



Tantamount to a Death Sentence:

Deported TPS Recipients Will Experience Extreme
Violence and Poverty in Honduras and El Salvador



COVER IMAGE

“I don’t want to be raped.” Street scene in Tegucigalpa, Honduras.

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#TPSDelegation #ProtectTPS #SaveTPS

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Introduction

Centro Presente, Alianza Americas, and the Lawyers' Committee for Civil Rights and Economic Justice jointly conducted a week-long fact-finding mission in El Salvador and Honduras with *pro bono* legal support provided by Choate, Hall and Stewart LLP. Both countries were recently rocked by devastating news that the Trump Administration has cancelled their designation for Temporary Protected Status (TPS). The objective of the mission was to discover and report on conditions that those forced back to Honduras or El Salvador will face. This report describes the conditions that TPS recipient families and children would confront if they are forcibly deported to Honduras or El Salvador. Our findings indicate that forcing TPS recipients to return to Honduras and El Salvador would place them in imminent harm and danger, and that there is a high likelihood that returning nationals will be murdered or suffer extreme violence.

This report describes the conditions that TPS recipient families and children would confront if they are forcibly deported to Honduras or El Salvador.

Delegation

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TPS Delegation in El Salvador. The Centro Monseñor Romero pays homage to the martyred Archbishop Oscar Romero.

Background on TPS and Pending Litigation

TPS is humanitarian protection and relief granted by the United States government to nationals of a small number of countries that have experienced armed conflict (including civil war); natural or environmental disaster (including devastating hurricanes and earthquakes); or other extenuating circumstances.

Currently, there are approximately 430,000 foreign nationals who are TPS beneficiaries in the United States. Individuals can be granted TPS if they are a national of a country that is designated for TPS by the United States and if they meet additional requirements, including being continuously physically present in the United States since certain dates before the precipitating event as determined by the federal government. In accordance with federal regulations, TPS beneficiaries have to pay a fee to register for TPS. The registration process requires TPS recipients to disclose their address and extensive biographical information. They must pay additional fees to re-register periodically with immigration officials, and failure to pay any required fee or to maintain a current registration makes a foreign national ineligible for TPS. Criminal convictions also render potential beneficiaries ineligible for TPS.

TPS recipients who are properly registered and who pay the requisite fees during a designated period are not subject to immigration removal. They may pay an additional fee to receive employment authorization documents.

Various countries have been designated for TPS under both Democrat and Republican administrations. TPS designations have also been repeatedly renewed under both Democrat and Republican administrations. As a matter of longstanding policy, in response to humanitarian crises, TPS has been consistently granted or renewed when necessary.

However, under the Trump Administration, the federal government has abruptly announced the termination of TPS for many foreign nationals, including those from Haiti (ending on July 22, 2019); El Salvador (ending on September 9, 2019); and Honduras (ending on January 5, 2020).

TPS can be renewed by the Trump Administration, as it was under preceding Republican and Democrat administrations. The systematic termination of TPS for countries that desperately need this humanitarian protection indicates a political rather than humanitarian motivation. TPS cancellation is an unlawful and harmful manifestation of this administration's thinly-veiled racist approach to immigration issues pertaining to people of color, particularly those from Haiti and Central America.



"We are not animals." Street scene in San Salvador, El Salvador.

Centro Presente, Haitian-Americans United, and the Lawyers' Committee for Civil Rights and Economic Justice recently filed a federal lawsuit against the Trump Administration to save TPS for Haitian, Salvadoran and Honduran immigrants in the United States. Additional information on the federal lawsuit is available at: <http://lawyerscom.org/wp-content/uploads/2018/05/Amended-Complaint-As-Filed.pdf>.

In connection with this groundbreaking lawsuit, Centro Presente, Alianza Americas, and the Lawyers' Committee for Civil Rights and Economic Justice jointly conducted a fact-finding mission to Honduras and El Salvador to observe and document the country conditions that TPS beneficiaries would endure if they are forcibly deported. This report contains the delegation's key observations and findings.

Methodology

In Honduras, from May 28, 2018, to May 30, 2018, the delegation met with people whose life partners have been killed, disappeared, or imprisoned by the state. The delegation also met with numerous women's rights organizations, groups working against gender violence, community leaders, human rights advocates, economists, and non-governmental organizations that are documenting systemic state-sponsored violence and human rights abuses.



TPS Delegation at the Comité de Familiares de Detenidos Desaparecidos in Honduras.

