

Immigration under the Trump Administration

Beyond the Wall: A Human Rights Perspective on Family and Child Migration from Central America, through Mexico, and across the U.S. Border, and the U.S. Government Response

by MAUREEN MEYER, ADAM ISACSON, and ADRIANA BELTRÁN | WOLA | www.wola.org

The election of Donald Trump has raised innumerable questions about the future of U.S. foreign policy, and Latin America is no exception. President Trump has shown few signs that he will prioritize the United States' relationship with its neighbors in the hemisphere. His approach toward Mexico has been confrontational, threatening the past two decades of improved relations and cooperation between the two countries. Beyond Mexico—where the approach has been driven by domestic economic concerns and anti-immigrant sentiment—detailed indications of a Trump foreign policy toward Latin America have been limited. We have seen few, if any, specifics on drug policy, Colombia's efforts to implement an ambitious peace accord, relations with Cuba, or the situation in Venezuela.

It is the administration's approach to an ostensibly domestic issue—immigration policy—that has the clearest potential to impact dynamics in this hemisphere. On November 9, 2016, millions of people who came to the United States fleeing violence and seeking economic opportunities awoke with a newfound sense of unease that has only worsened as President Trump has followed through on many of his campaign promises to toughen immigration enforcement. Undocumented migrants who have lived in the United States for decades, including many families with mixed immigration status, as well as recent arrivals from Central America—

who account for the largest share of undocumented migration in recent years—are now living in fear.

In mid-2014, Americans were shocked by images of tens of thousands of Central American families—and children traveling alone—crossing Mexico and arriving at the United States border. Border Patrol facilities lacked the capacity to address the humanitarian situation, and the issue generated enormous debate and controversy over the conditions under which migrants were being detained, whether migrants could seek protection in the United States after fleeing violence in their home communities, and over what conditions in Central America were driving this upsurge in migration.

While the issue faded from the headlines, the number of Central American migrants arriving at the U.S. border is again approaching the levels seen in 2014. Although the overall number of migrants apprehended at the U.S.-Mexico border has [dropped to early-1970s levels](#), the migration of Central American children and families to the United States—including potential asylum seekers—has remained high, demonstrating that the insecurity many of these individuals face at home has not abated.¹

The Trump administration's push on border security and immigration

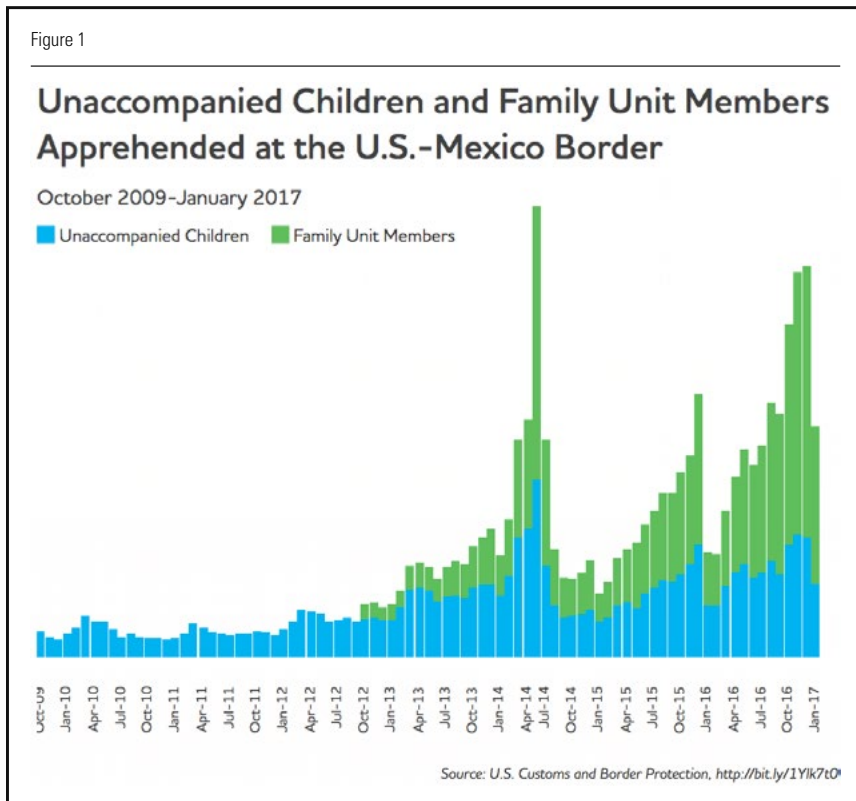
enforcement has brought this issue back into the spotlight. However, the president's proposed border buildup is not the answer. Instead, addressing this human rights crisis requires a humanitarian approach that takes an honest look at the factors behind these migration trends, the security reality at the border, and the U.S. response.

This article looks at the latest data on Central American migration, at why children and families are migrating in such large numbers, at the problems and abuse they encounter on their journey through Mexico, and at the treatment they receive in the United States. Each section contains a series of policy recommendations developed by the staff of WOLA, the Washington Office on Latin America, for managing migration in a more humane way, and for addressing the underlying issues that are driving migration from Central America.

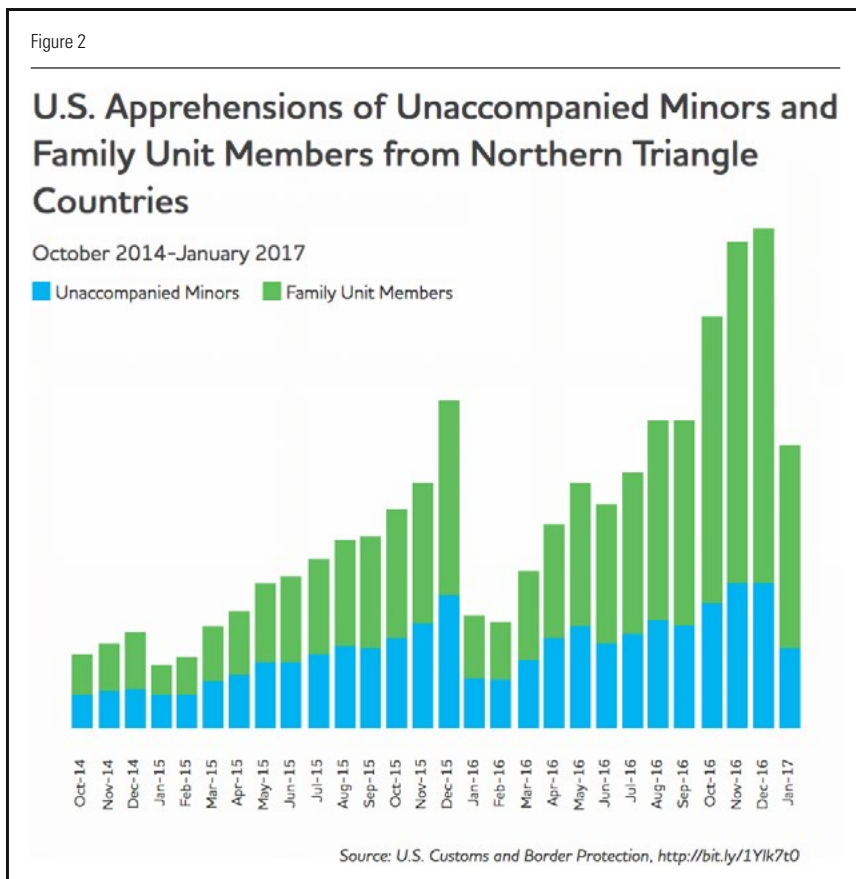
More than that, WOLA seeks to affirm the humanity of Central American children and families and other migrants arriving at the U.S. border. Above all, they are human beings facing dangerous situations at home and in their journey, and their situation should command dignity and our compassion.

Migration Patterns in 2016: A Look at the Numbers

The numbers of unaccompanied Central American children and families detained at the U.S. border peaked in June 2014, then fell. But predictably, the numbers are rising again. Between October 2016 and January 2017, Border Patrol [apprehended](#) 21,621 unaccompanied Central American children and 51,410 members of Central American family units (meaning the number of children, parents, or legal



guardians apprehended together).² This was the largest four-month total since the 2014 crisis subsided. In fiscal year 2014 (October 2013–September 2014), Border Patrol apprehended what was at the time a record 113,039 children and family unit members from El Salvador, Guatemala, and Honduras (about one in every 270 citizens of those countries), over the course of the year. The total for fiscal 2016 reached 117,300—which exceeds fiscal 2015 by 54,550 people and the former 2014 record by 4,261. Two out of every seven migrants apprehended at the U.S.-Mexico border in 2016 were children or families from El Salvador, Guatemala, or Honduras. Most of the rest were either Mexicans—who made up less than half of all apprehended at the U.S.-Mexico border—or adult Central Americans. This does not mean that a new crisis is upon us. Instead, what we are experiencing now is, to use a tired phrase, “the new normal.” [See Figure 1]



The number of children and family members (including from Mexico) encountered at the border in September 2016—the heaviest month of fiscal year 2016—was high, and the numbers grew in the first months of fiscal 2017. What was different was that September’s arrivals did not overwhelm U.S. authorities’ capacities: in contrast to the summer of 2014 there was no footage of children crowding the loading dock at the McAllen, Texas, Border Patrol station, because all were processed and handed over to the Department of Health and Human Services in an orderly manner. [See Figure 2]

Nor is the current increase a sudden or dramatic “wave.” What we have seen for nearly a year and a half is a steady rise: many months of gradual increases in arrivals. While the overall migrant population is smaller, it has rapidly become less Mexican, with fewer men and adults.

