



Advocacy for Human Rights in the Americas

A green circular graphic with a white silhouette of a person's head and shoulders inside. The word "REPORT" is written in white, bold, uppercase letters across the center of the circle.

REPORT

A photograph showing the silhouettes of two people standing on a train track at dusk or dawn. The sky is a mix of orange, pink, and blue. A long, dark train car is visible on the tracks to the right.

CHILD AND FAMILY MIGRATION
FROM ITS ROOTS IN CENTRAL AMERICA, THROUGH
MEXICO AND THE BORDER, TO THE U.S. RESPONSE
NOVEMBER 2016

CHILD AND FAMILY MIGRATION

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INTRODUCTION

Immigration and the border are front and center in the Trump Administration's agenda. The recent executive orders on immigration, border, and refugee issues have disrupted the lives of thousands of people in the United States and abroad. These policies represent a fundamental threat to human rights, international law, and U.S. democratic values. Far from meeting their intended security objectives, President Trump's proposals risk creating situations that will generate instability in the region and a climate of fear that threatens safety and civil liberties in the United States.

WOLA is focused on the impact of these policies and proposing sound, fact-based analyses, alternatives, and advocacy strategies. This series looks at the latest

data on Central America 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 piece contains a series of policy recommendations, meant to address migration in more humane ways and to approach the underlying issues that are driving Central American migration. More than that, the series seeks to remind us all that the Central American children and families and other migrants arriving at our border are human beings facing difficult situations at home and in their journeys, and that they should command dignity and our compassion.

MIGRATION PATTERNS IN 2016

BY ADAM ISACSON



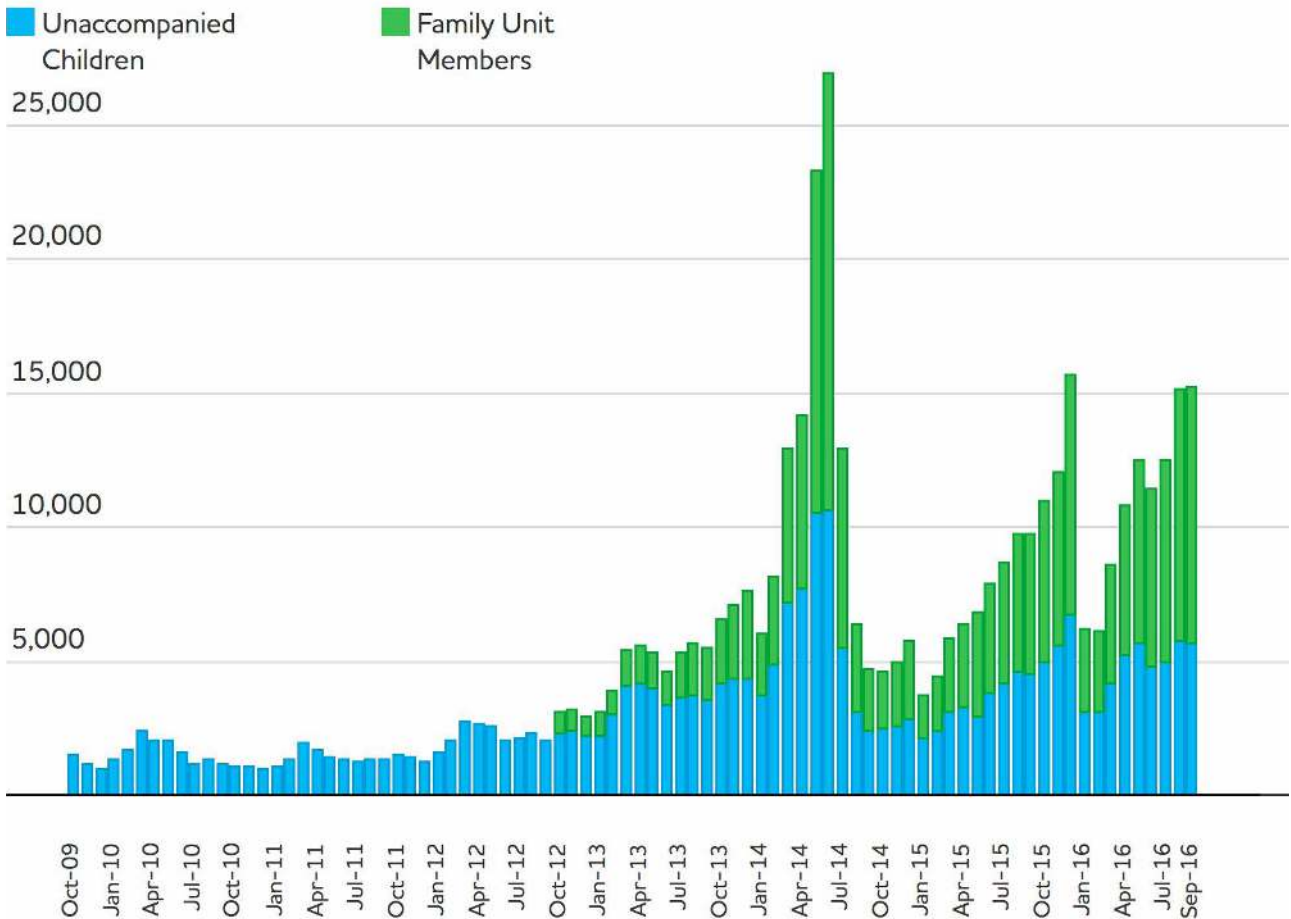
The numbers of unaccompanied Central American children and families detained at the U.S. border peaked in June of 2014, then fell. But predictably, the numbers are rising again. In September 2016, Border Patrol apprehended 4,488 unaccompanied Central American children and 8,832 members of Central American family units (meaning the number of children, parents, or legal guardians apprehended together). This was the third-largest monthly 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). 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.