In El Salvador, from May 30, 2018, to June 1, 2018, the delegation visited **Instituto de Medicina Legal**,¹ where dismembered remains of individuals subjected to police and gang violence are collected and analyzed, and toured **Centro Atención Integral para el Migrante de La Chacra**, the government facility where returned immigrants are received. The delegation also met with numerous community leaders, economists, human rights advocates, and non-governmental organizations tracking the displacement and violence generated by escalating conflict between police and gangs.

The evaluation methods were qualitative, including site visits, observations, and interviews with those listed above. This report contains the delegation's key findings.

¹ The Institute of Legal Medicine is the Salvadoran authority charged with collecting and identifying the dead, and analyzing the remains to figure out what killed them. The delegation conferred with the institute's leadership and observed human remains in the morgue.

Executive Summary of Country Conditions

Key observations and findings:

Multiple experts confirmed that the deportation of TPS recipients would be tantamount to a death sentence.

Widespread reports in Honduras and El Salvador – well-documented by local media and advocacy groups – confirm that recently-deported immigrants are prime targets for extortion and violence. Deported immigrants are perceived by gangs as having access to money through personal savings and relatives in the United States.

Even if they are not perceived as having access to resources, deported immigrants often find themselves strangers arriving in tight knit communities often run by gangs. This subjects them to further violence and scrutiny. A growing number of deported immigrants have been found dead within days of arriving in El Salvador or Honduras.²

In Honduras, a woman is killed every 16 hours. In El Salvador, a woman is killed every 19 hours. Over 95 percent of cases involving sexual violence or domestic violence are not investigated – let alone resolved – in Honduras. Similar concerns surrounding gender-based violence are voiced by women’s rights advocates in El Salvador.

Forced internal displacement due to escalating police and gang violence is a growing social problem in both Honduras and El Salvador. In Honduras alone, human rights experts estimate there are at least 500,000 displaced persons. In El Salvador, experts report that families and children are being displaced by gang extortions and extrajudicial executions – including massacres – that have been carried out by government death squads.

Honduras is wracked by crippling political instability. The current president is widely viewed as a dictator installed through an illegitimate election marked by voter fraud and violence. Political dissent is punished. Community groups report government imprisonment of at least five political prisoners, and at least 24 students have been expelled from the Universidad Nacional Autónoma de Honduras (National Autonomous University of Honduras) for attempting to voice concerns surrounding governmental policy.

² See, e.g., Sibylla Brodzinsky & Ed Pilkington, “US Government Deprting Central American Migrants To Their Deaths,” THE GUARDIAN (October 12, 2015) (noting at least 83 deportees killed, including “several individuals being murdered just days or months after their return”).

The stagnant Honduran and Salvadoran economies trap families in poverty. In Honduras, nearly 80 percent of the country lives in poverty with an estimated 56 percent living in extreme poverty, defined as surviving on less than \$1 a day. As a leading human rights advocate reported in Honduras: “People have no jobs and are dying from hunger.” In El Salvador, one third of the country lives in poverty – and this staggering poverty level has remained virtually unchanged since the country was designated for TPS in 2001.

Remittances, money sent back home by family members living abroad, account for 17 percent of the Honduras GDP and 20 percent of the Salvadoran GDP. In El Salvador, 17 percent of households receive remittances. In these Salvadoran households, remittances account for 30 percent of the household income. The remittances of TPS recipients are a critical lifeline for poor families and the weak national economy.

After spending dozens of hours documenting country conditions, the delegation confirms that the deportation of tens of thousands of TPS recipients would devastate Honduras and El Salvador. These countries do not have the security or infrastructure – namely, jobs and housing – to receive TPS recipients and their families.



“Insurrection Now” and “There is no peace in impunity.” Street scenes in Tegucigalpa, Honduras.

Country Conditions in Honduras

Honduras lacks the infrastructure and capability to meet the basic needs of its current population, and would be unable to handle the return of thousands of TPS holders. If forced to return, TPS recipients would face poverty, violence, crime, and extortion – all amidst an ongoing political crisis. These conditions will particularly harm women and children. The Honduran government has also been slow to assume responsibility for deported persons.