Migrants apprehended at the border now increasingly include unaccompanied children and families, the majority from Central America, and who are more motivated by fear of violence than by hope of economic opportunity.

Mexico's Crackdown

In the months immediately following the July 2014 migrant surge, new arrivals of Central Americans plummeted. Much of the drop can be attributed to a U.S.-backed [crackdown](#) by Mexican immigration and police authorities in the country's south, near the border with Guatemala.³ Mexico's "Southern Border Plan," discussed further in section three, curtailed travel atop cargo trains and appeared to disrupt migrant smugglers' operations for months. Mexico's apprehensions of migrants from Central America more than doubled between 2013 and 2015, to heights not seen since the mid-2000s.

Mexico's crackdown after the summer of 2014 drew [criticism](#) from WOLA and other human rights advocates because of documented abuses and the failure to address the protection concerns of children and families who could qualify for asylum or refugee status.⁴ Moreover, the decline in Central American migrants reaching the United States that followed seems to have been temporary.

Migration Increases Again

U.S. apprehensions of children and family members from El Salvador, Guatemala, and Honduras began to increase again in early 2015. Steady monthly growth continued virtually unbroken throughout the year, defying a predicted decrease in

migration in autumn and winter months. December 2015 ended up being the third-highest month on record at the time. Then, for reasons we haven't been able to determine, child and family migration dipped sharply in January and February 2016, only to resume steady increases from March through December—reaching levels exceeding the late 2015 "mini-surge." Citizens of El Salvador, Guatemala, and Honduras continue to leave their home countries, and in higher numbers than at the height of the 2014 "crisis." [See Figure 3]

Has Mexico Backed Down?

Some press coverage has [insinuated](#) that the rise in Central American migration to the United States was caused by a slackening of Mexico's crackdown on Central American migrants in its territory.⁵ The numbers at

Mexico's southern border do not support this. While Mexico's apprehensions of Central American migrants dropped by 12 percent between October 2014–September 2015 and October 2015–September 2016, this is a relatively slight decrease. The 153,295 Salvadorans, Guatemalans, and Hondurans detained at Mexico's southern border in fiscal year 2016 are, in fact, the second most that Mexico has captured in the past nine years' October–September periods. It is clear that Mexico's southern border crackdown is largely still in force. [See Figure 4]

Why Are the Numbers Creeping Back Up?

There are several reasons for the increases in arrivals and detentions of "other than Mexicans" at the U.S.-Mexican border. One key reason is the adaptability of

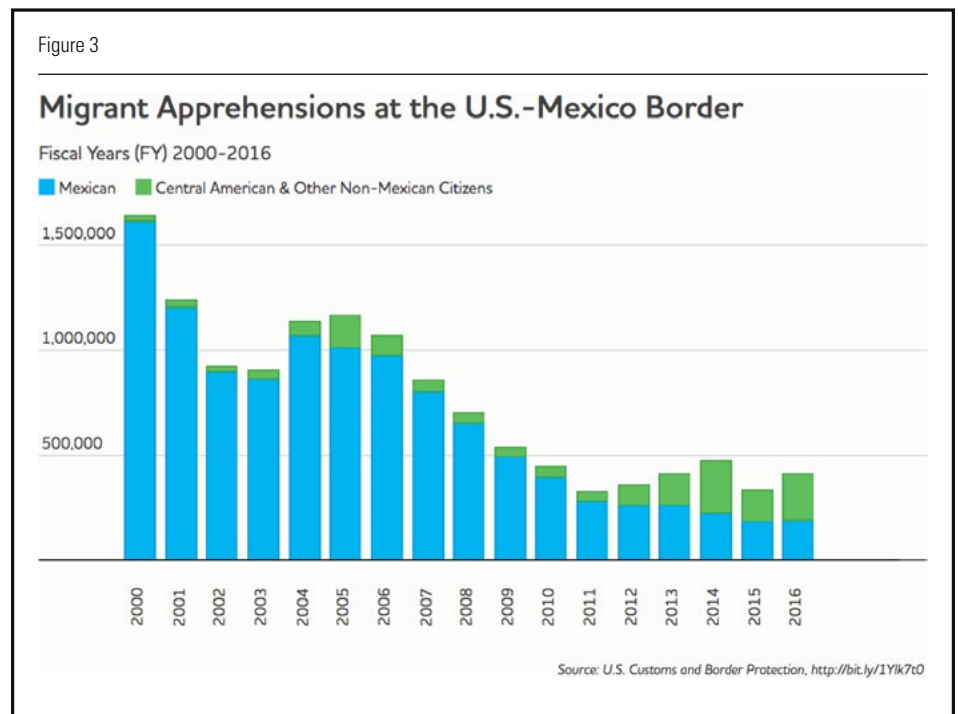
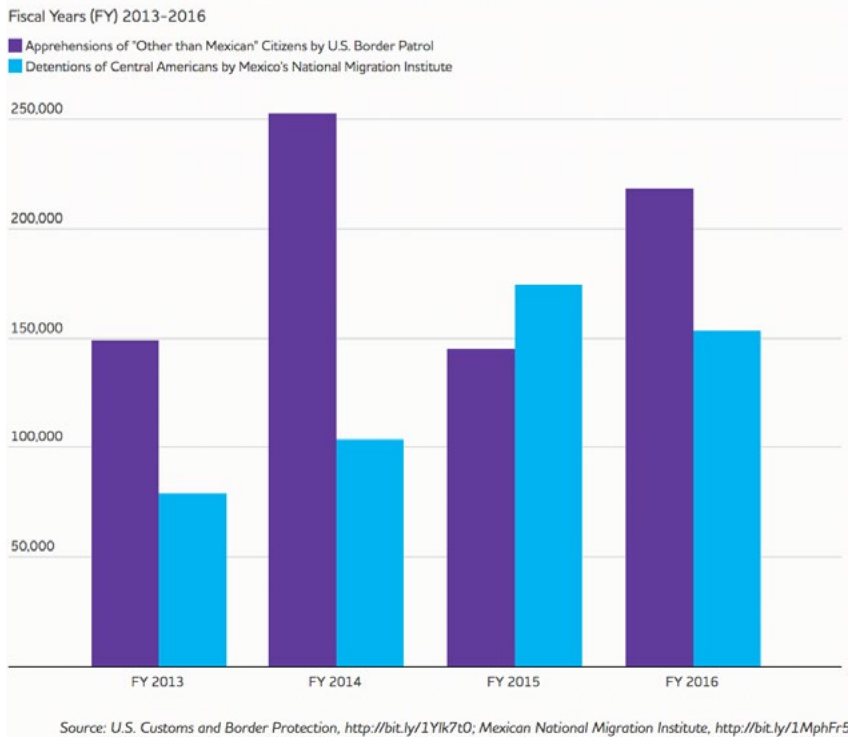