GRAPH 2

UNACCOMPANIED CHILDREN AND FAMILY UNIT MEMBERS APPREHENDED AT THE U.S.-MEXICO BORDER

October 2009–September 2016



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, but it was about half the number apprehended in June 2014, the height of the 2014 “surge.” September’s arrivals did not overwhelm U.S. authorities’ capacities: 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.

Nor is the current increase a sudden or dramatic

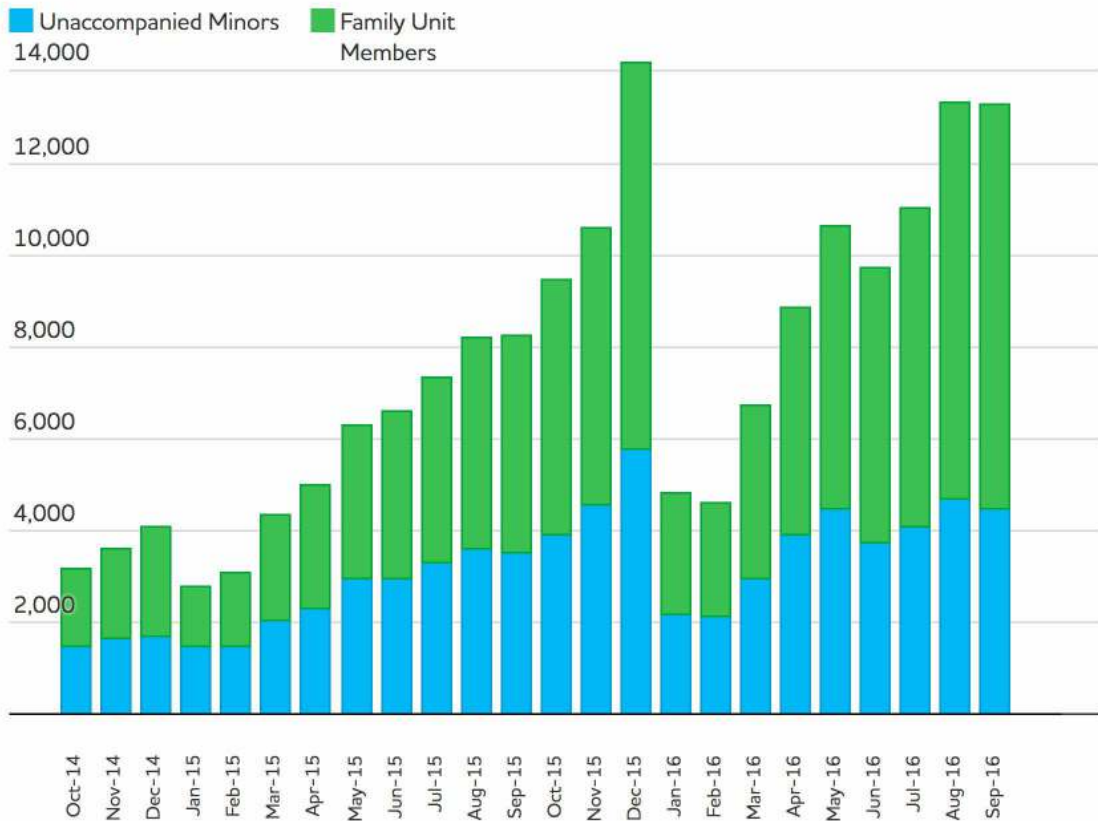
“wave.” What we have seen for nearly a year and a half is a steady rise: many months of gradual increases in arrivals.

Overall, the number of migrants arriving at the U.S. southwest border has dropped significantly, to levels not seen since the early 1970s. But while the 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, and are more motivated by fear of violence than by hope of economic opportunity.