Experts consulted in Honduras

Anonymous reporters

Centro de Derecho de
Mujeres (CDM)

Centro de Investigación y
Promoción de Los Derechos
Humanos (CIPRODEH)

Comité de Familiares de
Detenidos Desaparecidos
en Honduras (COFADEH)

Equipo de Reflexión,
Investigación y
Comunicación (ERIC)

Foro Social de Deuda
Externa y Desarrollo de
Honduras (FOSDEH)

Pastoral de Movilidad
Humana, an organization
affiliated with the Episcopal
Conference of Honduras

Students from the
Universidad Nacional
Autónoma de Honduras
(UNAH)

WOMEN'S PLIGHT: FEMICIDE AND OTHER ATROCITIES

Every
16 hours

a woman is killed in
Honduras.

19,000-21,000
incidents

of domestic violence
annually.

3,000
incidents

of rape and sexual
violence annually.

Centro de Derecho de Mujeres (Center for Women's Rights), a non-profit organization based in Tegucigalpa, Honduras, has carefully and methodically documented the extensive sexual and gender-based violence perpetrated against women. They report that every 16 hours a woman is killed in Honduras; often two or more women are killed per day.

Annually, approximately 19,000-21,000 incidents of domestic violence against women take place, and over 3000 incidents of rape and sexual violence. Eighty percent of incidents involving rape and sexual violence are perpetrated against women under the age of 19.

Impunity for femicide, domestic violence, and sexual violence is disturbingly high: 95 percent of cases involving sexual or domestic violence remain unresolved in Honduras. Prosecutors and police are either unable or unwilling to address gender violence in any meaningful way, and the government continues to ignore and under-resource efforts to combat the problem.



"I don't want to be raped." Signs are ubiquitous in Tegucigalpa, Honduras.

RAMPANT CORRUPTION, VIOLENCE AND IMPUNITY

Multiple sources – including **Pastoral de Movilidad Humana** (Pastoral of Human Mobility), an organization affiliated with Episcopal Conference of Honduras, and **Equipo de Reflexión, Investigación y Comunicación** (Team for Reflection, Research, and Communications), a Jesuit center dedicated to improving the human rights of the rural poor – report that before Hurricane Mitch struck, the country did not experience its current level of violence. Since Hurricane Mitch,³ the country has experienced multiple natural disasters coupled with rampant violence and political instability.

Since Hurricane Mitch, conditions in Honduras have remained precarious. Vast swaths of the country are effectively ungovernable. The government has lost control over entire towns and neighborhoods. This has produced a vacuum of power, and many communities are now controlled by gangs.

It is widely recognized that the Honduran government – including the police, military, and judicial system – is crippled by severe corruption. Lawlessness and impunity is widespread. Even high-profile assassinations – such as the murder of Berta Cáceres,⁴ an indigenous leader and environmental activist – remain unsolved.

Impunity for crimes committed in Honduras is extraordinarily high: approximately **90 percent of all crimes are not investigated or prosecuted**. Extrajudicial killings by the military and police are disturbingly common. Military and police officers commit crimes and engage in extrajudicial killings with impunity.

Public fear and distrust of the government is widespread in the wake of the November 2017 presidential re-election,⁵ and many believe the current government is illegitimate and corrupt. Recent polls confirm that approximately 82 percent of the population perceives that the judicial system works to protect government officials, and almost 70 percent of the population considers the country to be experiencing “a constitutional crisis.”

*90% of all
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*Extrajudicial
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police are common.*

³ Hurricane Mitch was the precipitating event for Honduras' TPS designation. See U.S. Citizenship and Immigration Services, *Designation of Honduras Under Temporary Protected Status* (Jan. 5, 1999).

⁴ “Berta Cáceres, Indigenous Activist, Is Killed in Honduras,” *New York Times* (Mar. 3, 2016).

⁵ Presidential re-election is prohibited by the Honduran Constitution. See Jan Schakowsky, “The Honduran Candidate,” *New York Times* (November 23, 2017), available at <https://www.nytimes.com/2017/11/23/opinion/honduras-juan-orlando-hernandez-election.html>.

HOMICIDE AND EXTORTION

In Honduras, people are living under a constant state of violence amidst the highest homicide rates in the world.⁶

Recently, media reports have focused on the alleged decrease of Honduras' homicides rates. Experts in Honduras, however, confirm that the homicide rate in official reports is decreasing due to government manipulation of data and statistics. The government recently redefined what constitutes a "homicide." Under the new policy, a homicide is recorded only if police officers investigate a murder scene, which only takes place in government-controlled neighborhoods. In gang-controlled towns and neighborhoods, the police often fail to respond. As a human rights activist noted: "People are being killed, but they are not recorded as 'murdered.'" In many instances, families and relatives do not report their dead for fear of gang retaliation or retribution. In fact, experts estimate that due to security concerns and limited resources, corpses are not retrieved or examined from nearly 40 percent of the country. In this manner, the Honduran government continues to artificially reduce and minimize the country's murder epidemic.

