

## **CENTRAL AMERICAN REFUGEES: Root Causes and the Flawed U.S. Response**

### ***Why are refugees fleeing?***

**The Northern Triangle countries – El Salvador, Honduras, and Guatemala – have some of the highest levels of homicide, femicides, and violence in the world.**

- El Salvador had the highest homicide rate in the world in 2016; that rate increased by 78 percent in the first three months of 2016. ([El Faro, April 2016](#)) San Salvador, in El Salvador, was the third most violent city in the world in 2015. San Pedro Sula in Honduras was the murder capital of the world between 2011 and 2013 ([CNN, March 2013](#))
- Over 700 children and youth have been killed in Honduras due to violence in 2016. ([Casa Alianza 2016](#)). More than 1,000 children were violently killed there in 2015 ([Economiahoy, Sept. 2016](#)).
- The number of femicides in El Salvador increased 140 percent during the first four months of 2016 compared to 2015. ([Observatorio de Violencia de Genero Contra las Mujeres, 2016](#)). The Northern Triangle countries collectively comprise three of the top four countries for femicide in the world (Geneva Declaration, Global Burden for Armed Violence). Every 46 minutes in Guatemala there is a new victim of sexual violence. ([Prensa Libre, May 2016](#))
- Citizens of Guatemala, El Salvador, and Honduras have been forced to pay more than \$651 million annually to criminal groups. They are threatened with death and violence if they don't pay ([La Prensa, July 2015](#)). Almost 70 percent of small businesses in El Salvador are victims of extortion ([CentralAmericaData, Sept. 2013](#)). According to a Guatemalan human rights organization, between January and July 2014, [at least 700 people had been killed](#) for failing to pay extortion fees.

### ***Seeking refuge in the region***

**Refugees from Northern Triangle countries seek safety in numerous surrounding countries, including Mexico. Instead of working with Mexico to strengthen its protection system, the United States has primarily encouraged Mexico to tighten border controls and interdict and deport refugees to prevent them from coming to the United States.**

- According to the office of the UN High Commissioner for Refugees (UNHCR), between 2008 and 2014, the number of asylum requests by nationals of Honduras, Guatemala, and El Salvador in surrounding countries such as Belize, Costa Rica, Mexico, Nicaragua, and Panama, increased by nearly 1,200 percent. ([UNHCR, Oct. 2015](#)).
- From January through June 2016, 3,486 individuals sought asylum in Mexico, more than in all of 2015 ([COMAR, 2016](#)). In the same time period, 16,000 unaccompanied children were apprehended in Mexico. ([UNICEF, Broken Dreams](#)).
- In 2015, Mexico deported more Central Americans than the United States (Secretaria de Gobernación, Mexico, 2015).
- Routine screenings to determine if an individual has a well founded fear of persecution or torture, or is the victim of human trafficking, are not part of the intake process when Central American children and adults are interdicted by Mexican migration authorities or Federal Police. ([Jesuits, WOLA, 2014](#))

***The U.S. foreign policy response in the region has ranged from insufficient to harmful to those seeking protection:***

- The United States has extensively supported interdictions and border security in Mexico and the region, while failing to support a meaningful protection system. One of the four pillars of U.S. security assistance to Mexico through the Merida Initiative was to “create a 21<sup>st</sup> century border”, primarily focused on the U.S.-

Mexico border. This assistance has now moved to support enforcement at Mexico's southern border. ([Jesuits & WOLA, 2014](#))

- In January 2016, the Administration [announced](#) a proposal of \$750 million aid package to the Northern Triangle countries in Central America, including support for the Alliance for Prosperity Plan, and other regional priorities. While this amount represents an increase in assistance to the region from previous years, any aid from the United States to the region should be linked to human rights improvements in the Northern Triangle countries, and effectively address the poverty and violence driving migration. Assistance should not be focused on encouraging Central American countries to implement harmful and ineffective border militarization strategies, economic development that is not consulted with communities or that drives migration, or be focused on militarized approaches to public security.