Figure 4

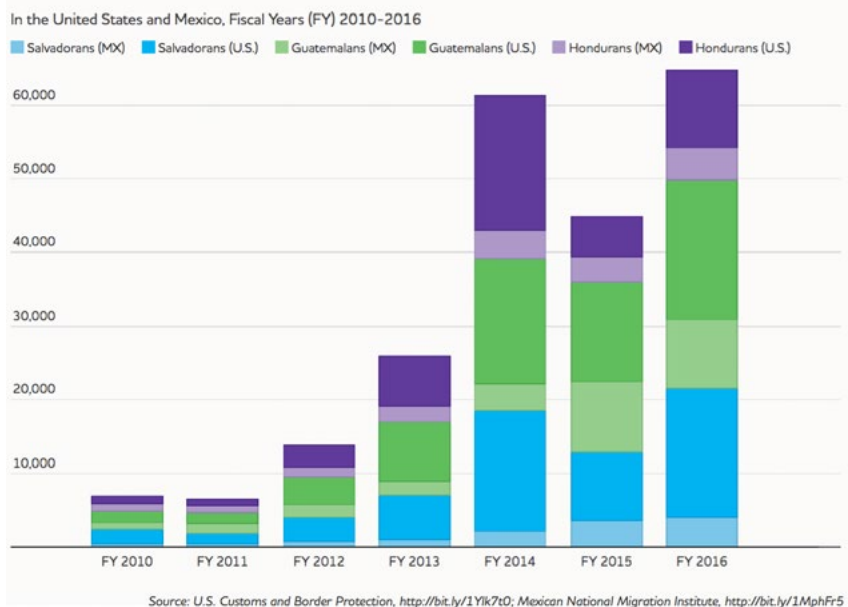
Central Americans Apprehended by Authorities in the U.S. and Mexico



migrant smugglers operating in southern Mexico. By seeking new routes, or by corrupting Mexican migration and law-enforcement personnel along the way, smuggling networks have adjusted to the tightened enforcement measures within the “Southern Border Plan.” Experts and migrant rights advocates interviewed by WOLA indicate that this adjustment has come at a cost: migrant smugglers’ fees have increased, with reports of US\$10,000 for passage from Central America to U.S. territory becoming more common. The increase is probably the result of steeper bribes and greater travel costs along more complex routes. While solid evidence for this is lacking, anecdotal reports and the gradual nature of increased migrant apprehensions point to smugglers’ steady adaptation inside Mexico.

Figure 5

Apprehensions of Unaccompanied Children from Northern Triangle Countries



In addition, the figures reflect the fact that Mexican migration authorities working near the Central America border were dealing not only with continuing flows of Central Americans, but with a sharp increase in migrants from Cuba who, until a mid-January 2017 change in the 1966 Cuban Adjustment Act, were welcomed by U.S. authorities if they could make it to a U.S.-Mexico border crossing. (Cuban migrants are not reflected in Border Patrol’s apprehension statistics, as current law does not consider them to be “undocumented aliens.”) With the January policy change, Cubans are no longer granted immediate admission into the United States. Preliminary data points to a more than three-quarters drop in Cuban arrivals since the end of the so-called “wet foot, dry foot” policy. [See Figure 5]

A third, and most fundamental, reason is that the factors driving so many Central Americans to leave their countries—often urgently—remain in place and unchanged. Chronic poverty has been driving a steady

number of Central American citizens to leave their countries in search of opportunity or survival for many years. But a large proportion of recent migrants are fleeing, at least in part, from a region that now has higher levels of violence than any other region in the world not in a state of war.

Working with government officials and civil societies throughout the region, we must address these intractable challenges of violence and organized crime that lead so many people, especially children and families, to leave their homes. There is no short-term fix, though; the “surge” in the last two years, even after new investment in border security and immigration enforcement, shows that [border buildups](#) and [migration crackdowns](#) will not make the problem of Central American child and family migration go away.⁶ We must address the root causes.

The New Administration and Immigration Enforcement

The Department of Homeland Security (DHS) has started to put the wheels in motion on President Trump’s executive orders on immigration—and they will put the lives of thousands of Central American children and families in danger.

On February 21, the White House announced [new guidelines](#) for immigration policies that were first issued by Homeland Security Secretary John Kelly the day prior. The memos lay out instructions for how U.S. law enforcement agencies should implement the forceful executive orders that President Trump signed on January 25 on immigration enforcement within the United States and at the border.⁷

The guidelines specifically call for parents of unaccompanied minors to be prosecuted for human smuggling or trafficking. This will deal a blow to thousands of families across country, threatening parents who were attempting to unify their families and save their children’s lives.

Less tangibly, these new guidelines also signal to immigration and border agents to be even more hesitant in determining who has established enough “credible fear” to gain asylum. There were already a number of hurdles for migrants to get asylum status, and with these latest memos, it will likely be much more difficult.

The Trump administration’s executive order “Protecting the Nation from Foreign Terrorist Entry into the United States” (first ordered January 27 and revised March 6) halted the Central American Minors (CAM) Refugee/Parole Program, set up in Guatemala, Honduras, and El Salvador to allow children who have a parent legally present in the United States to apply for U.S. refugee status or parole. The purpose of the program is to provide protection to children who are fleeing their country due to violence and provide them with a way to safely travel to the United States instead of taking the dangerous journey north to the border. While limited in scope, the program has offered qualifying children an important chance to seek safety and protection in the United States. Its suspension, along with the overall limit in the number of refugees the United States will accept this year, leaves many children caught between two terrible scenarios: staying and risking their life, or making the dangerous journey through Mexico in an attempt to seek safety.

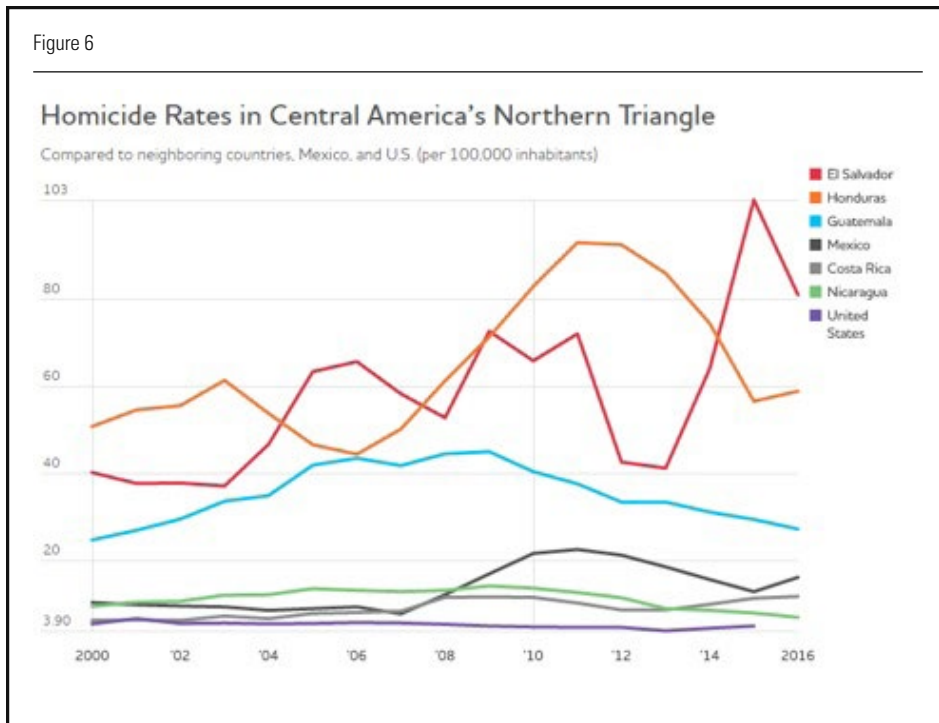
What Conditions Are People Fleeing in Central America?

Being denied refugee status, unable to apply for it, or being deported can be a death sentence, as one of the key factors driving large numbers of Central Americans to leave their communities is violence. The countries of the Northern Triangle continue to be plagued by endemic levels of crime and violence that have made many communities extremely dangerous, especially for children and young adults.

In 2015, El Salvador’s murder rate increased dramatically, reaching a level of violence not seen since the end of the country’s civil war. The 70 percent increase in the homicide rate over 2014 followed the unraveling of a truce between rival gangs and an aggressive crackdown by security forces that has spurred concerns about [extrajudicial executions](#) and other human rights abuses.⁸ While the murder rate decreased significantly after March 2016, in what government officials have [attributed to](#) their security strategy and “extraordinary measures” against the gangs (and which gang leaders have attributed to an inter-gang pact to curb killings) the National Civilian Police (Policía Nacional Civil, PNC) still [registered 5,728 murders](#) in the country in 2016, making it the second consecutive year with over 5,000 recorded murders in El Salvador’s recent history.⁹

In neighboring Guatemala and Honduras, homicide levels have decreased overall, yet both remain among the world’s most violent countries not at war. While this is not to say that every neighborhood throughout the region is comparable to a war zone, there are many communities, both urban and rural, where the fear and threat of violence is extremely grave.