The alarming state of violence has resulted in the privatization of security and the militarization of the country. But the average Honduran cannot afford private security. Violence and extortions force people to flee. Official estimates of internally displaced persons report 170,000 affected individuals. Attorneys and advocates, however, estimate the real number to be much higher—likely around 500,000 internally displaced persons. The number of internally displaced persons is likely to grow, particularly as gang violence, drug trafficking operations, and extortions expand.

Although Honduras is experiencing a high rate of forced migration due to violence (including gender-based violence) and extortions, the government is reluctant to acknowledge the full extent of the forced migration crisis that plagues the country.

"People are being killed, but they are not recorded as 'murdered.'"

Corpses are not retrieved or examined from nearly 40% of the country.

500,000 internally displaced persons.

⁶ "Intentional Homicides (Per 100,000 People)," World Bank.

DEPORTATION IS TANTAMOUNT TO A DEATH SENTENCE

Local experts confirmed that the deportation of TPS recipients to Honduras would be tantamount to a death sentence. The local media has documented many incidents of recently-deported immigrants who were prime targets for extortion and violence.⁷ Families are increasingly reporting that their recently-deported relatives were killed or disappeared shortly after being returned to Honduras. A growing number of deported immigrants have been found dead within days of arriving in Honduras.

Experts attribute these disturbing incidents to the fact that recently deported individuals are unfamiliar with the current country conditions. They often return to communities that are controlled by gangs. Deported immigrants are also perceived by gangs as having access to money through personal savings and relatives in the United States or abroad. Recently deported immigrants are often unfamiliar with gang extortions and are killed after failing or refusing to pay tribute. Others who originally fled to escape gang recruitment and violence return only to be found and killed.

Recently-deported individuals were killed or disappeared shortly after being returned to Honduras.



Waiting room in the Salvadoran government facility where returned immigrants are received.

⁷ See, e.g., "Padre de Familia Es Deportado y Asesinado en Honduras," Telemundo (April 7, 2016), available at <https://www.telemundo52.com/noticias/mundo/Padre-de-familia-es-deportado-y-asesinado-en-Honduras-374990521.html> (noting that deportee was killed within 20 days of arriving in Honduras); see also "Matan a Hondureno Deportado Cuando Iba Para Su Casa," La Prensa (May 5, 2015), available at <http://www.laprensa.hn/sucesos/837591-410/matan-a-hondure%C3%B1o-deportado-cuando-iba-para-su-casa> (noting that deportee was killed within days of arriving in Honduras).

SUPPRESSION OF POLITICAL DISSENT

Our delegation met with **Centro de Investigación y Promoción de Los Derechos Humanos** (Center for Research and Promotion of Human Rights), a non-profit organization based in Tegucigalpa, Honduras. They described a political crisis in Honduras, where citizens abstain from protesting against the Honduran government out of a fear of retaliation.

According to the **Comité de Familiares de Detenidos Desaparecidos en Honduras** (Committee of Relatives of Disappeared Detainees in Honduras), a non-profit organization based in Tegucigalpa, Honduras, the government suppresses political opponents and carries out extrajudicial killings. The delegation heard testimony from **Berta Olivera**, whose husband was disappeared by the state, and from the life partner of a current political prisoner, **Edwin Espinal**.

Our delegation also met with students from **Universidad Nacional Autónoma de Honduras** (National Autonomous University of Honduras), who reported that at least 24 students have been expelled in retaliation for exercising their constitutionally-protected freedom of speech. The university has also punished and retaliated against politically active students by stripping them of much-needed scholarships. Approximately 75 students were arrested during political protests on the university's campus in the last year.

The killing of one of Honduras's most prominent environmental activists starkly demonstrates the country's dismal human rights record. **Berta Cáceres**, an indigenous activist in Honduras who won the prestigious Goldman Environmental Prize for fighting a dam project, was assassinated after continued threats. Gunmen broke down the door of her home and shot her. Ms. Cáceres had led a decade-long fight against a project to build the Agua Zarca Dam along the Gualcarque River, which is sacred to the Lenca people. Her campaign involved organizing community meetings and filing legal complaints against the project with the Inter-American Human Rights Commission.