GRAPH 2

U.S. APPREHENSIONS OF UNACCOMPANIED MINORS AND FAMILY UNIT MEMBERS FROM NORTHERN TRIANGLE COUNTRIES

Fiscal Years 2015-2016



MEXICO'S CRACKDOWN

After July 2014, 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. Mexico's "Southern Border Program" 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. (During the mid-2000s, Mexico apprehended more Central Americans than it does now. This drew

little notice in the United States at the time, however, because very few of the detained Central Americans were minors or families, and because in those years of higher migration from Mexico, the Central American migrant population made up a much smaller proportion of those detained in the United States.) Mexico's crackdown after the summer of 2014 drew criticism from WOLA and other human rights advocates because of documented abuses, and because of a failure to address the protection concerns of children and families who could qualify for asylum or refugee status. Moreover, the decline in Central American migrants reaching the United States that followed seems to have been temporary.

MIGRATION INCREASES AGAIN

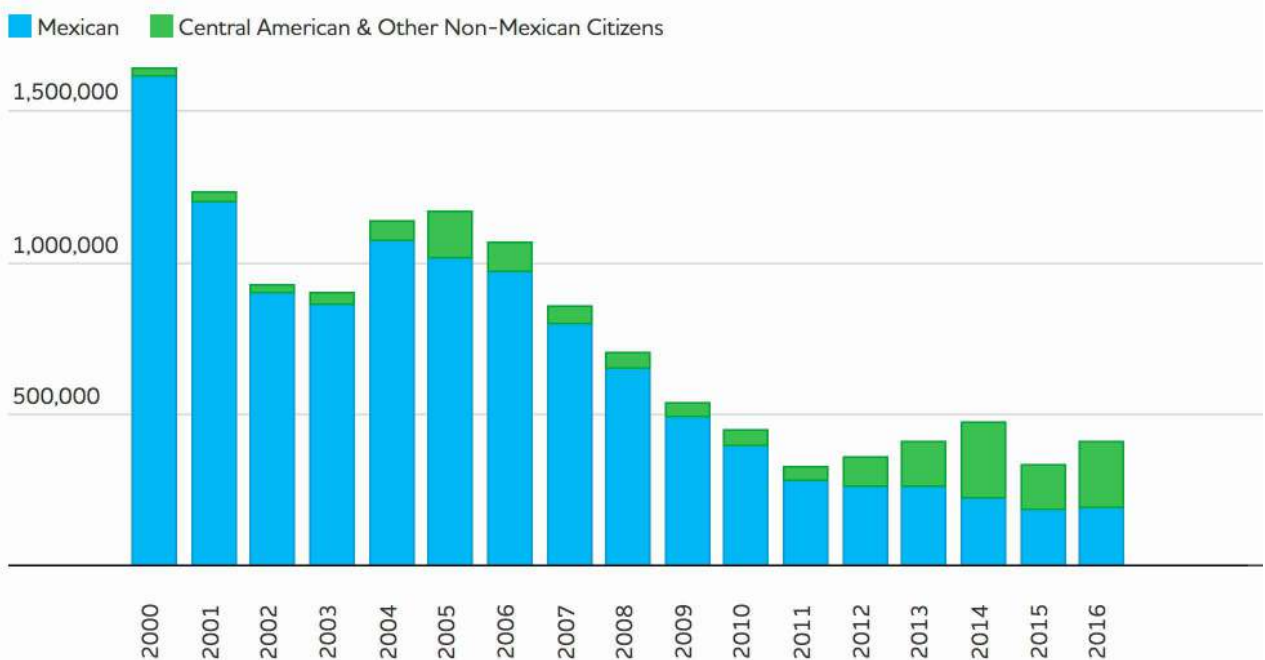
U.S. apprehensions of children and family members from El Salvador, Guatemala, and Honduras began to increase again in early 2015. Steady monthly growth continued virtually unbroken throughout the year, defying a predicted decrease in migration in autumn

and winter months. December 2015 ended up being the third-highest month on record. 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 September—reaching levels exceeding late 2015 “mini-surge.”

GRAPH 3

MIGRANT APPREHENSIONS AT THE U.S.-MEXICO BORDER

Fiscal Years (FY) 2000-2016



When added together, the total number of Central Americans apprehended by authorities in both Mexico and the United States in fiscal year 2016 exceeded fiscal year 2014 levels—though by a small margin—as well as fiscal year 2015. This demonstrates people from El Salvador, Guatemala, and Honduras continue to leave their home countries, and at higher levels than the height of the 2014 “crisis.”

HAS MEXICO BACKED DOWN?

Some press coverage has insinuated that the rise in Central American migration to the United States

is a result of a slackening of Mexico’s crackdown on Central American migrants in its territory. The numbers at Mexico’s southern border do not support this. Mexico’s apprehensions of Central American migrants dropped

The 153,295 El Salvadorans, Guatemalans, and Hondurans detained at Mexico’s southern border this fiscal year 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.

GRAPH 4

CENTRAL AMERICANS APPREHENDED BY AUTHORITIES IN THE U.S. AND MEXICO

Fiscal Years (FY) 2013–2016

■ Apprehensions of "Other than Mexican" Citizens by U.S. Border Patrol
■ Detentions of Central Americans by Mexico's National Institute for Migration



WHY ARE THE NUMBERS CREEPING BACK UP?

