights and community activists. We then sent a letter to President Biden urging actions to support peace and endangered activists. We've met with White House and USAID officials to call for more action and support for peace.

Are our efforts working? On the positive side, Biden Administration officials are talking more about human rights and peace accord implementation in Colombia, especially expressing concern about the murder of human rights and community activists. USAID continues support for victims' rights, Afro-Colombian and

indigenous communities, and peace accord implementation, including for the Truth Commission and the Unit to Search for the Disappeared—and now will provide technical support to the transitional justice court.

But we are still worried that the Biden Administration will support a restarting of the cruel aerial spraying program, which the Colombian government is trying to restart while it is failing to provide much-needed assistance to farmers to switch from coca to legal crops. This would undermine the peace accords, which committed the government to work with farmers to voluntarily eradicate and replace coca crops. We worked with WOLA and other U.S. and Colombian partners to send a letter asking the Biden administration not to support aerial spraying.

Diplomatic Opening of & Travel to Cuba

Where we have seen little forward momentum from the Biden Administration is on Cuba. While during the campaign Biden promised to reopen travel to Cuba for all Americans and restore the rights of Cuban-Americans to send remittances to their families, there have been no signs of progress yet.

To move the administration forward, we sent a letter (bit.ly/3y2LdKg) with Cuban-American, faith, business, and grassroots groups to President Biden and have met with the White House and State Department.

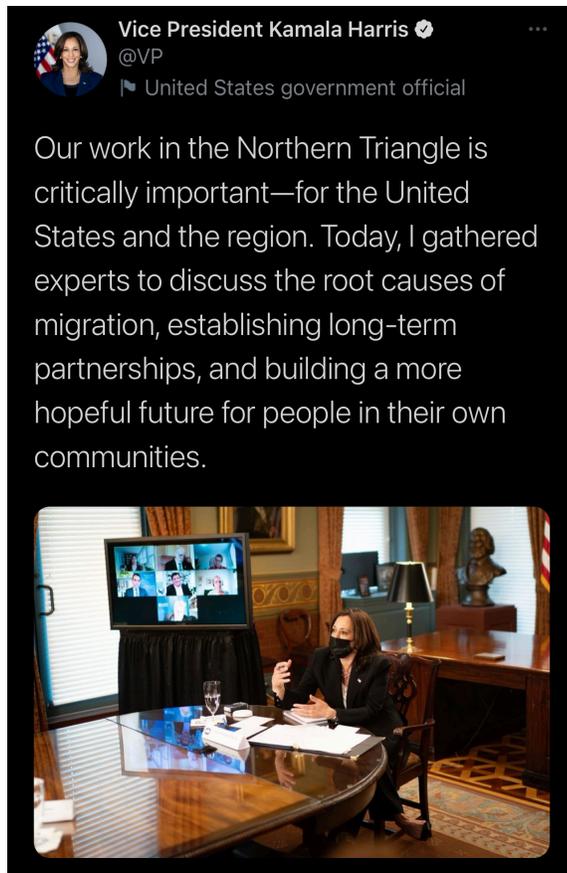
What can you do? Sign our petition ([see below](#)) to call on the Biden Administration to restore diplomatic relations between the U.S. and Cuba. You can also urge your senators to cosponsor the U.S.-Cuba Trade Act of 2021 (S. 249), which would “repeal outdated sanctions on Cuba and establish normal trade relations with the island nation.”

Global Initiatives

Two global initiatives by the Biden Administration may have a positive impact on Latin America and the Caribbean. The first is the White House’s decision to advance LGBTQ+ rights worldwide through diplomacy and support for LGBTQ+ groups.

The second is the administration’s emphasis on climate change. We’re calling for the administration to make protection of environmental and land rights activists part of their climate change strategy in the Americas and to design climate policies in consultation with indigenous peoples as well as other communities affected by climate change.