### ***How has the United States Responded?***

**The United States has taken a misguided, public stance of detention and deterrence, locking up asylum-seeking mothers with their children, children, and families, and rushing their cases through a system that does not guarantee legal counsel, even for children. It is nearly impossible to navigate the immigration process under these circumstances. The Obama Administration has also conducted immigration raids to deport mothers and children. The administration's aggressive enforcement approach continues despite an increased recognition of a humanitarian crisis in the region, despite strong calls for Temporary Protected Status for affected immigrants from the Northern Triangle Countries, and despite intense pushback to the legality and humanity of these practices.**

#### *Statistics of asylum seekers at the border:*

- Overall, U.S. border apprehensions in Fiscal Year 2015 were at their lowest since 1971; lower numbers of immigrants coming to the United States is one reason for this decline ([Pew Research Center, Aug. 2016](#)).
- Since the beginning of Fiscal Year 2014, more than 160,000 unaccompanied children and more than 180,000 parents traveling with children have been apprehended by U.S. Border Patrol across the southwest border. The increase followed an already growing number of unaccompanied children and adult asylum seekers from the Northern Triangle apprehended at the border over the last five years ([CBP stats, Oct. 2016](#)).
- Nearly 90 percent of women and children who go through initial screening processes were determined to have a "significant possibility" of establishing an asylum claim before an immigration judge ([USCIS, May 2016](#)). In studies of unaccompanied children and adult women who fled the Northern Triangle and Mexico and sought protection in the United States, the UN Refugee Agency (UNHCR) found the majority to have international protection concerns.

#### *Detention and deterrence:*

- In response to the influx in summer 2014, the United States increased its family detention capacity by over 3,000 percent, from 100 beds to over 3,000. This included the construction of the 2,400 bed detention facility in Dilley, Texas, a facility operated by the private prison giant Corrections Corporation of America (CCA) in a \$1 billion deal with U.S. Immigration and Customs Enforcement (ICE). ([Washington Post, Aug. 2016](#))
- A federal judge found in [R.I.L.R. v. Johnson](#) that the Administration's policy of detaining asylum seekers for purposes of deterrence violates U.S. law. Similarly, a federal court has found that the administration's policy of locking up children in family detention centers is out of compliance with the decades-old [Flores Settlement Agreement](#) governing the custody of children. ([WRC/LIRS](#))
- In general, the makeup of ICE's detention population – an average of 34,000 each day – is shifting dramatically. Recent border crossers are one of ICE's top enforcement priorities, which includes individuals seeking asylum at the border (2014 [DHS Memo](#)). The number of detained asylum seekers tripled between FY 2010 and FY 2014 ([HIRE](#)).

#### *Due process and the importance of counsel:*

- Only 47 percent of families apprehended in initial raids against Central American families were represented in their proceedings; seven families ultimately received stays of deportation ([Fox News Latino, Jan. 2016](#)).
- In general, 50 percent of children and 70 percent of families are unrepresented in removal proceedings. Families with counsel are 10 times more likely to be granted protection from deportation, and 95 percent of represented children appear for their immigration court hearings ([AILA, June 2016](#)).

*Refugee processing within the Northern Triangle is a start, but must complement, not replace, access to asylum at home:*

- In July 2016, the administration announced that it would expand an existing program that facilitates some unaccompanied minors to travel from the Northern Triangle to reunite with parents with lawful status in the United States, as well as expand refugee processing and resettlement from the region to the United States. The administration explained: “Our current efforts to date have been insufficient to address the number of people who may have legitimate refugee claims” ([NPR, July 2016](#)).

**For more information, please contact:**

Katharina Obser, Women’s Refugee Commission, [katharinao@wrcommission.org](mailto:katharinao@wrcommission.org) or 202.750.8597

Karen Lucas, American Immigration Lawyers Association, [klucas@aila.org](mailto:klucas@aila.org) or 202.507.7645

Daniella Burgi-Palomino, Latin America Working Group, [dburgipalomino@lawg.org](mailto:dburgipalomino@lawg.org) or 202.546.7010