

A Challenging Moment for the Protection of Migrant Rights and Human Rights *in the Northern Triangle of Central America & Across the Migrant Route*

*Some Risks and Opportunities in Shifting U.S. Immigration and Foreign Policy
for Central American, Mexican & U.S. Civil Society Organizations
Concerned about Migrant Rights and Human Rights Protections*

Executive Summary

This report is intended as a resource for Central American, Mexican, regional and U.S. civil society organizations and other interested individuals to understand this rapidly shifting U.S. immigration and foreign policy towards Central America and Mexico. It suggests ways in which we, as civil society organizations, can work together to maximize the opportunities and to minimize the risks in this moment for human rights and migrant rights.

In June 2014, a surge of unaccompanied children, youth and families, mostly from the Northern Triangle of Central America, crossing the U.S. border from Mexico caught the U.S. headlines. This lit a political firestorm in the United States. Critics of immigration reform and opponents of President Obama's policies claimed that President Obama's steps to temporarily halt the deportations of some young immigrants and plans to expand this program had acted as an incentive for families to send their children on a dangerous journey with the hope that they would ultimately cross the border and be

permitted to stay in the United States. U.S. authorities were unprepared for the number of unaccompanied migrant children arriving to the United States and turning themselves in to Border Patrol agents. Concerned humanitarian agencies and immigration advocates called for unaccompanied children to be quickly reunited with family members in the United States, for detained immigrant families to be released from detention, and for migrants to have their cases reviewed by an immigration judge and for those seeking asylum or other humanitarian relief to have access to legal representation and a fair hearing to present their claims. They also called for solutions to address the root causes of violence, as well as poverty, which were driving this humanitarian crisis.

Frustrated by the failure of the U.S. Congress to deliver comprehensive immigration reform, President Barack Obama has taken steps to help some of the estimated 11 million people who reside in the United States without authorization, starting in 2011 and culminating in the November 2014 executive actions. These measures are unfortunately currently stalled by a law suit in U.S. courts. If fully implemented, they will offer relief from deportation to as many as four million immigrants.



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At the same time, to address a tide of political criticism from sectors opposed to these immigration actions, President Obama intensified U.S. border enforcement, prioritized deportations of those who came after January 1, 2014, and put pressure on the Mexican government to increase deportations of migrants before they reached the U.S. border. Mexico dramatically increased deportations, deporting 107,000 individuals from the Northern Triangle in 2014, a 47 percent increase from the year before. Moreover, the Obama Administration refused to recognize the unaccompanied children and families from Central America as refugees in need of international protection. Thousands of family members are being held in detention centers and unaccompanied children face court proceedings often without access to lawyers.

The Obama Administration also announced in January 2015 a \$1 billion aid plan aimed primarily at the Northern Triangle countries, billed as addressing the root causes of violence and poverty driving migration. However, this plan is not fully shaped nor is it likely to be fully approved this year by the U.S. Congress. This, like other similar aid packages, will be a one-year plan that must be proposed by the executive branch and approved by Congress each year, so there are many opportunities for civil society organizations to try to affect it.

In this rapidly shifting, volatile U.S. foreign policy and immigration policy debate affecting Central America, there are risks and opportunities for Central American, Mexican and U.S. civil society organizations that care about protecting human rights in Central America and migrant and refugee rights throughout the migrant route.

The risks include:

- Stepped-up apprehensions, detentions and deportations from Mexico that expose migrants to violence and abuse and violate migrant rights;
- Violation of the rights of Central American children and families to access asylum and other forms of protection in the United States and Mexico;
- U.S. assistance and diplomatic pressure that could further militarize borders and Central American and Mexican societies; and
- U.S. and multilateral bank aid, loans and policies that, if poorly designed, could go towards corruption, abuse or highly inequitable development, and even contribute to displacement.

The opportunities include:

- Millions of immigrant families and youth in the United States could benefit from relief from deportation, also helping the family members in Central America to whom they provide support;
- U.S. diplomacy, if well directed, could help encourage Central American governments to address some human rights and corruption problems; and
- U.S. assistance programs, if well designed with meaningful civil society participation, could contribute, at least modestly, to addressing violence and poverty.