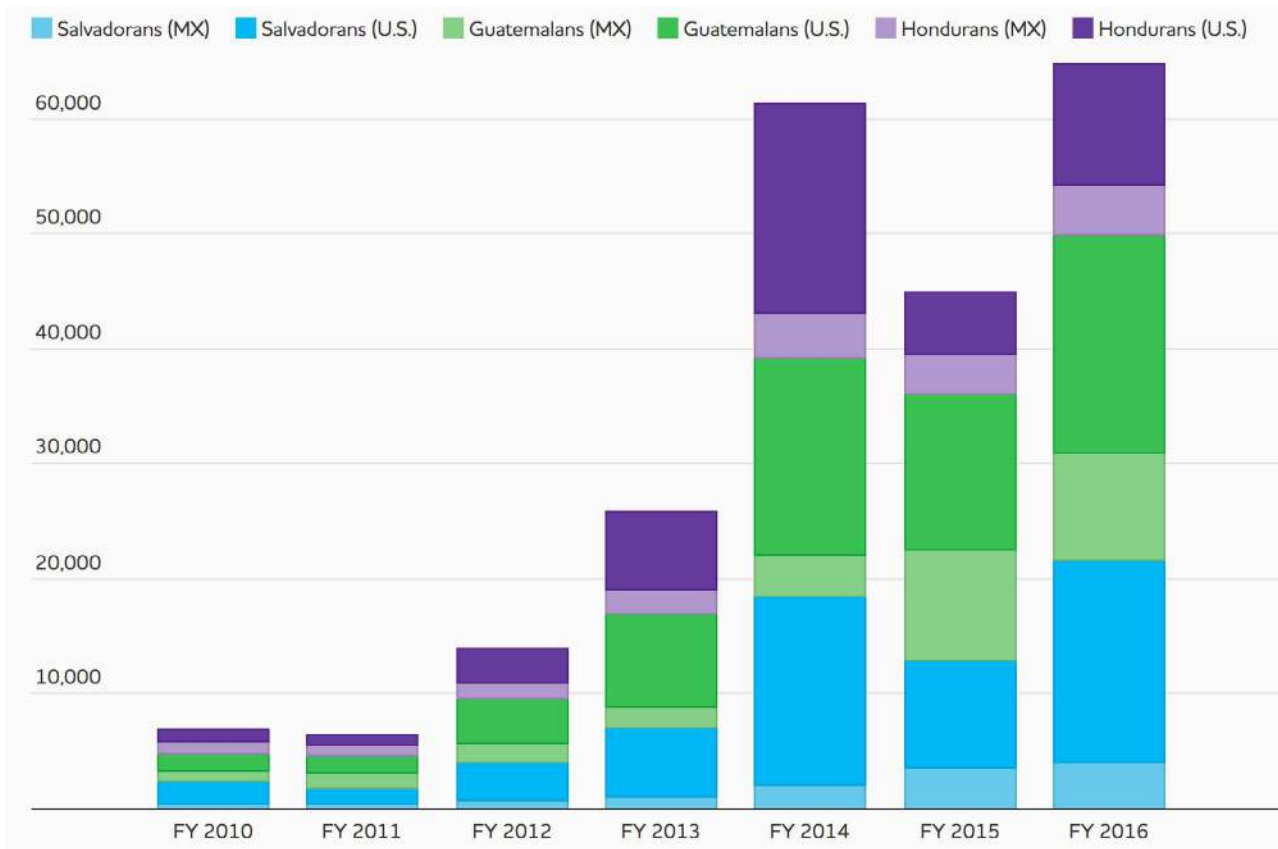
There are several reasons for the increased detentions of "Other than Mexicans" at the U.S.-Mexican border. For one, the figures reflect the fact that Mexican migration authorities working near the Central America border are dealing not only with continuing flows of Central Americans, but with a sharp increase in migrants from Cuba who, due to the 1966 Cuban Adjustment Act, will be welcomed by U.S. authorities if they can make it to a U.S.-Mexico border crossing. "So far in fiscal year 2016, encounters with Cuban migrants at land ports of entry [U.S.-Mexico border crossings] have increased 84.3% over the same period in fiscal year 2015," Assistant Homeland Security Secretary Alan Bersin testified in March. (Cuban migrants are not reflected in Border Patrol's apprehension statistics, as current law does not

consider them to be "undocumented aliens.")

Another reason is the adaptability of 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 Program. 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 \$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.

GRAPH 5

APPREHENSIONS OF UNACCOMPANIED CHILDREN FROM NORTHERN TRIANGLE COUNTRIES



A third, and most fundamental, reason is that the factors driving so many Central Americans to leave their country—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 that is 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 post-2014 “surge” experience shows that border buildups and migration crackdowns will not make the problem of Central American child and family migration go away. We must address the root causes.