Finally, multiple reporters confirmed that the Honduran government exerts control over the press and media through intimidation and violence. Media is suppressed and there is widespread fear among investigative journalists of facing murder or violence from the state in retaliation for their publications. This has led to the suppression of investigations into governmental violence and corruption.



WEAK AND INFORMAL ECONOMIC ACTIVITY

Foro Social de Deuda Externa y Desarrollo de Honduras (The Social Forum for the External Debt of Honduras), a non-governmental organization based in Tegucigalpa, Honduras, closely monitors the country's economy. This group was formed in 1995 as a national alliance of nongovernmental organizations specializing in monitoring macroeconomic public policies, external debt, and development.

According to leading economists at **Foro Social**, remittances account for approximately 17 percent of Honduras' GDP. Remittances comprise the largest economic sector in the country eclipsing traditional arenas such as agriculture and industry. Nearly 80 percent of the country's population lives in poverty, and an estimated 56 percent of people live in extreme poverty defined as surviving on less than \$1 a day. As one economist noted: "There are limited, if any, interventions against poverty."

In fact, employment and job security are far from stable in Honduras. Among the few people who have full-time employment, approximately 60 percent earn less than minimum wage. There is an alarming trend toward what experts called the "informalization" of the economy, particularly as "temporary employment" arrangements gain significant traction and reduce the number of employees who are formally employed. Most workers are guaranteed only "temporary" work on a weekly or even hourly basis in Honduras.

The economy is severely compromised by rampant gang violence and extortions. To be able to stay in business, an estimated 45 percent of businesses in Honduras pay extortions to avoid gang interference. Recently, the country has experienced a sharp decrease in commercial activity with many small shops shuttered because they are unable to pay gang extortions. Multiple sources report that gangs are increasingly moving in the direction of seeking tribute per household – not just per businesses – under the threat of violence for failure to acquiesce to extortion.

As a well-known and widely respected advocate stated: "The country is facing a humanitarian crisis, as its citizens cannot find jobs and are dying from hunger."

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80% of the
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lives in
poverty.*

*45% of
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Country Conditions in El Salvador

El Salvador will be unable to handle the return of Salvadoran TPS recipients, as post-2001 natural disasters continue to afflict the country. Large swaths of the country are largely run by gangs, and fear of extortion, gang violence, state violence, and corruption is alarmingly high.

Experts consulted in El Salvador

Anonymous reporters

Centro de Atención Integral
para el Migrante de La
Chacra

Cristosal

El Faro

Escuela Superior de
Economía y Negocios
(ESEN)

Instituto de Derechos
Humanos de la Universidad
Centroamericana “José
Simeón Cañas” (IDHUCA)

Instituto de Medicina Legal

Revista Factum

RELIANCE ON REMITTANCES AND ENTRENCHED POVERTY

Economists from the **Escuela Superior de Economía y Negocios (ESEN)**, a business school based in Santa Tecla, El Salvador, confirm that remittances account for approximately 20 percent of the Salvadoran GDP.

Approximately 17 percent of all Salvadoran households receive remittances – and the money they receive, an average of \$300 per month, amounts to 30 percent of their household income. The loss of remittances due to the return of TPS recipients to El Salvador would have a devastating impact on the country's economy.

Approximately one-third of the country lives in poverty, a rate that has remained largely unchanged since the country was designated for TPS in 2001. Economists also noted that El Salvador's labor market has been stagnant for the past 15 years, with approximately 29 percent of the population underemployed, and 7 percent of the population unemployed. The country's economic growth rate remains flat and inadequate at roughly 2 percent, with no indication of improvement in the future.

Moreover, out of a working population of approximately 2.4 million, only about 800,000 Salvadorans have “formal” jobs, which pay into the social security system. The deportation of approximately 200,000 Salvadoran TPS recipients from the United States would overwhelm the country because it would represent approximately 20 percent of the current “formal” workforce.

The country's gangs have infiltrated most economic sectors and extort businesses – large and small – for money.⁸ By some accounts, nearly 70 percent of businesses pay tribute to gangs.

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"We demand dignified housing." Street scene in San Salvador, El Salvador.

⁸ Óscar Martínez, et al., "Killers on a Shoestring: Inside the Gangs of El Salvador," New York Times (Nov. 20, 2016), available at <https://www.nytimes.com/2016/11/21/world/americas/el-salvador-drugs-gang-ms-13.html>.