Finally, where we really need to see some more action is: U.S. support for access to COVID-19 vaccines in Latin America and the Caribbean. The Biden Administration is expanding U.S. support for the international COVAX effort but our nation must do more to fund and provide vaccines to Latin American and Caribbean countries and other areas with urgent needs. It is a major step forward, however, that the Biden Administration decided to support allowing the temporary suspension of patents on COVID-19 patents to expand global access to vaccines.



Lisa in a virtual meeting with Vice President Harris along with other Central America experts to discuss a root causes migration strategy.

SIGN OUR CUBA PETITION!



Visit LAWG.ORG/SIGN-CUBA-PETITION/ to support engagement between our two nations!

Immigrant, Refugee, & Asylum Seeker Rights: Good First Steps, Long Road Ahead

Daniella Burgi-Palomino & Lauri Álvarez

President Biden made commitments during his campaign to undo the harms caused by the Trump Administration to our immigrant communities, asylum seekers, and refugees. This was important because the former administration's anti-immigrant and racist policies separated children from their parents, sent migrants back to danger, and targeted families with raids. **Since President Biden took office in January, we have seen some initial steps to fulfill those commitments, but there is still a lot of work to be done.** We must continue to pressure the administration to create a truly compassionate and humane immigration system that goes beyond just undoing the harm caused by the Trump Administration to really advance longer-term protection for migrants, asylum seekers and refugees.



Activist performing a song for marchers at the May Day Immigrant Justice March, which urged protections for immigrants and asylum seekers. Photo by Lauri Álvarez.

First Steps Towards Undoing Trump Administration Anti-Asylum Policies

One of the first announcements President Biden made towards revoking the Trump Administration's anti-asylum policies was ending the Remain in Mexico/ MPP policy started in 2019 that kept asylum seekers waiting in dangerous parts of Mexico in makeshift tents for months or even years throughout the time of their U.S. immigration proceedings. We welcomed this news in light of all of the actions we have taken together to speak out against this policy. On February 11, the Department of Homeland Security (DHS) began processing a first group of asylum seekers at ports of entry along the southern border. So far, over 10,000 asylum seekers have been processed and can pursue their asylum claims safely with their families on U.S. soil. We will encourage the administration to work with partners along the border to process more asylum seekers affected by Remain in Mexico so that the policy is fully terminated and all those formerly under it can have a renewed chance to make their asylum claim.

Though the Remain in Mexico policy is on its way to being ended, the vast majority of migrants and asylum seekers arriving at our border are still being expelled to Mexico or their home countries under the CDC Border Order called Title 42 that the Trump Administration implemented in March 2020 with the excuse of the pandemic. Disappointingly, the Biden Administration has left the Title 42 policy in place over a year later. Title 42 does not give asylum seekers a fair chance to apply for asylum and instead immediately returns them to Mexico

or puts them on planes back to their home countries, including countries like Haiti that are experiencing political instability. In the past year alone, over 420,000 migrants have been expelled under Title 42. Asylum seekers expelled to Mexico have experienced rape, kidnapping, torture, and other serious human rights violations.

We have spoken out with you in an open petition to President Biden to rescind Title 42 and have also raised our voices to members of Congress who have written a letter to President Biden urging him to end expulsions and deportations. **But we must continue speaking out about the harms caused to asylum seekers under this policy and call for safe, orderly and humane processing at our border** while urging President Biden to live up to his promise to fully restore access to asylum at our border by rescinding this policy.

Within his first days in office, President Biden also issued a 100-day deportation moratorium halting all deportations from Immigration and Customs Enforcement (ICE) detention centers. Unfortunately, a Texas judge blocked this order allowing for deportations to continue until a new court decision is made. This means that we are continuing to endanger the lives of those detained by returning them to their home countries during a pandemic and without proper testing. We will continue to call on the administration to halt these death flights immediately.

Visit LAWG.ORG/STOPEXPULSIONS/ to support the humane processing of asylum seekers!