Figure 6



Homicide statistics are just one measure of the pervasive violence impacting many marginalized communities in the three countries. Extortion is widespread, with small businesses, the public transportation sector, and poor neighborhoods being the most heavily hit. It has been estimated that Salvadorans pay more than [US\\$390 million a year](#) in extortion fees, while Hondurans pay around \$200 million and Guatemalans an estimated \$61 million. Failure to pay can result in harassment, violence, or death.¹⁰ [See Figure 6]

Family and domestic violence is also a factor in the decision to migrate for many women and children. El Salvador, Honduras, and Guatemala are some of the most dangerous countries to be a woman, with female homicide rates [among the highest in the world](#).¹¹ Guatemala's Public Prosecutor's Office (*Ministerio Público*) reported receiving over [50,000 cases](#) of violence against women in 2013, of which only 983—about 2 percent—culminated with a prison sentence for the aggressor.¹² In more than 76 percent of cases received by the police in the same year, the perpetrator was reported to be either living with (29.5 percent), the husband of (29 percent), or the ex-partner of (18 percent)

the female victim. The situation of domestic violence is similar throughout region. In Honduras, [471 women](#) were killed in 2015—one every 16 hours.¹³ And in El Salvador, there have been nearly [1,100 cases](#) of domestic violence and over [2,600 cases](#) of sexual violence in 2016.¹⁴ With the constant threat of violence and abuse in the Northern Triangle, many women and children [choose to venture north](#) in search of safety.¹⁵

Understanding the Roots of Violence and Insecurity

Violence and insecurity in the Northern Triangle comes from many sources. In recent years, Central America has become one of the main transshipment routes for illicit drugs making their way to the United States. Local “*transportistas*,”—drug-smuggling operations doing the bidding of transnational drug trafficking cartels—contribute to violence in rural areas, particularly in border areas, and are responsible for a significant share of the rampant levels of corruption and the erosion of the justice and security systems.

Violence and insecurity are also a consequence of the proliferation of local street gangs or *maras* that impact every aspect of life in the neighborhoods and communities they control. While many well-to-do neighborhoods remain safe, in many poorer communities, gangs enforce curfews, control entry into their neighborhoods, and impose their own rules. Children and young men are often threatened or pressured to join the gangs, while young women in some communities experience sexual assault or abuse at the hands of gang members, forcing many to drop out of school or relocate.

Children and families are not just seeking refuge across borders, as evidenced by the numbers of internally displaced persons (IDPs) in the region. According to the Internal Displacement Monitoring Centre, an estimated [714,000 people](#) from the Northern Triangle were internally displaced as a result of conflict and violence, as of the end of 2015. In El Salvador, the organization reports that [289,000 people](#)—nearly five percent of the population—are internally displaced due to violence.¹⁶

A Lack of Economic Opportunity

Compounding the problem of violence in these countries is the lack of economic security. It is estimated that [60 percent](#) of those living in rural areas in the Northern Triangle live in poverty.¹⁷ For the past few years, the region has been experiencing the most severe drought in decades, which has threatened the livelihoods of [over 2.8 million people](#) in El Salvador, Guatemala, and Honduras.¹⁸ This drought has been especially devastating in rural communities, and for subsistence farmers and day laborers. The lack of adequate rainfall in the so-called “dry corridor” has resulted in significant crop failures and loss

of income. It has exacerbated economic and food insecurity in already vulnerable populations.

In addition, more than [one million people](#) in the Northern Triangle countries are neither in school nor employed.¹⁹ Commonly referred to as “ninis,” there are 350,000 in Guatemala and 240,000 in El Salvador. Honduras has the highest rate of ninis in Latin America, with 27.5 percent of young people out of school and without employment. The inability to find a job, advance through education, or support themselves through self-employment or farming compels many young Central Americans to leave their homes and communities.

Weak Democratic Institutions

These problems fester because the governments of the Northern Triangle countries have been unable to effectively address the problems of rampant crime and violence, or to pursue economic strategies that would generate stable jobs and opportunities. A major part of this problem has been weak, corrupt, and underfunded state institutions. Many victims of violence often find no protection from the authorities. The majority of police forces are underfunded, plagued by poor leadership, and sometimes complicit in criminal activity. Efforts to purge and reform the civilian police forces have made limited progress, enabling the infiltration and co-optation by criminal groups.

Among the Northern Triangle countries as a whole, the statistics on prosecutions are appalling. Salvadoran daily *La Prensa Gráfica* reported in 2014 that throughout the Northern Triangle, impunity rates for homicides reached approximately [95 percent](#) on average (95 percent in El

Salvador, 93 percent in Guatemala, and 97 percent in Honduras).²⁰ This means that 19 out of every 20 murders remain unsolved, and that the chances of being caught, prosecuted, and convicted for committing a murder are practically nil. The [2015 Global Impunity Index](#) ranked El Salvador as the country with the eighth highest rate of impunity in the world, while Honduras was ranked seventh.²¹

Addressing the Problem

There is no magic solution to the endemic violence, poor governance, and poverty in the Northern Triangle. These are difficult problems that will require a comprehensive, long-term strategy. Unless these factors are addressed, families and children will continue to flee their communities. While tougher border enforcement might shift migrant routes, or increase the costs of migration, it will do nothing to address the drivers of migration, and very little to control irregular migration. The United States and other donors need to work with Central American governments, where they are willing, to address the root causes that are driving migration. This means:

- **Expanding evidenced-based, community-level programs to reduce youth crime and violence, reintegrate youth seeking to leave the influence of street gangs and criminal groups, and protect children who have suffered violence.** Evidence suggests that investing in prevention initiatives that bring together local community groups, churches, police, social services, and government agencies can make a difference in reducing youth violence and victimization.
- **Supporting robust programs to enhance transparency and accountability and address the deep-seated corruption that**

hinders citizens’ access to basic services, weakens state institutions, and erodes the foundations of democracy. International and independent anti-impunity and anti-corruption commissions, such as the International Commission against Impunity in Guatemala (Comisión Internacional contra la Impunidad en Guatemala, CICIG) and the Mission to Support the Fight against Corruption and Impunity in Honduras (Misión de Apoyo contra la Corrupción y la Impunidad en Honduras, MACCIH), can play a crucial role in tackling corruption and organized crime and building domestic investigative capacities.

- **Focusing security-related funding on strengthening civilian law enforcement and justice institutions and making these institutions more accountable and transparent, rather than on expanding militarized approaches to security.** Programming should be directed toward bolstering policing capacity overall (such as strengthening internal and external control mechanisms, improving police investigation techniques, improving recruitment and training, etc.), rather than targeting resources to militaries or to specialized vetted units and other programs that may achieve short term objectives but have little impact on improving broader law enforcement institutions. Attention should also be given to strengthening the independence and capabilities of prosecutors and judges. Indicators of success should include measures of progress on these institutional issues.
- **Targeting development assistance to support evidenced-based job training, job creation and education programs that focus on at-risk youth in targeted communities.** Support should also be provided over a sustained period

to small-scale agriculture, including marketing and technical assistance, to improve rural communities' ability to provide livelihoods for their citizens.

- **Ensuring that local communities and civil society organizations are systematically consulted and involved in the design and evaluation of programs.** The meaningful participation of local groups can help make sure that donor efforts are having a sustainable impact in the communities at risk of violence and out-migration, and can strengthen democratic and participatory structures.

The Need for Commitment on the Ground

At the same time, addressing the root causes of migration requires the Central American governments to do their part. Governments and elites in Central America have historically been reluctant to seriously fight impunity, strengthen the rule of law, or invest in communities. But their commitment is critical. Without government buy-in, donor-funded reform and development efforts will have no lasting impact. El Salvador, Guatemala, and Honduras must demonstrate a sound commitment to supporting reforms to strengthen public institutions, tackle corruption, and protect human rights. They must also increasingly assume the financial burden that is needed to transform their countries through fiscal reforms, improving tax collection, and insisting that their elites pay their fair share.

The problems are daunting and will not be resolved overnight. But where commitment and political will do exist, change can happen. In Guatemala, for example, the appointment of a courageous and effective advocate as attorney general led not only to prosecutions in high-profile

human rights and organized crime-related cases, but to internal reforms that improved management, made prosecutors' caseloads more manageable, and led to a doubling in homicide conviction rates in the department of Guatemala. The continuation of reform efforts by her successor has resulted in unprecedented results in the fight against corruption and impunity in the country.

The US\$750 million in assistance appropriated by the U.S. Congress for Central America for fiscal year 2016 is a positive step forward. The aid package more than doubled the previous level of assistance to the region, while expanding the U.S. agenda from a narrow, security-oriented approach to one that, in principle, seeks to strengthen institutions and invest in economic development.

Notably, the package also included a [series of strong conditions](#) on combating corruption, increasing transparency and accountability, strengthening public institutions, and protecting human rights.²² Ensuring that assistance is strategically targeted, wisely invested, and properly implemented will determine whether the new strategy is effective in addressing the dire conditions in the countries of the Northern Triangle. Better information on the specific objectives, aid levels, and programs in each country, as well as progress indicators being used and how outcomes are being defined, will allow for greater ability to assess whether or not U.S. assistance is achieving the desired results. In addition, ensuring that the conditions placed on the funds are being met will help gauge the commitment of the Central American governments. The aid did not begin to make its way to the region until late 2016.

