



## Immigration and Central American Migrants

### Historical Perspective

- Due to Civil Wars in El Salvador and Nicaragua in the 1980s, the U.S. has granted amnesty for Central Americans seeking refuge in the North for decades. According to one summation: “The year of that first amnesty was 1986. The amnesty was followed by various extensions and additions, including a 1997 act specifically aimed at displaced Central Americans. Between 1980 and 2000, the number of Central American immigrants living in the United States jumped from 350,000 to more than 2 million (as of 2010, the total exceeded 3 million).”<sup>1</sup>
- Former guerrilla fighters, soldiers and others qualifying for amnesty resettled in the U.S. in the poor Pico Union neighborhood of Los Angeles, California. A segment of these new residents formed local gangs as a way to survive in a tough neighborhood, to protect themselves and make a living. Gangs included the 18th Street and Mara Salvatrucha members, or what became known as “MS18,” one of the most dangerous gangs in the U.S. (“mara” means gang; “salva” stands for “El Salvador”; and “trucha” is slang for “clever.”). The gangs eventually expanded to include members beyond Central American countries and flourished in multiple cities.<sup>2</sup>
- In the 1990s, due to growing violence, as many as 20,000 Central American gang members were arrested for criminal activities in the thousands and deported from Los Angeles to Central America. The deported gang members grew in strength and became a powerful cross-border crime network, growing to an estimated 100,000 members. In 2012, the El Salvadoran government gave up trying to police two of the most dangerous rival gang factions – MS18 and MS 13. The resulting violence has made a number of Central American cities the deadliest in the world: “San Pedro Sula in Honduras had the world's highest per capita

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<sup>1</sup> David Frum, “The Made-in-America Immigration Crisis”, *The Atlantic*, July 15, 2014. <http://www.theatlantic.com/international/archive/2014/07/an-immigration-crisis-we-brought-on-ourselves/374491/>

<sup>2</sup> Ibid.

murder rate in 2012, with 169 killings per 100,000 inhabitants, roughly 35 times the American average.”<sup>3</sup>

- From 2005-2007, foreign drug cartels, primarily from Mexico rerouted trade from the Caribbean through Central America, as the U.S. and Columbia enacted multi-billion dollar campaigns to stifle the trade along this route. Gangs and drug dealers are warring for control over this territory, recruiting local residents and youth to expand their sales, customers and distribution. Local residents live with danger of either being recruited into a gang and drug cartel, murdered if they refuse, or having their family members harmed or murdered. This danger has helped to fuel the dramatic surge in Central American migrants to the U.S. border, where many remain in detention centers.”<sup>4</sup>
- Along with the increased violence of drugs cartels and gangs, existing factors of poverty, unemployment, drought and weak and corrupt governments also increased Central American migration.
- In 1990, a law called the “Special Immigrant Juvenile Status” (SIJ) was instituted by Congress in 1990 and expanded and reauthorized in 2008. “The purpose of the SIJ program is to help foreign children in the United States who have been abused, abandoned, or neglected. Certain children who are unable to be reunited with a parent can get a green card as a SIJ and can live and work permanently in the United States”<sup>5</sup>
- In 2008, George W. Bush signed a law called, the “William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008” with strong bipartisan support to stop child labor and sex trafficking.<sup>6</sup> It is believed that this law encouraged a dramatic increase in the “transport of children from Central America to the U.S. border by smuggling rings” due to its relaxed restrictions: “The law sets out a process for deporting unaccompanied children so elaborate that it can take years. And because it also stipulates that the children be housed in ‘the least restrictive setting,’ it often results

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<sup>3</sup> Scott Johnson, “American-Born Gangs Helping Drive Immigrant Crisis at U.S. Border,” *National Geographic*, July 23, 2014.

<http://news.nationalgeographic.com/news/2014/07/140723-immigration-minors-honduras-gang-violence-central-america/>

<sup>4</sup> Scott Johnson, “American-Born Gangs Helping Drive Immigrant Crisis at U.S. Border,” *National Geographic*, July 23, 2014.