WHY PEOPLE ARE LEAVING CENTRAL AMERICA'S NORTHERN TRIANGLE

BY ADRIANA BELTRÁN



While there are multiple reasons that contribute to the decision to leave home, one of the key factors driving large numbers of Central Americans to leave their communities is violence. The countries of the Northern Triangle—El Salvador, Guatemala, and Honduras—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. While the murder rate decreased significantly after March of this year, in what government officials have attributed to their security strategy and "extraordinary measures" against the gangs, though the gangs claim they have made a pact to curtail the killings, the National Civilian Police (Policía Nacional Civil, PNC) registered 5,728 murders in the country in 2016, making it the second consecutive year with over 5,000 recorded murders El Salvador's recent history.

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

These 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.

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. 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. 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. And in El Salvador, there have been nearly 1,100 cases of domestic violence and over 2,600 cases of sexual violence in 2016. With the constant threat of violence and abuse in the Northern Triangle, many women and children choose to venture north in search of safety.

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 in large part responsible for the rampant levels of corruption and the erosion of the justice and security systems.

Violence and insecurity are also largely due to 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 often 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.

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. 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. 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. 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 under

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). 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.

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. 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.

Support 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.

Focus security-related funding on strengthening civilian law enforcement and justice institutions and making these institutions more accountable and transparent. Programming should be directed toward bolstering policing capacity overall (such as internal and external control mechanisms, police investigation techniques, recruitment and training, etc.), rather than targeting resources 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.

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. 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 commitment and political will matter tremendously. 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 the 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 doubles the previous level of assistance to the region, while expanding the U.S. agenda from a narrow, security-oriented

approach to one that seeks to strengthen institutions and invest in economic development.

Notably, the package also includes a series of strong conditions on combating corruption, increasing transparency and accountability, strengthening public institutions, and protecting human rights. 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 administration included about US\$743.6 million in foreign assistance to the region in its fiscal year 2017 budget request. Congress has moved the administration's request forward without drastically decreasing funding levels and maintaining the series of conditions, and is expected to finalize the budget for fiscal year 2017 in the coming months.

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

MIGRANTS IN TRANSIT FACE CRIMES AND HUMAN RIGHTS ABUSES

BY MAUREEN MEYER



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. During their journey, migrants are frequently victims of kidnappings and ransom demands, human trafficking, sexual assault, robbery, and even murder. 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.

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.”

THE IMPACT OF MEXICO'S SOUTHERN BORDER PROGRAM

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. 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.

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- kidnapping, extortion, robbery and other abuses- in the first seven months of 2016 than in all of 2015. The shelter La 72 in Tenosique, Tabasco in southern Mexico has denounced eight cases of mass kidnappings in 2016 and alleged that agents from Mexico's Federal Police participated in some of the events. 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. In October 2016, the Commission released a report on the grossly inadequate conditions within several migrant detention centers in Mexico. 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.

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 additional 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."

These later 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 shockingly low when compared with the total number of apprehensions. In 2015, Mexico apprehended 190,366 foreigners, including 171,934 Central Americans. 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. Between January and September 2016, 5,944 people requested asylum, a significant increase over 2015, and of these, about 35 percent received asylum (1,746) or complementary protection (326).

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. This problem is compounded by the lack of access to legal representation: there are few pro-bono immigration lawyers in Mexico, and civil society organizations involved in representing refugees have difficulty entering migrant detention centers. Potential refugees who are detained and decide to request asylum 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. The prison-like and often overcrowded conditions in the centers, along with reports of abuse, poor food, lack of adequate medical care, among

others, cause many potential refugees to drop their claims and be deported. Apart from the 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. 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 (less than \$16 million USD). The proposed budget for COMAR for 2017 drops to 25.4 million pesos.

ADDRESSING THE IMPACT OF MIGRATION AND DETENTION

As the U.S. and Mexican governments continue to take steps to address Central American migration, 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 the Merida Initiative foreign aid package, the United States should discuss with Mexico 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). As WOLA highlights 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 government announced plans to develop a training program for INM agents that will include increasing agents' capacity to identify and interview vulnerable populations. 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?

BY GEOFF RAMSEY AND MAUREEN MEYER



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 right to seek protection.

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. Children from non-contiguous 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.

The majority of migrants that arrive in family groups at the border are likely to be released and taken to a shelter

or service provider after being processed. However, in response to the influx of Central Americans at the border in 2014, the Obama Administration announced that it would renew the mass detention of migrant families. WOLA has been deeply critical of this practice and the conditions they face. Many of the families held in detention have been victims of horrific crimes and likely have valid claims for asylum in the United States. The prison-like conditions within the detention centers, lack of privacy, and allegations of abuse further traumatize children and their mothers.

At the same time, many children and families who might be eligible for political asylum do not know their rights, or lack access to attorneys who could help them. In fact, the vast majority families looking for asylum do so without legal assistance. According to Syracuse University's Transactional Records Access Clearinghouse (TRAC), families with access to immigration lawyers have a "more than fourteen-fold" greater chance of receiving asylum status than those who did not have lawyers.