The Obama administration included about [US\\$743.6 million](#) in foreign assistance to the region in its fiscal year 2017 budget request. Last year, with bipartisan support, the House and Senate sought to move the administration's request forward without drastically decreasing funding levels and while maintaining the series of conditions.²³ The House bill would have provided up to \$750 million to continue implementing the Central America strategy and conditioned all aid to the governments of the Northern Triangle. The Senate bill would have allocated roughly \$651 million and maintained the requirements enacted in FY2016. The foreign assistance bill, however, was never approved. In December 2016, President Obama signed into law a continuing resolution that provides funding to Central America at roughly the 2016 level until April 28, 2017. The assistance is conditioned on the same requirements.

It remains to be seen what the Trump administration will request, and Congress approve, in assistance to the region for the remainder of fiscal year 2017. Actions during the president's first 100 days have raised concerns that future assistance to Central America could revert to the security-centric approaches of the past. The [executive order](#) signed February 9, 2016, called for "increased security sector assistance to foreign partners by the Attorney General and the Secretary of Homeland Security" to combat transnational criminal organizations.²⁴ Trump's proposed [\\$54 billion increase](#) in military spending—and equal decrease in nonmilitary spending, including foreign aid—could also have implications for what a future aid package would look like.²⁵

There is no silver bullet to improving citizen security in the region; however, recent years have seen a renewed effort to tackle these complex issues. A continued

effort to strengthen state institutions and help respond to the problems of violence and lack of opportunity has the potential, over time, to reduce the factors that are driving widespread migration from Central America.

Migrants in Transit Face Crimes and Human Rights Abuses; Mexican Government Prioritizes Detention and Deportation over Protection

Over the last decade, the journey from Central America through Mexico has become increasingly dangerous. Although migrants have long been subject to petty corruption and abuse in Mexico, the expansion of organized criminal groups in the country has resulted in criminal networks increasingly engaging in extortion, kidnapping, and other crimes in the territories where they exercise control; migrants have become a lucrative source of income in this context. Many migrants have to pay to pass through [cartel-controlled territory](#), a situation particularly prevalent at the U.S.-Mexico border.²⁶ During their journey, [migrants are frequently victims](#) of kidnappings and ransom demands, human trafficking, sexual assault, robbery, and even murder.²⁷ Members of both local and federal agencies are involved in these crimes, including the Federal Police and the National Migration Institute (Instituto Nacional de Migración, INM), the lead agencies involved in Mexico's migration enforcement efforts.

The Impact of Mexico's Southern Border Program

Although the Mexican government has pursued a restrictive migration policy for several years, since July 2014—at the urging of the United States—the

government of Mexico has intensified its enforcement activities through the Southern Border Program (Programa Frontera Sur). The [government says](#) that this program aims to “protect and safeguard the human rights of migrants who enter and travel through Mexico, as well as to establish order at international crossings in order to increase development and security in the region.”²⁸

On the ground, the Southern Border Program has meant the deployment of additional INM agents to southern Mexico; the participation of federal, state, and municipal police forces in migration enforcement; an increase in raids on areas where migrants are known to stay and travel; efforts to prohibit migrants from riding on the train; and increased security checkpoints, particularly in the southern states. As WOLA noted in its November 2015 [border report](#), far from deterring migrants from making the journey north, Mexico's migration crackdown has resulted in changes in how migrants are traveling.²⁹ With decreased possibilities of boarding the train, migrants and smugglers are now relying on different and dangerous routes and modes of transportation, including by foot, vehicle, and boat. These routes expose migrants to new vulnerabilities given their isolation and difficulty. In July 2016, three Salvadoran children [drowned](#) off the coast of Chiapas when the boat they were traveling in sank due to heavy rains.³⁰

Increased enforcement has also resulted in a rise in crimes and human rights violations against migrants. The [migrant shelter](#) in Saltillo, Frontera con Justicia, in the northern state of Coahuila, documented more crimes against migrants, including kidnapping, extortion, robbery, and other abuses, in the first seven months of 2016 than in all of 2015.³¹ The shelter [La 72](#) in Tenosique, Tabasco, in southern Mexico

denounced eight cases of mass kidnappings in 2016 and alleged that agents from Mexico's Federal Police participated in some of the events.³² Mexico's [National Human Rights Commission](#) (Comisión Nacional de los Derechos Humanos, CNDH) saw a 53 percent increase in complaints of human rights violations perpetrated by INM agents in 2015 as compared to 2014.³³ In October 2016, the Commission released a report on the [grossly inadequate conditions](#) within several migrant detention centers in Mexico.³⁴ It also released a report on the situation of [migrant children](#) in Mexico, highlighting that the Commission had received 881 complaints of human rights violations against migrant children in the past six years.³⁵

Increased Enforcement, but Concerns over Protection Screenings Persist

While Mexico has increased the detention and deportation of migrants and potential refugees, these enforcement efforts have not been paired with sufficient efforts to screen people for protection concerns. Mexico's 2011 [Law on Refugees, Complementary Protections, and Political Asylum](#) includes a broad refugee definition that grants asylum to individuals persecuted or who have fear of persecution due to race, gender, religion, nationality, or belonging to a specific political or social group. It also recognizes a right to asylum based on “generalized violence; foreign aggression; internal conflicts; massive violation of human rights; and other circumstances leading to a serious disturbance of public order.”³⁶

These latter categories in particular could be applied to individuals fleeing violence in Central America. Nonetheless, the number of people recognized as refugees or qualifying for some form of protection

in Mexico is remains low when compared with the total number of apprehensions. In 2015, [Mexico apprehended](#) 190,366 foreigners, including 171,934 Central Americans.³⁷ In that same year, only 3,423 people requested protection in Mexico and of these, only 32 percent were granted refugee status or complementary protection by Mexico's Commission to Assist Migrants (Comisión Mexicana de Ayuda a Refugiados, COMAR). Another 1,375 migrants who were victims of crime in Mexico were granted a [humanitarian visa](#).³⁸ In 2016, 8,781 people requested asylum, a significant increase over 2015, and of these, about 37 percent received asylum (2,722) or complementary protection (560).

In its 2013 report on the situation of migrants in Mexico, the [Inter-American Commission on Human Rights](#) (IACHR) noted that 68 percent of individuals in the Siglo XXI Migration Station in Tapachula (a migrant detention center) were unaware of their right to seek protection.³⁹ Although the UNHCR and civil society organizations have expanded the amount of information available to individuals on the migrant route and in detention centers, and there are more organizations supporting refugee claims, many problems remain. There are still few pro bono immigration lawyers in Mexico, and the geographic area of those that exist is limited. Civil society organizations that are involved in representing refugees often have difficulty entering migrant detention centers. Potential refugees who are detained and decide to request asylum will likely [remain in detention](#) while their claim is being processed; a procedure that is supposed to take up to 45 business days but which can be extended for multiple reasons.⁴⁰ The prison-like and often overcrowded conditions in the centers, along with reports of abuse, poor food,

lack of adequate medical care, among other problems, cause many potential refugees to drop their claims and be deported. In 2016, 26 percent of individuals who began an asylum request abandoned the process or dropped the claim.

Apart from disincentives to requesting protection in Mexico, COMAR only recently [signed an agreement](#) with the UN High Commissioner for Refugees (UNHCR) to increase its staffing beyond the 15 agents it had to handle cases, adding 29 additional staff members to its offices in Mexico City, Tabasco, Chiapas and Veracruz.⁴¹ The impact of this additional staffing will be measurable in the coming months. While UNHCR support is important, it should be noted that in spite of the increase in apprehensions in Mexico, [COMAR's budget](#) grew by only five percent between 2014 and 2015, when it was a mere 27 million pesos (about than US\$1.3 million).⁴² The [proposed budget](#) for COMAR for 2017 drops to 25.4 million pesos.⁴³

Addressing the Impact of Migration and Detention

Although the future of U.S.-Mexico cooperation is uncertain, both governments will continue to address Central American migration, either together or unilaterally. As they do so, they should consider the following actions to prioritize the protection of migrants in Mexico:

- **The Mexican government should increase its efforts to investigate and prosecute public officials and criminal networks that prey on children and other migrants crossing Mexico.** This includes establishing an internal affairs unit within the INM to investigate allegations of abuse and corruption,

providing state-level special prosecutors for crimes against migrants with the resources necessary to carry out effective investigations, and providing incentives for migrants to report crimes. Through current U.S. assistance to Mexico, the United States should discuss with the Mexican government ways to support increased accountability of INM agents and to strengthen the capacity of prosecutors charged with investigating crimes against migrants.