<http://news.nationalgeographic.com/news/2014/07/140723-immigration-minors-honduras-gang-violence-central-america/>

<sup>5</sup> <http://www.uscis.gov/green-card/special-immigrant-juveniles/special-immigrant-juveniles-sij-status>

<sup>6</sup> <http://www.state.gov/j/tip/laws/113178.htm>

in kids being sent to live with relatives in the USA while the process plays out.”<sup>7</sup>

### **Current Issues**

- A unprecedented number of migrants from Central America have been apprehended at the U.S.-Mexico border since October 1, 2013. More than 68,000 Central American migrants crossed the border in 2014, demonstrating a 117% increase in unaccompanied minors crossing the Southern U.S. border, as compared with last year.<sup>8</sup> Three of every four unaccompanied children detained at the border this year originate from Central America, primarily from Guatemala, El Salvador and Honduras, with Honduras producing the highest numbers of migrants. This surge of Central American migrants is estimated to have begun in 2008 or 2009.<sup>9</sup> Migrants claim to be fleeing poverty and violence and are seeking asylum.
- According to Pew Research Center, a factor in this surge in Central American migrants “is the perception among many migrants that U.S. immigration laws will allow them to remain in the United States if the migrants can just get to the border.”<sup>10</sup> Republicans blame the Obama administration’s relaxed immigration policies for this perception, particularly: weak border enforcement, and Deferred Action for Childhood

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<sup>7</sup> “Mend border immigration law: Our View,” *USA Today*, July 24, 2014.

<http://www.usatoday.com/story/opinion/2014/07/24/border-children-anti-trafficking-immigration-law-editorials-debates/13122319/>.

<sup>8</sup> Jens Manuel Krogstad, Ana Gonzalez-Barrera and Mark Hugo Lopez, “Children 12 and under are fastest growing group of unaccompanied minors at U.S. border,” *Pew Research Center*, July 22, 2014. <http://www.pewresearch.org/fact-tank/2014/07/22/children-12-and-under-are-fastest-growing-group-of-unaccompanied-minors-at-u-s-border/>

<sup>9</sup> Tom K. Wong, “Statistical Analysis Shows that Violence, Not Deferred Action, Is Behind the Surge of Unaccompanied Children Crossing the Border,” *Center for American Progress*. July 8, 2014.

<https://www.americanprogress.org/issues/immigration/news/2014/07/08/93370/statistical-analysis-shows-that-violence-not-deferred-action-is-behind-the-surge-of-unaccompanied-children-crossing-the-border/>

<sup>10</sup> Jens Manuel Krogstad, Ana Gonzalez-Barrera and Mark Hugo Lopez, “Children 12 and under are fastest growing group of unaccompanied minors at U.S. border,” *Pew Research Center*, July 22, 2014. <http://www.pewresearch.org/fact-tank/2014/07/22/children-12-and-under-are-fastest-growing-group-of-unaccompanied-minors-at-u-s-border/>

Arrivals (DACA)<sup>11</sup> enacted in 2012, which grants eligible unauthorized youth a two-year deferral from deportation and a work permit.

- The Center for American Progress (CAP) argued that the surge in Central American migrants is not due to lax border policies; Rather, “[u]nder the Obama administration, funding for the Border Patrol has reached record levels, increasing from \$2.3 billion at the end of the Bush administration in 2008 to \$3.5 billion in FY 2013—an increase of 52 percent. The number of Border Patrol agents in general, and at the southwest border, now stand at record levels.”<sup>12</sup> Furthermore, deportations under the Obama administration reached pivotal levels of 2 million since Obama took office. CAP attributes the Central migrant surge to increased violence across the region.
- On July 8, 2014 President Obama authorized \$3.7 billion in emergency funds to “bolster border security, hasten deportations and deal with the humanitarian crisis in Central America” .<sup>13</sup> In August, 2014, the House voted to approve \$694 million in additional federal funding to address the influx of Central American migrants, an amount substantially lower than Obama’s original request. Nothing was finalized before the five-week recess.
- The majority of the unaccompanied children are in states near the Mexican border, including Texas, New York, California and Florida. Others have been sent to Maryland, Virginia, Georgia and Louisiana. Children at the border are placed in detention facilities for an average of 35 days and await deportation proceedings. If one is available, they are placed with a relative in the U.S. while their case is in progress. Nation-wide protests have erupted in both rejection and support of accepting the migrants as refugees under asylum laws.
- Because of an anti-trafficking statute adopted in 2008, minors from Central America could not be deported immediately and must be given a court hearing before they are deported. In contrast, a U.S. policy allowed Mexican minors (of a neighboring country) who crossed the border without