This is particularly troubling given that some deported children—particularly those from Guatemala, Honduras, and El Salvador—have been returned to extremely violent and dangerous situations, and there

are reports that some have been killed after their return.

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.

In January 2016, the Department of Homeland Security (DHS) announced raids targeting migrant women and children for deportation. In January, Immigration and Customs Enforcement (ICE) detained 121 migrants living in Georgia, North Carolina, and Texas, and a larger May/June operation detained 331 people across Illinois, Indiana, Kentucky, Kansas, Missouri, and Wisconsin.

In both cases, the press was given advanced notice of the raids. This may not be a coincidence, considering that the United States is engaged in a public messaging campaign aimed at Central Americans with the goal of dissuading unauthorized immigration to the country. In spite of the publicity, the reality is that arrest totals in both operations were relatively small compared to ICE's day-to-day enforcement work. In 2015, ICE authorities carried out a total of 235,413 "removals," or an average of 645 a day. This has led some to question whether the recent raids were specifically calculated to raise alarm in immigrant communities, or sadly, to make the administration look "tough" on immigrants in an election year.

In defense of the raids, DHS Secretary Jeh Johnson has said that ICE is prioritizing undocumented immigrants who have received removal orders from immigration courts, and have no available avenues of appealing them. In accordance with the enforcement priorities

established by the administration in November 2014, Johnson has also said that officials are prioritizing individuals who were apprehended at the border after January 1, 2014, as well as convicted criminals and those considered "threats to national security, border security, and public safety."

SERIOUS CONCERNS OVER SCREENING, PRIORITIZATION

In practice, however, many immigrants who do not meet these priorities have been swept up in enforcement efforts. A recent report by the CARA Family Detention Pro Bono Project found at least 21 instances of people affected by the most recent raids who were "denied due process and a meaningful opportunity to seek asylum or other legal protection." In many of these cases, individuals targeted in the raids never actually received a removal order. In one instance, a mother was wrongfully arrested before a court hearing over her immigration status was even held. Others were arrested despite never receiving notification of court hearings, in many cases due to clerical errors or general bureaucratic oversight.

The CARA Project also uncovered evidence that in the raids, ICE had detained immigrants who would likely qualify for asylum and other forms of legal protection due to the risks they face if deported. The fact that so many of these individuals were never even adequately screened to detect protection concerns is deeply disturbing.

In addition to these cases, there have been reports that fuel doubts over whether ICE is in fact adhering to the Obama administration's priorities for deportations. These include instances in which the raids—which have targeted immigrants in homes, workplaces, and on the way to school— have resulted in the detention of individuals who have committed

minor offenses, or no offenses at all. There have been reports of ICE agents seeking one individual in an operation, only to arrest several others.

CHARTING A PATH FORWARD

The anti-immigrant rhetoric that characterized Trump's campaign and provided him with significant support is certainly not going to vanish overnight. However, U.S. values of compassion and generosity point to long-standing commitment to provide protection for those at risk. In keeping with this commitment, the President-elect should prioritize the following issues.

Stop targeting women and children as an enforcement priority. DHS has a legal mandate to carry out immigration enforcement, but mass raids like those announced in early 2016, which targeted mostly women and children, have raised serious concerns about due process. Many of those who were swept up in the raids were not screened effectively or given a meaningful opportunity to seek asylum or other legal protection, and face credible threats if returned to their countries of origin. Immigration enforcement operations should be carried out in a way that prioritizes protecting vulnerable individuals, and not based on a desire to “send a message” or raise alarms within immigrant communities.

Increase access to legal counsel for unaccompanied children and families. According to a January 2015 TRAC analysis, less than 30 percent of over 26,000 individuals who had been prioritized for removal were able to find legal representation. Without representation, only 1.5 percent of the families were allowed to stay in the United States. U.S. senators and representatives have introduced legislation in both chambers to ensure that unaccompanied

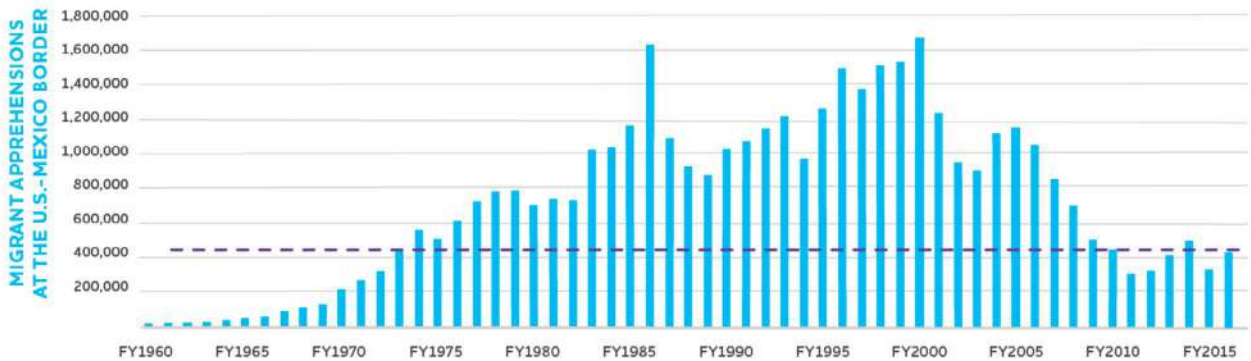
children and vulnerable immigrants like these receive legal representation, and the incoming administration should support it.