- **In December 2015, the Mexican government formally established the [Crime Investigation Unit for Migrants and the Mechanism for Foreign Support for Search and Investigation](#) (Unidad de Investigación de Delitos para Personas Migrantes y el Mecanismo de Apoyo Exterior Mexicano de Búsqueda e Investigación).**⁴⁴ As WOLA highlighted in a recent report, these bodies represent important opportunities for migrants and their families to access justice for crimes that were committed against them in Mexico. The Mexican government should ensure that they have adequate funds and staffing. As part of this new Foreign Support Mechanism, victims who have left Mexico and wish to report crimes now have the opportunity to do so, and the Mexican government has more tools to expand cooperation with U.S. and Central American authorities for cases involving transnational crimes against migrants.
- **The Mexican government should strengthen its capacity to provide effective access to asylum, as guaranteed by Mexican law.** Although important steps are being taken to strengthen COMAR, the Mexican government should work to ensure that INM agents are effectively screening apprehended migrants for protection concerns before

deportation can take place. At the last [presidents' meeting](#), the U.S. and Mexican governments announced plans to develop a training program for INM agents that will include increasing agents' capacity to identify and interview vulnerable populations.⁴⁵ The U.S. government can further assist in protecting migrants in Mexico by working with and granting additional support to the UNHCR.

What Happens to Children and Families When They Arrive in the United States?

When an unaccompanied child or migrant family turn themselves in or are detained by U.S. Customs and Border Protection (CBP) officials at the U.S.-Mexico border, they often find themselves facing what can seem like a vast, intimidating bureaucracy. The various processing procedures before them can be confusing, and they often lack clear access to information about their obligations as well as their right to seek protection. Changes enacted during the first few weeks of the Trump administration present significant challenges for individuals hoping to cross the U.S.-Mexico border and seek protection in the United States.

For children, the process differs depending on their country of origin. [As WOLA has noted](#), for unaccompanied Mexican migrant children CBP agents make the first determination about any possible needs for protection and decide to either send them home, or, in the minority of cases, refer them to the Office of Refugee Resettlement (ORR), a branch of the Department of Health and Human Services.⁴⁶ Children from noncontiguous countries like those of Central America are processed by CBP and then automatically sent to the ORR. At ORR facilities, these children receive care and some legal advice and are later placed

with a family member or sponsor already in the United States, with whom they live while awaiting their immigration hearing.

U.S. immigration enforcement policies that prioritize detention and removal over protection and due process will make it increasingly difficult for asylum seekers from Central America and elsewhere to receive the safety they need in the United States. Of particular concern is the component of Trump's executive order on border security and immigration enforcement that calls for the detention of any individual who is apprehended for violating immigration law while they await the outcome of their removal proceedings. Secretary Kelly's memorandum to implement this order states that migrants that have established "credible fear" of persecution or torture can be released from custody, provided that they prove they do not present a security risk or risk of escaping, and that they comply with other conditions of release. However, it is clear that this measure is only temporary until there are "appropriate processing and detention facilities."

As [WOLA](#) has highlighted previously, indefinitely detaining asylum seekers, many of whom are victims of horrific violence, and holding them in prison-like conditions further traumatizes them and limits their access to legal counsel.⁴⁷ A 2015 [study](#) showed that without legal representation, only 1.5 percent of women with children who had passed their credible fear interviews were given asylum in the United States.⁴⁸

Prolonged detention also has particularly acute impacts on children and there are legal limits on how long children and their parents can be detained. In July and August 2015, District Judge Dolly Gee ruled that the family detention policy violated the

1997 Flores Agreement, which says that U.S. authorities should hold undocumented children in the least restrictive setting possible and favor releasing them. Judge Dee's ruling stipulated that the parents of children should be released as well, unless they present a flight risk or danger to the community and indicated that in individual cases in 'emergency' situations, that a family could only be held for 20 days. On September 30, 2016, the [Advisory Committee on Family Residential Centers](#) created by DHS in 2015 also recommended that the department discontinue the use of family detention and that enforcement efforts should operate under the "presumption that detention is generally neither appropriate nor necessary for families."⁴⁹

Increased difficulties in gaining access to protection in the United States, and the possibility of lengthy detention, may result in potential asylum seekers, including women and children, attempting to avoid Border Patrol detection by crossing through remote areas of the border that have harsh terrain, a decision that has [cost the lives](#) of thousands of border crossers in the past decade.⁵⁰

A Climate of Fear in the United States

Meanwhile, millions of families and children who have entered into the United States in recent years are living in fear. The [Enhancing Public Safety in the Interior of the United States](#),⁵¹ executive order will likely dramatically increase deportations to the region. The order calls for the hiring of an additional 10,000 Immigration and Customs Enforcement (ICE) agents, a change in the categories of immigrants who are considered priorities for deportation with such broad wording that it gives ICE agents the power to deem

any undocumented person a priority, the canceling of federal funds to sanctuary cities, and the reestablishment of the [Secure Communities](#) program and the promotion of other agreements to increase state and local law enforcement collaboration with DHS to identify undocumented migrants who then may be deported.⁵² Indeed, the [memorandum](#) to accompany this executive order explicitly states that “criminal aliens are a priority for removal.”⁵³

In recent weeks there have been reports of increased raids by ICE on areas with a high concentration of undocumented migrants. This increased enforcement will tear apart many families of mixed immigration status, and will likely present due process concerns due to the expedited removal proceedings for many individuals detained for violating immigration law. It has already created a climate of fear within immigrant communities, including children who are afraid to go to school because they think they will be detained or that they will come back to an empty house because their parents have been taken.

Given the mass deportations that occurred during the Obama administration, the Mexican government has increased its efforts to provide information and services to its citizens in the United States and to receive deported migrants at the border. In 2014 it was estimated that there were [5.8 million unauthorized immigrants in the United States who were Mexican](#), 52 percent of the total.⁵⁴ While the number of unauthorized Mexicans in the United States has dropped significantly in recent years, a large wave of deportees would undoubtedly strain government and civil society services. As WOLA has [reported](#) previously, those migrants, especially Mexicans who have spent many years in the United States and have no ties to their communities of origin, are also at great risk of being targeted by

criminal groups for robbery, extortion, and kidnapping, when deported to their countries of origin.⁵⁵

If there is a significant increase in Mexican deportations, it will be important that DHS work with Mexican authorities to respect the [local repatriation arrangements](#) (LRAs) that were agreed upon by both governments in February 2016.⁵⁶ The new arrangements curtail the practice of night deportations, require U.S. agencies to “take all feasible steps to ensure that property, valuables, and money” confiscated from detained migrants are returned prior to repatriation, and affirm both countries’ commitment to protecting unaccompanied migrant children. The LRAs are important to ensure a safe and orderly repatriation process.

Central American families are also at risk. Apart from the challenges facing recent border crossers who are seeking protection in the U.S., increased enforcement and raids will likely sweep up many migrant families and return them to their home countries which have become some of the most violent in the world in the past decade. The Trump administration’s new policies will put deported Central American children and their families’ lives in danger and create even more instability in an already volatile region, while doing nothing to keep people in the United States safe.

Charting a Path Forward

This article has looked at migration flows, the conditions driving migration from Central America, the treatment of migrants in transit in Mexico, and the treatment migrants receive when they arrive at the U.S. border. It has argued that while irregular migration from Mexico has dropped dramatically, migration

from the Northern Triangle of Central America, especially migration by children and families, has risen. That migration is driven by insecurity, lack of opportunity, and weak institutions in the region that are unable to effectively address these problems. That migration is likely to continue as long as those conditions persist. Increased border security in the United States, and in southern Mexico, may shift routes and raise the cost of migration, but migrants will seek new routes and continue to flee from violent and difficult conditions in their home countries. WOLA has recommended a set of long-term steps that will help improve conditions in the region, and recommended measures, by both the United States and Mexico, to recognize that many migrants have legitimate claims to protection, and that all migrants need to be treated humanely.

Unfortunately, the first few weeks of the Trump presidency have demonstrated that the new administration has every intention of putting into policy his heated campaign rhetoric on border security and immigration enforcement. These policies represent a fundamental threat to human rights, international law, and U.S. democratic values. Far from meeting their intended security objectives, the administration’s proposals risk creating situations that could generate instability in the region and a climate of fear that threatens safety and civil liberties in the United States.

Thoughtful policy makers should reject the Trump approach and instead pursue the kinds of alternative suggested in this article. Members of Congress, and the U.S. public, as well as governments in Mexico and Central America and civil society groups there, should call for approaches that are more effective and more humane.