Humanitarian Protection, Not Militarization South of the U.S.–Mexico Border

It's important that the Biden Administration uphold its international obligations to protect those fleeing persecution not only at our border but also south of it throughout Mexico and the northern countries of Central America. As a part of one of President Biden's executive orders on addressing the root causes of migration from Central America, the administration announced that it would restart the Central America Minors (CAM) program, terminated under the Trump Administration. Though it was small, the CAM program did provide some children in situations of danger a chance to seek protection from their home country. We will be urging the administration to make sure that the program is restarted with improvements like expanding the eligibility criteria to include children with parents without lawful status in the United States and making sure cases are fast-tracked. We will also work with our civil society partners in Guatemala, Honduras, and El Salvador to inform them about changes in U.S. policies so that they can better serve and inform migrant families and children.



Daniella participating in the May Day Immigrant Justice March. Photo by Lauri Álvarez.

While the CAM program can provide some children in situations of danger the ability to be reunited with their families in the United States, we know that it will not be able to help everyone. It's important that any effort to expand access to protection south of our border is a complementary and not alternative strategy to fully restore access to asylum at our border. Together with our partners, we have written letters encouraging the Biden Administration to expand humanitarian protections in the region instead of partnering with governments in the region to forcibly deter migration. **And on a global scale, we need to make sure that the Biden Administration lives up to its promise to substantially increase refugee admissions.**

Urgent Protections for TPS & DACA Beneficiaries

One area that we haven't yet heard much from the Biden Administration is Temporary Protected Status (TPS) for Honduras, Guatemala, El Salvador, and Haiti. President Biden did issue executive orders at the start of his presidency committing to protect the Dreamers and introduced the U.S. Citizenship Act of 2021, which would grant a pathway to citizenship for the Dreamers, TPS beneficiaries, and farmworkers. **But ultimately it will be up to our Congress to pass permanent protections.** And so far, with your help, the 117th House passed the American Dream and Promise Act (H.R.6), which would offer a pathway to citizenship for Dreamers and TPSians with bipartisan support. It's up to the Senate to pass protections now but it's urgent they do so immediately because TPS protections are set to expire for Hondurans, Salvadorans, Nicaraguans, and Haitians on October 4, 2021—which is just six months away. We'll be working hard with you to make sure that the Senate moves quickly to advance Senator Van Hollen's SECURE Act (S. 306), which would grant TPS beneficiaries a pathway to citizenship and recognize these members of our communities for the permanent members that they are.

At the same time, the Biden Administration can act to redesignate TPS for El Salvador, Honduras, and Nicaragua and to designate TPS for Guatemala based on the impact of the back-to-back hurricanes last year. Issuing TPS for these countries would allow citizens of these countries in the United States to live without fear and to be able to support their family members in situations of need in their home countries. With you, we've raised our voices to members of Congress who have written to President Biden with this request but will continue urging the administration to issue TPS for Haiti and Central American countries immediately, and also to educate senators about the urgency of passing longer-term permanent protections.

We are thankful that President Biden has moved ahead and started the undoing of some of the Trump Administration's anti-asylum policies—but much remains to be done for all those arriving at our border fleeing persecution and also for the members of our immigrant communities who deserve a pathway to citizenship. **The time is now. We can't keep sending people back to the very dangers they fled. We can't let Dreamers and others lose their protections to live without fear in the United States, the only home they've ever known.** That's why, with you, we'll continue encouraging the Biden Administration to go further and advance protections for migrants, asylum seekers, and refugees.

The Unique Struggles of Indigenous Migrants

Jasmarie Hernández-Cañuelas

The Network in Solidarity with the People of Guatemala (NISGUA), in collaboration with Comunidad Maya Pixan Ixim, Asociación Pop No'j, International Mayan League, LAWG, American Friends Service Committee, the Center for Gender and Refugees Studies, and other U.S. and Central America-based organizations, held a webinar in March 2021 addressing the root causes of indigenous migration, the unique struggles of indigenous migrants, and indigenous organizing strategies and demands.