End the inhumane practice of locking up families. The migrant families from Central America who turn themselves in to border agents are seeking protection in the United States, and should be taken for what they are: potential asylum seekers. However, family detention centers have been met with widespread reports of poor conditions, abuse, detrimental mental and physical health impacts, and due process violations—including arbitrary detention and obstacles to obtaining legal representation. DHS should accept the recent recommendation made by the DHS Advisory Committee on Family Residential Centers, and work to end family detention and this policy should be continued into the next administration. The DHS should expand alternatives to detention which are more cost effective and humane, and work to release and place families with community ties in the United States, only detaining the parents when they present a substantial flight risk or danger to the community.

UNDERSTANDING THE DATA

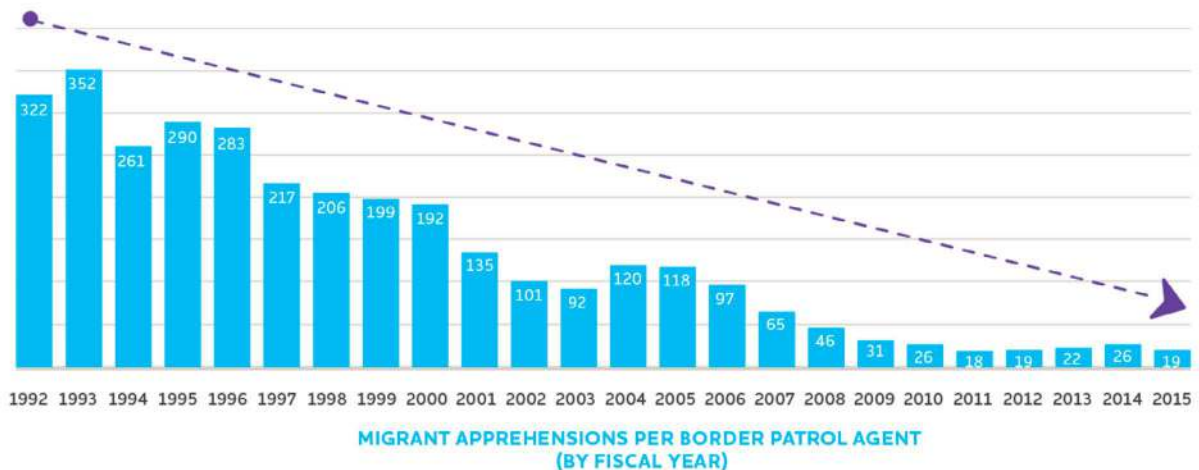
THE NUMBER OF MIGRANTS CROSSING THE BORDER HAS FALLEN TO EARLY 1970S LEVELS

THE DECREASE IN MIGRANT APPREHENSIONS REFLECTS A SHARP DROP IN ATTEMPTS TO CROSS THE U.S.-MEXICO BORDER