Notes

- ¹ Adam Isacson, “Migration Patterns in 2016: A Look at the Numbers,” WOLA, November 15, 2016, <https://www.wola.org/analysis/migration-patterns-2016-look-numbers/>.
- ² “United States Border Patrol Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2016,” U.S. Customs and Border Protection, October 18, 2016, <https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016>.
- ³ Adam Isacson, Maureen Meyer, and Hannah Smith, “Report: Increased Enforcement at Mexico’s Southern Border,” WOLA, November 9, 2015, <https://www.wola.org/analysis/new-report-increased-enforcement-at-mexicos-southern-border/>.
- ⁴ Clay Boggs, “Mexico’s Southern Border Plan: More Deportations and Widespread Human Rights Violations,” WOLA, March 19, 2015, <https://www.wola.org/analysis/mexicos-southern-border-plan-more-deportations-and-widespread-human-rights-violations/>.
- ⁵ Gabriel Stargardt and Julia Edwards, “‘At the Limit,’ Mexico Buckles under Migrant Surge to U.S.” Yahoo! News, June 10, 2016, <https://www.yahoo.com/news/limit-mexico-buckles-under-migrant-surge-u-154033655.html>.
- ⁶ Maureen Meyer, Adam Isacson, and Carolyn Scorpio, “Not a National Security Crisis: The U.S.-Mexico Border and Humanitarian Concerns, Seen from El Paso,” WOLA, October 27, 2016, <https://www.wola.org/analysis/not-national-security-crisis-u-s-mexico-border-humanitarian-concerns-seen-el-paso/>; Adam Isacson, Maureen Meyer, and Hannah Smith, “Report: Increased Enforcement at Mexico’s Southern Border,” WOLA, November 9, 2015, <https://www.wola.org/analysis/new-report-increased-enforcement-at-mexicos-southern-border/>.
- ⁷ “Executive Orders on Protecting the Homeland,” Department of Homeland Security, February 21, 2017, <https://www.dhs.gov/executive-orders-protecting-homeland>.
- ⁸ Adriana Beltrán, and Carolyn Scorpio, “El Salvador: Turning a Blind Eye to Police Abuse and Extrajudicial Executions?,” WOLA, August 16, 2016, <https://www.wola.org/analysis/el-salvador-turning-blind-eye-police-abuse-extrajudicial-executions/>.
- ⁹ “El Salvador registra primera baja interanual en homicidios desde fin de la tregua,” *La Prensa Gráfica*, August 11, 2016, <http://www.Laprensagrafica.Com/2016/08/11/el-Salvador-Registra-Primera-Baja-Interanual-En-Homicidios-Desde-Fin-de-la-Tregua#sthash.OdkibZII.Dpuf>; “La policía de El Salvador dice que en 2016 se redujeron los asesinatos en el país,” *New York Times*, January 3, 2017, <https://www.nytimes.com/es/2017/01/03/la-policia-de-el-salvador-dice-que-en-2016-se-redujeron-los-asesinatos-en-el-pais/>.
- ¹⁰ “‘Imperios de la extorsión’ están en Honduras y El Salvador,” *La Prensa*, July 1, 2015, <http://www.laprensa.hn/honduras/854572-410/imperios-de-la-extorsi%C3%B3n-est%C3%A1n-en-honduras-y-el-salvador>.
- ¹¹ “Global Burden of Armed Violence 2015, Chapter Three: Lethal Violence against Women and Girls,” Geneva Declaration on Armed Violence and Development, May 8, 2015, http://www.genevadeclaration.org/fileadmin/docs/GBAV3/GBAV3_Ch3_pp87-120.pdf.
- ¹² “Violencia en contra de la mujer,” Instituto Nacional de Estadística Guatemala, <http://www.ine.gob.gt/index.php/estadisticas-continuas/violencia-contra-la-mujer> (accessed March 1, 2017).
- ¹³ “Honduras: Un infierno para las mujeres y las niñas,” Radio Progreso y el ERIC, May 24, 2016, <http://radioprogreso.hn.net/index.php/comunicaciones/nuestra-palabra/item/2911-honduras-un-infierno-para-las-mujeres-y-las-ni%C3%B1as-24-mayo-2016>.
- ¹⁴ “Indicadores de violencia intrafamiliar,” Observatorio de la Violencia de Género contra las Mujeres (ORMUSA), November 2016, <http://observatoriodeviolencia.ormusa.org/violenciaintrafamiliar.php>.
- ¹⁵ “Indicadores de violencia sexual,” Observatorio de la Violencia de Género contra las Mujeres (ORMUSA), 2016, <http://observatoriodeviolencia.ormusa.org/violenciasexual.php>; “Women on the Run,” United Nations High Commissioner for Refugees, 2015, <http://www.unhcr.org/5630f24c6.html>.
- ¹⁶ Internal Displacement Monitoring Centre and Norwegian Refugee Council, “GRID 2016: Global Report on Internal Displacement,” May, 2016, <http://www.internal-displacement.org/assets/publications/2016/2016-global-report-internal-displacement-IDMC.pdf>.
- ¹⁷ “Rural Poverty Headcount Ratio at National Poverty Lines,” World Bank, <http://data.worldbank.org/indicador/SI.POV.RUHC?locations=SV-HN-GT> (accessed March 1, 2017).
- ¹⁸ “El Niño: Overview of Impact, Projected Humanitarian Needs and Response,” ReliefWeb, June 2, 2016, http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA_ElNiño_Monthly_Report_2Jun2016.pdf.
- ¹⁹ Marc Hanson, “A Future at Home: Investing in Youth Opportunity in Central America,” WOLA, February 10, 2016, http://www.wola.org/commentary/a_future_at_home_investing_in_youth_opportunity_in_central_america.
- ²⁰ “Impunidad en el Triángulo Norte,” *La Prensa Gráfica*, 2016, <http://mediacenter.laprensagrafica.com/infografias/i/impunidad-en-el-triangulo-norte>.
- ²¹ “Índice global de impunidad en México,” Centro de Estudios sobre Impunidad y Justicia (CESIJ) and Universidad de las Américas Puebla, February 2016, http://www.udlap.mx/igimex/assets/files/igimex2016_ESP.pdf.
- ²² Adriana Beltrán, “U.S. Increases Central America Aid, but It’s No Blank Check,” WOLA, December 22, 2015, http://www.wola.org/commentary/congress_increases_central_america_aid_but_it_s_no_blank_check.
- ²³ “U.S. Foreign Assistance to Latin America and the Caribbean: Trends and FY2017 Appropriations,” Congressional Research Service, February 8, 2017, <https://fas.org/spp/crs/row/R44647.pdf>.