RECOMMENDATIONS: Areas Where Civil Society Groups throughout the Region Can Work Together to Improve U.S. Foreign & Immigration Policy and Mexican Immigration Policy towards Central America

Central American organizations can collaborate with Mexican and U.S. civil society groups to improve U.S. and Mexican immigration policy by documenting abuses taking place in the United States and Mexico and suggesting remedies:

- Collect testimonies of cases of children and families who have been deported after having fled their homes in the Northern Triangle because of violence and persecution – and were deported from Mexico or the United States despite a likely need for international protection. Analyze testimonies to identify trends and patterns of abuse and specific practices that violate the rights of migrants or place migrants at greater risk of abuse or violence. Share these testimonies and analysis with trusted civil society partners in the U.S. and Mexico.
- Collect testimonies of individuals who have experienced abuse or harms while in Customs and Border Protection (CBP) custody in the United States or by Mexican authorities. Document harmful practices, especially when you identify patterns of abuse. Share these specific cases, testimonies that reflect broader patterns of abuse and general concerns with governmental officials from your own country – or with trusted U.S. and Mexican organizations to use in advocacy efforts.
- When problems are identified, work with colleagues to identify solutions and develop concrete recommendations to improve how the U.S. and Mexican governments treat migrants – whether when they are being apprehended, in detention, or upon deportation.
- Collect testimonies and document harmful practices affecting migrants who have been deported from Mexico so that together we can get a clearer picture of escalating enforcement in Mexico. Document patterns of abuse and denial of opportunities for asylum screening. This may include victims of violence from gangs, organized crime, state actors or other sources, victims of domestic abuse, or members of the LGBT community facing violence.
- Work with U.S.-based civil society organizations to develop generalized expert affidavits documenting conditions in your countries such as cartel and gang violence, domestic violence, sexual abuse, and treatment of LGBT individuals, to support claims for asylum in the United States and Mexico.
 - Based on this information, U.S. groups can encourage specific improvements to screening and access to protection, including the asylum process, in the United States and Mexico, especially for children and families, as well as LGBT individuals and victims of domestic violence. Mexican organizations can advocate for improvements for protection and asylum in Mexico.
- Provide information and recommendations to U.S. partners about how the in-country processing programs (which allow parents legally in the United States to sponsor their at-risk children to apply for asylum at U.S. embassies in Northern Triangle countries) are working, and how they can be improved.
- Document the effects, or lack thereof, of the public information campaigns encouraged and funded by the United States in each country to dissuade would-be migrants and urge more effective uses of funds.
- Meet with the U.S. and Mexican embassies in your country to raise concerns regarding treatment of migrants in Mexico and/or the United States and to encourage access to asylum protections. In the U.S. embassy, as well as raising issues regarding treatment of migrants in the United States, you may wish to highlight how U.S. assistance and diplomatic pressure on Mexico to increase deportations places migrants at greater risk.

- Urge the Salvadoran and Guatemalan governments to officially recognize the situation of displacement from violence in their countries (the Honduran government already does), and enlist the support of civil society groups in other countries in encouraging this important step.

Central American organizations can document and visibilize what is happening to returned migrants.

- Document what services are provided to deported migrants, particularly children and youth, when returned to Central American countries, and what humanitarian, reintegration and protection services are lacking and share with U.S. and Mexican civil society organizations, so that together we can call for improved services to returned migrants and migrant-sending communities.
- Document testimonies, particularly of children, who have faced violence or other extreme hardships upon their deportation to share with trusted partners in the United States and Mexico.

Central American and U.S. civil society groups can work together to improve U.S. foreign policy and aid to Central America by the following actions:

- Identify specific human rights improvements needed in your country, ask U.S. civil society groups to prioritize these issues, and collaborate together to put these specific issues on the table for discussion between our governments.
- Identify and advocate for specific kinds of U.S. assistance that would be helpful and against the kinds that would be harmful, and share these recommendations with U.S. partners.
- Join U.S. groups in encouraging USAID to establish a meaningful consultation process on aid to each country and use that mechanism to monitor and improve aid.
- Encourage U.S. assistance and diplomatic support for helpful U.N. mechanisms including CICIG and country offices of the UN High Commissioner for Human Rights in Guatemala and Honduras, possible establishment of a CICIG-like mechanism in Honduras, and increased assistance for the UNHCR for protection activities in Central America.
- Collaborate together with U.S. human rights groups to use the mechanism of country-wide human rights conditions on U.S. security aid to call for security force improvements and justice for violations.
- Encourage application of the Leahy Law on U.S. security assistance by tracking human rights violations by specific units receiving U.S. aid and providing that information to the State Department (see [Leahy Law](#) section) and U.S. human rights partners.
- Track and monitor Inter-American Development Bank and World Bank projects and loans and work with allies in United States, Latin America and Europe to identify and organize around problematic projects and issues.
- Advocate directly on these issues with the U.S. embassy or USAID mission in your country.
- Use delegations or visits to the United States to highlight these concerns and objectives for U.S. civil society groups and U.S. policymakers.
- Issue public statements on these issues and circulate to U.S. partners.

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