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<sup>11</sup> Consideration of Deferred Action for Childhood Arrivals (DACA).  
<http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>

<sup>12</sup> Tom K. Wong, “Statistical Analysis Shows that Violence, Not Deferred Action, Is Behind the Surge of Unaccompanied Children Crossing the Border,” *Center for American Progress*. July 8, 2014.  
<https://www.americanprogress.org/issues/immigration/news/2014/07/08/93370/statistical-analysis-shows-that-violence-not-deferred-action-is-behind-the-surge-of-unaccompanied-children-crossing-the-border/>

<sup>13</sup> Haeyoun Park, “Children at the Border” *New York Times*, October 21, 2014.

documentation to be sent back immediately. Republicans rallied to reform this law to ensure quicker deportations. In August 2014, House Republicans approved a bill that would revise the 2008 anti-trafficking law, making it easier for the government to deport Central American minors who entered the U.S. without authorization. The same bill would have provided \$35 million to governors for border-states, and give them broader legal authority to deploy the National Guard. These measures never made it to the Senate before the five-week recess.

- The Central American migrant situation is taxing a court system that is already challenged. Since 2006, the U.S. immigration court backlog has increased by nearly 120 percent, before the unaccompanied children migrants began crossing the border. Between January 2013 and July 2014, the immigration backlog jumped 50,000 more cases.<sup>14</sup> In addition, up to 40% of unaccompanied minors were not getting the legal representation they needed or had a right to, and many feared that, of the 375,000 immigration cases pending, the undocumented minors would not receive due process.<sup>15</sup> Immigration advocacy groups and community-based organizations scramble to meet the demands of the increased caseload and accelerated deportation hearings that Obama recently ordered to address the situation.
- In July 2014, Immigration and Customs Enforcement (ICE) was forbidden to call the thousands of children migrants crossing the border “illegal minors” or “aliens.” An internal email instructed officials to call them officially “unaccompanied children,” instead of “UACs,” or “unaccompanied alien children.”<sup>16</sup>
- In response to Congress’ failure to pass comprehensive immigration reform in August before the Congressional break, Obama promised that he would take Executive Action, especially considering the influx of Central American migrants. However, he waited until after mid-term elections in November 2014. Just before the Thanksgiving holiday on

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<sup>14</sup> Stephanie Mencimer, “Why Our Immigration Courts Can’t Handle the Child Migrant Crisis,” *Mother Jones*, July 14, 2014.

<http://www.motherjones.com/politics/2014/07/immigration-courts-backlog-child-migrant-crisis>

<sup>15</sup> Jessica Mendoza, “Undocumented minors not getting due process in immigration cases,” *Tucson Sentinel*, Aug 19, 2014.

[http://www.tucsonsentinel.com/local/report/081914\\_undocumented\\_minors/undocumented-minors-not-getting-due-process-immigration-cases/](http://www.tucsonsentinel.com/local/report/081914_undocumented_minors/undocumented-minors-not-getting-due-process-immigration-cases/)

<sup>16</sup> “ICE can no longer call illegal immigrant children ‘aliens’”, July 4, 2014.

<http://www.bizpacreview.com/2014/07/04/ice-can-no-longer-call-illegal-immigrant-children-aliens-129593>

November 20, 2014, Obama issued an Executive Action.<sup>17</sup> The “Immigration Accountability Executive Action,” primarily authorizes the Department of Homeland Security (DHS) to expand its use of deferred action to provide temporary protection from removal for millions of unauthorized immigrants currently in the U.S. through the expansion of the current Deferred Action for Childhood Arrivals (DACA) program, and the creation of “Deferred Action for Parental Accountability (DAPA),” a new deferred action program. These and other measures may affect up to 4 million people currently residing in the U.S..