- ²⁴ “Presidential Executive Order on Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking,” White House, February 9, 2017, <https://www.whitehouse.gov/the-press-office/2017/02/09/presidential-executive-order-enforcing-federal-law-respect-transnational>.
- ²⁵ Michael D. Shear, and Jennifer Steinhauer, “Trump to Seek \$54 Billion Increase in Military Spending,” *New York Times*, February 27, 2017, <https://www.nytimes.com/2017/02/27/us/politics/trump-budget-military.html?>
- ²⁶ Adam Isacson and Maureen Meyer, “Border Security and Migration: A Report from South Texas,” WOLA, January 23, 2013, <https://www.wola.org/analysis/border-security-and-migration-a-report-from-south-texas/>.
- ²⁷ “An Uncertain Path: Justice for Crimes and Human Rights Violations against Migrants and Refugees in Mexico,” WOLA and Fundar, November, 2015, https://www.wola.org/sites/default/files/Executive%20Summary_An%20Uncertain%20Path.pdf.
- ²⁸ Adam Isacson, Maureen Meyer, and Hannah Smith, “Increased Enforcement at Mexico’s Southern Border,” November, 2015, http://www.wola.org/files/WOLA_Increased_Enforcement_at_Mexico%27s_Southern_Border_Nov2015.pdf.
- ²⁹ “Mueren ahogados tres niños inmigrantes salvadoreños en costas de Chiapas,” *Excelsior*, July 22, 2016, <http://www.excelsior.com.mx/nacional/2016/07/22/1106592>.
- ³⁰ Ximena Suárez Enriquez, José Knippen, and Maureen Meyer, “A Trail of Impunity: Thousands of Migrants in Transit Face Abuses amid Mexico’s Crackdown,” WOLA, October 20, 2016, <https://www.wola.org/analysis/a-trail-of-impunity/>.
- ³¹ Mathieu Tourliere, “Denuncia albergue ‘la 72’ participación de policías en secuestro de migrantes en Tabasco,” *Proceso*, October 3, 2016, <http://www.proceso.com.mx/457269/denuncia-albergue-la-72-participacion-policias-en-secuestro-migrantes-en-tabasco>.
- ³² CNDH México, “Evolución de la CNDH,” 2016, <http://informe.cndh.org.mx/menu.aspx?id=279>.
- ³³ CNDH México, “CNDH emite el informe 7/2016 sobre estaciones migratorias y estancias provisionales en los estados de Guerrero, Michoacán, Nuevo León, Quintana Roo, Sonora y Veracruz,” October 14, 2016, http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com_2016_263.pdf.
- ³⁴ CNDH México, “Informe sobre la problemática de niñas, niños y adolescentes centroamericanos en contexto de migración internacional no acompañados en su tránsito por México, y con necesidades de protección internacional,” October 2016, http://www.cndh.org.mx/sites/all/doc/Informes/Especiales/Informe_NNACMNA.pdf.
- ³⁵ “Ley sobre refugiados, protección complementaria y asilo político,” Cámara de diputados del H. Congreso de la Unión, October 30, 2014, http://www.diputados.gob.mx/LeyesBiblio/pdf/LRPCAP_301014.pdf.
- ³⁶ “Boletín estadístico 2015: III. Extranjeros presentados y devueltos,” Secretaría de Gobernación, July 8, 2016, http://www.politicamigratoria.gob.mx/es_mx/SEGOB/Extranjeros_alojados_y_devueltos_2015.
- ³⁷ “II. Documentación y condición de estancia en México,” SEGOB, October 24, 2016, http://www.politicamigratoria.gob.mx/es_mx/SEGOB/Documentacion_y_condicion_estancia_2015.
- ³⁸ “Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico,” Inter-American Commission on Human Rights, December 30, 2013, <http://www.oas.org/en/iachr/migrants/docs/pdf/Report-Migrants-Mexico-2013.pdf>.
- ³⁹ Adam Isacson, Maureen Meyer, and Hannah Smith, “Report: Increased Enforcement at Mexico’s Southern Border,” November 2015, https://www.wola.org/files/WOLA_Increased_Enforcement_at_Mexico%27s_Southern_Border_Nov2015.pdf.
- ⁴⁰ “29 vacantes: Contratista independiente,” UNCHCR, October 17, 2016, http://www.gob.mx/cms/uploads/attachment/file/153000/Anuncio_General_de_Vacantes_UNOPS_COMAR.pdf.
- ⁴¹ Ibid.
- ⁴² José Knippenand Paulina Castaño, “Sin garantía de derechos: Migración en el Proyecto del PEF 2017,” *El Universal*, September 16, 2016, <http://www.eluniversal.com.mx/blogs/fundar/2016/09/16/sin-garantia-de-derechos-migracion-en-el-proyecto-del-pef-2017>.
- ⁴³ Maureen Meyer and Ximena Suarez-Enriquez, “New Institutions in Mexico Could Expand Justice for Migrants,” WOLA, May 3, 2016, <https://www.wola.org/analysis/new-institutions-in-mexico-could-expand-justice-for-migrants/>.
- ⁴⁴ “Fact Sheet: United States-Mexico Relations,” White House, July 22, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2016/07/22/fact-sheet-united-states-mexico-relations>.
- ⁴⁵ “New WOLA Video: Mexican Migrant Children Forgotten at the Border,” WOLA, January 22, 2015, <https://www.wola.org/2015/01/new-wola-video-mexican-migrant-children-forgotten-at-the-border/>.
- ⁴⁶ Geoff Ramsey and Maureen Meyer, “What Happens to Children and Families When They Arrive in the United States?,” WOLA, November 15, 2016, <https://www.wola.org/analysis/happens-children-families-arrive-united-states/>.
- ⁴⁷ “Representation Is Key in Immigration Proceedings Involving Women with Children,” TRAC Immigration, February 18, 2015, <http://trac.syr.edu/immigration/reports/377/>.
- ⁴⁸ “Family Detention Advisory Committee Releases Report and Recommendations,” Center for Gender and Refugee Studies, October 3, 2016, <https://cgrs.uchastings.edu/news/family-detention-advisory-committee-releases-report-and-recommendations>.
- ⁴⁹ Ibid.

Central Americans under Trump: Uncertainty on Both Sides of the Border

by Co-chairs of LASA Central America Section (CAS LASA)

SUYAPA PORTILLO VILLEDA | Pitzer College | Suyapa_Portillo@pitzer.edu

ALICIA MIKLOS | Texas Tech University | alicia.miklos@ttu.edu

⁵⁰ Donald J. Trump, “Executive Order: Enhancing Public Safety in the Interior of the United States,” White House, January 25, 2017, <https://www.whitehouse.gov/the-press-office/2017/01/25/presidential-executive-order-enhancing-public-safety-interior-united>.

⁵¹ “Family Detention Advisory Committee Releases Report and Recommendations.”

⁵² Kevin McAleenan, Thomas D. Homan, Lori Scialabba, Joseph B. Maher, Dimple Shah, and Chip Fulghum, “Memorandum for: Enforcement of the Immigration Laws to Serve the National Interest,” U.S. Department of Homeland Security, February 20, 2017, https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Enforcement-of-the-Immigration-Laws-to-Serve-the-National-Interest.pdf.

⁵³ Jens Manuel Krogstad, Jeffrey S. Passel, and D’vera Cohn, “5 Facts about Illegal Immigration in the U.S.,” Factank: News in the Numbers, November 3, 2016, <http://www.pewresearch.org/fact-tank/2016/11/03/5-facts-about-illegal-immigration-in-the-u-s/>.

⁵⁴ “Multimedia Package: Five Ways to Stop Unsafe Deportations,” WOLA, March 19, 2014, <https://www.wola.org/analysis/multimedia-package-five-ways-to-stop-unsafe-deportations/>.

⁵⁵ Carolyn Scorpio and Maureen Meyer, “New U.S.-Mexico Local Repatriation Arrangements Are a Step Forward,” WOLA, February 26, 2016, <https://www.wola.org/analysis/new-us-mexico-local-repatriation-arrangements-are-a-step-forward/>.

⁵⁶ Ibid. ■

Since Donald Trump took office on January 20, 2017, immigrant communities have been under the threat of his campaign promises to deport more immigrants and build a wall at the U.S.-Mexico border. Central Americans, one of the fastest-growing populations of immigrants in the United States, are rightfully worried. There are 3.2 million Central Americans residing in the United States, the majority from the Northern Triangle: Guatemala, El Salvador, and Honduras. They account for 7 percent of the U.S. immigrant population of 41.3 million.¹ Executive orders have spread terror and panic among immigrant communities as this administration has ramped up the detention and expulsion of about over 700 immigrants in the past weeks, including Muslim immigrants, many of whom boast proper documentation. For youth, women, children, and lesbian, gay, bisexual, transgender, and intersex immigrants from Central America, the new enforcement policies and practices curb their hopes of safety, education, and health care. This contradictory yet clear triumph of right-wing protectionist politics unjustly and irresponsibly blames Central American populations for their forced migration and their conditions of poverty and internal strife. They assume no responsibility for the State Department’s role in the disturbances of democracy, the instigation of coups, and the destabilizing of the labor force and labor protections by promoting and imposing neoliberal and neoconservative policies on countries the United States has deemed less fortunate than itself.

This new era of restrictions in the United States is also reminiscent of the 1980s under President Ronald Reagan, when Central Americans were unwelcome in the United States. Then, Central Americans sought sanctuary in churches and among comrades, who hid them along with their children, memories, experiences, and their

lost loved ones. The concept of sanctuary, mostly associated with the religious groups that provided refuge to undocumented immigrants, speaks also of safe passage and harkens back to the time of the Underground Railroad run by pioneering feminist Harriet Tubman, as she helped slaves from the U.S. south find safe passage north. Then, as now, there were politicians who did not see black workers as humans, or as individuals entitled to rights, wages, and health care, let alone own their own land and homes. A sanctuary is a space of nonviolent resistance that refuses the unilateral obliteration of a group and is reminiscent of the U.S. civil rights movement, when black power organizers sought a seat in the front of the bus or at the lunch counter. The bold claim here is that those seeking sanctuary are actors in their own history and important contributors to U.S. society, not just because they pay taxes or are law-abiding neighbors, but also because their histories and lives form the rich texture of this society. The United States is not a black-and-white country; it is filled with hard-working people of all races, ethnicities, classes, and religious backgrounds, forming a cacophony of diverse voices and projects of nation that challenge every institution, academic or otherwise, to be bold and inclusive, to be just and fair. To deport 11 million immigrants, disassemble the Deferred Action for Childhood Arrivals (DACA) program, and destroy the fabric of safety net protections, such as health care, reproductive justice, and transgender rights, is to break down the country as well as to erase the very things that has made it great—its racial, ethnic, and gender diversity; migration; and cultural plurality.

Trump’s immigration policies demonstrate willful historical amnesia regarding the United States’ role in destabilizing the Central American region. Worse still, they