

CENTRAL AMERICAN MIGRATION CRISIS: BACKGROUND

Since 2011, the number of unaccompanied immigrant children making the dangerous journey from Central America to the southern border of the United States has increased more than seven-fold, with arrivals potentially reaching as high as 90,000 children this year. Many these children, a growing share of whom are under the age of 12, are fleeing pervasive and targeted violence in their home countries of Honduras, El Salvador, and Guatemala.

These countries, collectively known as the “Northern Triangle” of Central America are three of the most violent countries on the planet; Honduras has the highest murder rate in the world, with El Salvador and Guatemala ranking third and eighth respectively. Within these communities of diminishing police and judicial protections and escalating violence, children, single women, and single mother households with young children are the most vulnerable and are often prime targets for violence and exploitation by organized crime syndicates, gangs, and security forces.

In all three countries, gangs, transnational criminal organizations, and narco-traffickers commit acts of violence with near impunity, while local police forces are either unable or unwilling to offer protection to the public. In fact in many cases, particularly in Honduras and Guatemala, the police are also perpetrators of violence, either because they are in league with organized criminal groups or because they participate in “social-cleansing” campaigns in impoverished and violent neighborhoods. The U.S. State Department has advised that levels of violence are “critically high” in El Salvador and Honduras and warns of the inability of police to protect citizens.¹ The United States is not alone in experiencing an increase in migration from the Northern Triangle. Other countries in the region, Mexico, Nicaragua, Panama, Costa Rica and Belize, have reported that asylum requests from Honduran, Guatemalan, and Salvadoran nationals are up 712% since 2008, reinforcing the sustained and regional nature of this forced migration crisis.

When children flee their homes they face many risks at the hands of traffickers, gangs, criminals, and public authorities along the journey. The unique vulnerabilities of children have long been recognized under U.S. and international law, which is why in 2002 the care of “unaccompanied alien children” (UAC) was moved from the Department of Homeland Security to the Office of Refugee Resettlement, within Health and Human Services.

The goal of the Unaccompanied Alien Children program, which served between 6,000-8,000 children a year before 2011, is to provide holistic, child-centered care for children arriving alone at U.S. borders. Once children cross the border, they are placed in the custody of ORR where the needs and the best interests of the children are assessed. On average, children remain in ORR custody for 30 days, before they are released to a family member or a foster family in the U.S. pending a determination of their best interests and status in immigration proceedings. A government adjudicator will determine whether a child should be returned to their country of origin or whether they qualify for immigration status as an asylee, victim of human trafficking, or under another form of humanitarian relief.

The crisis in Central America’s Northern Triangle, however, is not just about children but about adults and families as well who, experiencing the same violence and insecurity have fled their countries to seek safe haven elsewhere. In recent months, tens of thousands of women with children and other family units fleeing the pervasive violence of Guatemala, El Salvador, and Honduras have arrived in Texas and Arizona. In response to the increasing numbers of families arriving on our border, United States has prioritized rapidly deporting these family units from the Northern Triangle, subjecting newly arrived women and children to a process called “expedited removal,” effectively cutting off access to legal representation in the courts for many families. Further impeding the access these families have to due process is the U.S. decision to expand the use family detention, a model abandoned in 2009 after general agreement that the practice was inhumane and unnecessary after reports of abuse and mismanagement of family detention centers.²

¹ Accessed 7/27/14 U.S. Department of State “Honduras Travel Warning” 24 June 2014. Web 28 July 2014.
<http://travel.state.gov/content/passports/english/alertswarnings/honduras-travel-warning.html>

² *Locking Up Family Values*, Lutheran Immigration and Refugee Service, 2007 <http://lirs.org/wp-content/uploads/2012/05/RPTLOCKINGUPFAMILYVALUES2007.pdf>

Central American Migration Crisis: Policy Proposals

There are many policy proposals in front of Congress that seek to address the rise in arrivals of Central American children and families at the Southern border of the United States. Some policy proposals stem from the incorrect assumption that the reason children are arriving in the U.S. is because of special protections due to unaccompanied children in the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) of 2008. Some in Congress and the Administration therefore seek to repeal or weaken important provisions of the TVPRA in a way that would cut-off the ability of children who arrive in the U.S. without their parent or guardian to have their best interests determined with the help of a child welfare specialist by an immigration judge. In recognition of migrant children's vulnerabilities, the 2008 re-authorization of the TVPRA enhanced protections for unaccompanied minors and required requiring that each child arriving from noncontiguous countries be screened in an individualized and appropriate manner for trafficking and asylum-related concerns.

If changes to this law are pushed through Congress, however, children will lose their meaningful opportunity to have their story heard and apply for asylum, or be cared for by child welfare personnel as they pursue their protection claim. Instead, their fate could be decided by a border patrol officer or agent, and they could face deportation to life-threatening situations because they lacked sufficient time and opportunity to disclose their trauma or persecution to an adult they felt they could trust.

Giving a border patrol agent or officer sole discretion—without any judicial review—to decide whether a child fleeing harrowing circumstances should be allowed to seek protection in the U.S. immigration courts ignores the child's best interest and imperils U.S. obligations to not return refugees to their persecutors. This is the flawed process currently in place for Mexican children. The U.S. Conference of Catholic Bishops has urged Congress and the Administration to support legislation that will:

- Ensure that the well-being of vulnerable children is the driving force behind our policy response. Children should have access to child welfare personnel, legal counsel, and the services they need to navigate the immigration system. The TVPRA and other laws governing the protection and care for these children should not be changed and increases to family detention should be opposed.
- Provide vital funding for refugee services in FY14. The Office of Refugee Resettlement (ORR) within Health and Human Services is the office that provides lifesaving support services to resettled refugees, asylees, and survivors of human trafficking and torture. ORR is also responsible for providing care for unaccompanied immigrant children. The U.S. must show leadership by protecting unaccompanied children while maintaining our commitment to refugee resettlement and serving all of the populations within ORR's mandate.
- Address Root Causes of forced migration from the Northern Triangle. We cannot simply ignore the targeted violence and rampant insecurity compelling Hondurans, Guatemalans and Salvadorans to flee their homelands. In order to address this crisis at its source, the United States must listen to people who intimately understand how we arrived at this tragic juncture. Church organizations in Central America along with many others, have been calling on their governments to address impunity and corruption, improve judicial systems, expand educational access, strengthen—and in some cases build from scratch—child welfare services in the region, and support adequate return and reintegration programs to ensure that children who can safely remain in their home countries are able to do so.

To learn more about the conditions compelling people to flee the Northern Triangle, watch this [video](http://bit.ly/1snjs7o):
<http://bit.ly/1snjs7o>