Root Causes

Luis Marcos of Q'anjob'al Maya, Ambassador of the Akateko, Chuj, Popti, and Q'anjob'al Maya to the Omaha Nation, discussed the historical significance of the root causes of migration. Beyond the unspeakable atrocities forced upon indigenous groups, Marcos introduced the Doctrine of Discovery, a racist international legal construct that dehumanized indigenous peoples, and consequently, all of humanity. He explained that the doctrine was used by colonizers and newly built governments to claim indigenous land and acted as the racist foundation for the following centuries of indigenous abuse.

Giovanni Batz of K'iche' Maya, a President's Postdoctoral Fellow in the Department of Native American Studies, University of California, Davis, discussed the arrival of extractivist and green energy industries in Guatemala under the myth of employment and economic development. These industries, in collaboration with the state, **“use the politics of terror to prosecute community leaders who are just trying to fight for the rights to exist with dignity.”**

As Juanita Cabrera López of Maya Mam, Executive Director of the International Mayan League, put it, **“For centuries, indigenous peoples have been excluded from a government that never saw us as part of its framework and that only saw us as labor and only wanted our lands. So indigenous peoples have been the most marginalized, the most excluded, and through state sponsored genocide, we were attacked.”**

Batz spoke of settler colonialism as a “structure” that brought about forced indigenous migration and explained that the Guatemalan government, in its collaborations with large industries and U.S. interventionist policies, has repeatedly abused indigenous rights, displaced them off their land, and systematically erased indigenous peoples' history.

Unique Struggles of Indigenous Migrants

Once indigenous migrants arrive at the U.S.-Mexico border, they are met with obstacles and even violence. Not only are migrants from Guatemala among the highest number of migrants being deported, but indigenous identity is also consistently erased when indigenous migrants are miscategorized as Hispanic or Latino. There are few interpreters who speak native languages, creating threatening language barriers leading to a lack of due process.

The U.S. immigration system is based on **“prevention through deterrence and necropolitics”** observed Batz. **“Title 42 [barring migrants and asylum seekers from crossing the border during the pandemic] is health law, not immigration law,”** he remarked, adding that the immigration system acts **“sin vergüenza”** or, **“without shame.”** Cabrera Lopez added, **“When the government says don't sacrifice your children, they're washing their hands from the responsibility that they have to afford a basic system of dignity.”**

The graphic is a promotional poster for a webinar. At the top, it lists several partner organizations: CGRS (Center for Gender & Refugee Studies), Asociación Pop No'j, NISGUA (Network in Solidarity with the People of Guatemala), COMUNIDAD MAYA PIXAN IXIM, and American Friends Service Committee. The main title is "Indigenous Peoples' Human Rights in Migration". Below the title, the date and time are given as "March 24 // 4 PM PT // 6 PM CT // 7 PM ET". Registration and action links are provided: "REGISTRATION: bit.ly/IndigenousHumanRightsWebinar" and "TAKE ACTION: bit.ly/IndigenousHumanRightsAction". Interpretation and closed captions are listed as "INTERPRETATION: Mam Maya, Spanish, English" and "CLOSED CAPTIONS: Spanish & English". The moderator is identified as "MODERATOR: Edna Sandoval, NISGUA". Three panelists are featured with their names and affiliations: Luis Marcos (Q'anjob'al Maya Government), Juanita Cabrera López (Maya Mam International Mayan League), and Giovanni Batz (K'iche' Maya UC Davis). At the bottom, more partner logos are shown, including CEJIL, IRT, CARECEN, AAMA, and the School of the Americas Watch.

Graphic created by NISGUA in promotion of their webinar, "Indigenous Peoples' Human Rights in Migration," featuring their three panelists, Luis Marcos, Juanita Cabrera López, and Giovanni Batz.



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