### **Different Perspectives**

- "The courts finally have to redefine the right to asylum...We are all Americans. In all of America people should be able to live in safety. Not just in the USA," ...And if we feel safe, we can all stay home." Olga Arzu, who escaped from Central America and is awaiting her deportation proceedings.<sup>18</sup>
- "Mothers and their children who have fled violence in their home countries should not be treated like criminals." letter signed by Judiciary Committee Chairman and select Senate members in response to Homeland Security's massive expansion of immigrant family detention in October 2014.<sup>19</sup>
- "Their very hope was realized when we took them in. Nobody was turned back and what I believe, and I think a lot of Americans would agree, is instead of accepting these 90,000, they should have -- the humanitarian way to address this is reunite them with their families and their country of origin because this 90,000 is going to be hundreds of thousands...These children should be returned to their home country -- not to Oracle, Arizona, paid for by American taxpayers." Pinal County Sheriff Paul Babeu in

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<sup>17</sup> <http://www.whitehouse.gov/issues/immigration/immigration-action#>

<sup>18</sup> Markus Feldenkirchen and Jens Glüsing, “Cold Paradise: US Struggles with Wave of Underage Immigrants,” *Spiegel Online International*, July 30, 2014. <http://www.spiegel.de/international/world/the-us-struggles-to-deal-with-vast-influx-of-underage-immigrants-a-983623-2.html>

<sup>19</sup> Elise Foley, “Immigrant Families Fleeing Violence 'Should Not Be Treated Like Criminals': Democrats,” *Huffington Post*, October 16, 2014. [http://www.huffingtonpost.com/2014/10/16/democrats-immigrant-detention\\_n\\_5999636.html?1413496849](http://www.huffingtonpost.com/2014/10/16/democrats-immigrant-detention_n_5999636.html?1413496849)

Arizona, in response to Americans accepting the unaccompanied minors crossing the border. He argued that it will only increase crime.<sup>20</sup>

- “If you didn't join the gangs, they would kill you, and I didn't want to join because I knew if I did it, I could die very soon.” Wilfredo Vasquez, 16 from Anamoros, El Salvador. Abandoned by his parents, living alone in poverty and threatened by violent gangs, he traveled illegally through Guatemala, Mexico and the U.S. He was detained in Texas with only the clothes on his back and sent to a detention center. He became a permanent resident due to the law called, “the Special Immigrant Juvenile Status.”<sup>21</sup>
- “As heart-rending as the children's stories are, the U.S. can't simply open its doors to people from violence-torn countries. If it did, huge swaths of the world would empty out. America remains a welcoming nation built on immigration. Last year, 990,553 people, including many children, were granted permanent legal residency. Some 779,929 attained citizenship. And as many as 11 million undocumented people could be given a path to legal status if Congress ever overhauls the nation's broken immigration system. But policymakers need to balance compassion and pragmatism. When smugglers send thousands of kids to the U.S. border each month, it's a clear signal that the 2008 law has fallen victim to a different law, the one of unintended consequences.”<sup>22</sup>
- “Our nation’s refugee laws were created in the aftermath of World War II to ensure that we would never again turn away refugees fleeing death in their home countries. They require that everyone who legitimately fears persecution must receive a fair opportunity to make their case before an immigration judge, who can decide each case on the facts presented. We also wish, though no law requires it, that refugees fleeing truly terrible conditions in their home countries would be greeted with sympathy rather than fear and xenophobia.” ACLU Statement on Public Reaction to Plight of Immigrant Children. July 3, 2014.<sup>23</sup>

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<sup>20</sup> Halimah Abdullah, “Not in my backyard: Communities protest surge of immigrant kids,” *CNN Politics*, July 16, 2014.

<http://www.cnn.com/2014/07/15/politics/immigration-not-in-my-backyard/>

<sup>21</sup> Rafael Romo, “Little-known law allows abused immigrant children to stay in the U.S.” *CNN U.S.*, Mon June 30, 2014. <http://www.cnn.com/2014/06/28/us/immigration-law-abused-children/>.

<sup>22</sup> Mend border immigration law: Our View,” *USA Today*, July 24, 2014.

<http://www.usatoday.com/story/opinion/2014/07/24/border-children-anti-trafficking-immigration-law-editorials-debates/13122319/>.

<sup>23</sup> ACLU Statement on Public Reaction to Plight of Immigrant Children, July 3, 2014. <https://www.aclunc.org/news/aclu-statement-public-reaction-plight-immigrant-children>

## Resources

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