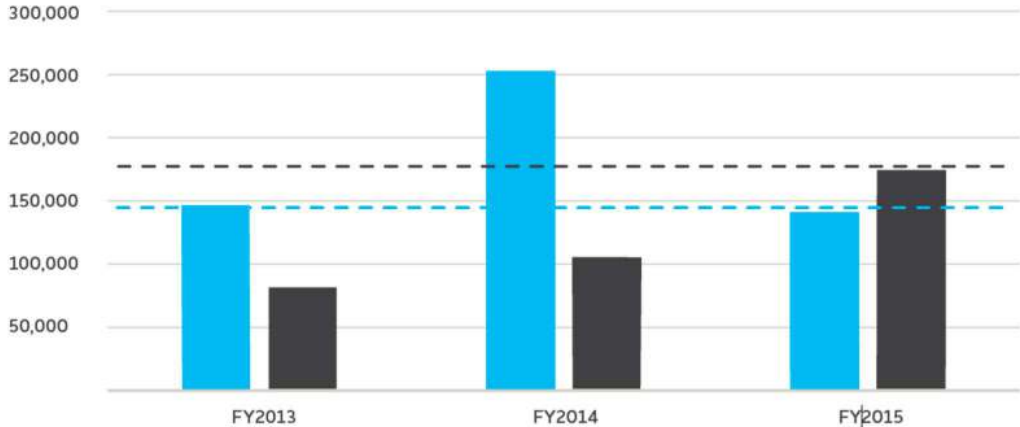
THE BORDER BUILDUP HAS REACHED A POINT OF DIMINISHING RETURNS

FEWER MIGRANTS CROSSING + MORE BORDER PATROL AGENTS = FEWER APPREHENSIONS PER AGENT



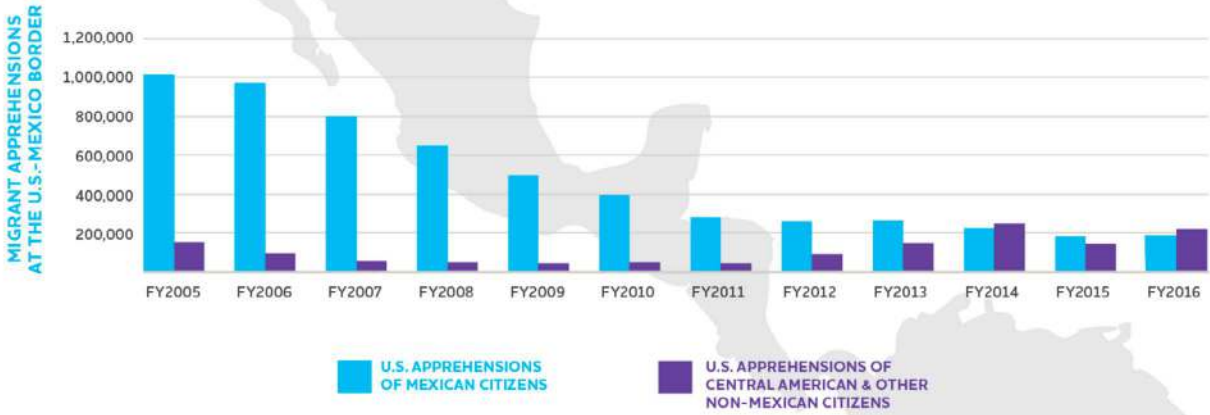
MEXICO HAS CRACKED DOWN ON MIGRATION IN RECENT YEARS

IN FISCAL YEAR 2015, MEXICO APPREHENDED MORE MIGRANTS THAN THE U.S. MANY ARE SENT HOME WITHOUT BEING PROPERLY SCREENED FOR PROTECTION



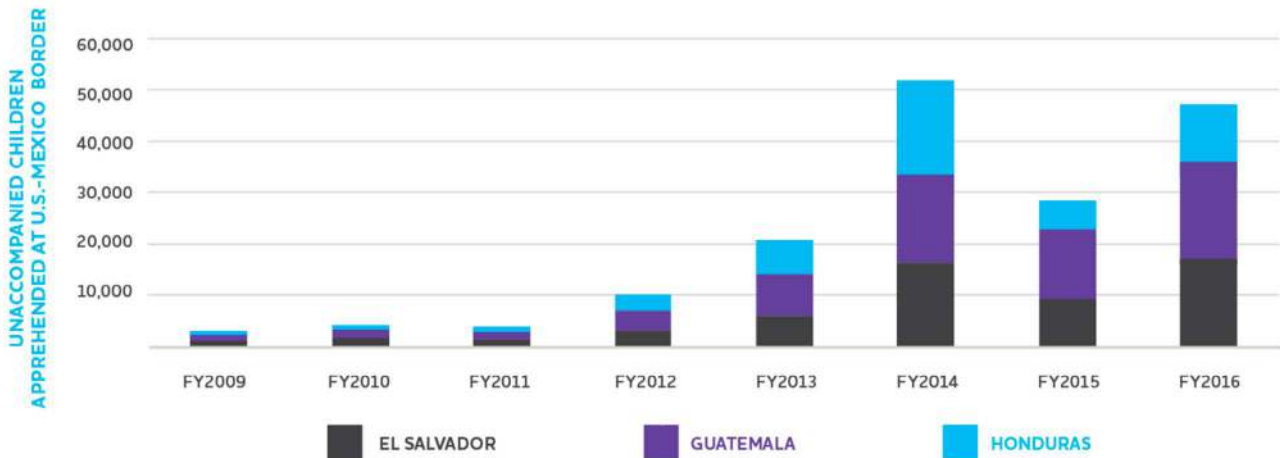
OVERALL MIGRATION HAS DRAMATICALLY DECREASED, YET MIGRATION FROM CENTRAL AMERICA HAS INCREASED

CENTRAL AMERICANS—including families & children fleeing violence—NOW ACCOUNT FOR MORE THAN HALF OF U.S.-MEXICO BORDER APPREHENSIONS



UNACCOMPANIED MIGRANT CHILDREN FROM CENTRAL AMERICA CONTINUE TO ARRIVE AT THE U.S. BORDER

THE HIGH NUMBER OF CHILDREN APPREHENDED AT THE BORDER UNDERSCORES THE DANGERS THEY FACE IN THEIR HOME COUNTRIES



ABOUT WOLA

WOLA is a leading research and advocacy organization advancing human rights in the Americas. We envision a future where public policies in the Americas protect human rights, recognize human dignity, and where justice overcomes violence.

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