1 in 970

Salvadoran people
murdered in 2015.

2,000 violent
encounters

between 2015
and 2016.

THREATS TO HUMAN RIGHTS AND THE RULE OF LAW

Human rights experts in **Universidad Centroamericana “José Simeón Cañas”** (UCA) in San Salvador, El Salvador, confirmed that approximately 9-15 people are murdered daily. In fact, El Salvador has a staggeringly high murder rate, one of the highest in the world.⁹ Roughly, 1 in 970 Salvadoran people were murdered in 2015, a rate higher than Syria that year, a country that was engulfed in a civil war. The murder rate remains alarmingly high, and disappearances are increasingly reported. The exact number of disappeared individuals is unknown because, as confirmed by **Instituto de Medicina Legal**, the country does not maintain a list or database of missing persons.

The government’s repressive policies and extrajudicial killings have created war-like conditions in El Salvador. There were approximately 2,000 violent encounters between 2015 and 2016 involving police officers and alleged gang members. The government lacks control over neighborhoods throughout the country that are now considered gang territory. Military and police officers are often afraid to enter neighborhoods controlled by gangs.

In an attempt to eradicate gangs, the Salvadoran government has *de facto* sanctioned extrajudicial killings. Impunity is high for extrajudicial killings committed by military and police forces, and the Salvadoran



Legal Assistance Office in San Salvador, El Salvador.

⁹ El Salvador 2017 Crime & Safety Report, U.S. Department of State - Bureau of Diplomatic Security, available at <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=21308>.

government attempts to “legitimize” these killings by officially stating the deaths were the by-product of gang violence. However, experts, reporters, and community members agree that military and police forces have been deployed as death squads against civilians. There are instances of state-orchestrated mass killings in San Blas¹⁰ and Zaragoza.¹¹

Death squads are profiling and using deadly force against unarmed civilians, particularly in low-income neighborhoods controlled by gangs. This has generated significant stigma surrounding certain addresses. As an expert noted: “Inhabitants of certain neighborhoods, particularly young men, are perceived as gang members and treated as such by police regardless of actual gang affiliation. The government is criminalizing youth, even non-gang members. They will treat you as a suspect and they will kill you.”

In response to this location-based stigmatization and violence, proposals described as potentially “life-saving” have been introduced in the Salvadoran legislature to remove addresses from national identification cards.¹² This measure would also help reduce the likelihood that civilians are misclassified as “spies” – based solely on their address or place of residence – by gang members in competing territories.

Corruption and impunity are alarmingly common. Investigative reporters affiliated with **Factum**, a news website, conducted a detailed investigation in 2017 of the **Fuerza Especializada de Reacción**, an elite unit created by the Salvadoran government to fight gangs. The investigation revealed that police and military officers had committed extrajudicial executions, sexually assaulted civilians, and extorted victims for money. Despite the publication of this high-profile report,¹³ the implicated officers were only suspended for 72 hours; they were never prosecuted or otherwise held accountable. In the wake of this publication, police officers threatened and intimidated the Factum reporters.

*Corruption
and
impunity are
alarmingly
common.*

10 Roberto Valencia, et al., “La Policía Masacró en La Finca San Blas,” *El Faro* (July 22, 2015), available at <http://www.salanegra.elfaro.net/es/201507/cronicas/17205/La-Polic%C3%ADa-masacr%C3%B3-en-la-finca-San-Blas.htm> (discussing the massacre in San Blas).

11 Óscar Martínez, “Fiscalía Acusa A Policías de Masacrar y Alterar Escena en Zaragoza,” *El Faro* (January 21, 2018), available at <https://elfaro.net/es/201801/salanegra/21384/Fiscal%C3%ADa-acusa-a-polic%C3%ADas-de-masacrar-y-alterar-escena-en-Zaragoza.htm>. (discussing the massacre in Zaragoza).

12 Eugenia Velásquez, “Norman Quijano Pide No Poner Dirección en DUI Por Seguridad,” *El Salvador.com* (March 7, 2016), available at <https://www.elsalvador.com/noticias/nacional/182328/norman-quijano-pide-no-poner-direccion-en-dui-por-seguridad/>.

13 “El Salvador Special Police Unit Committed Extrajudicial Executions: Report,” *InSight Crime* (Aug. 23, 2017), available at <https://www.insightcrime.org/news/analysis/el-salvador-special-police-unit-committed-extrajudicial-executions-report/>.

JUSTICE DELAYED IS JUSTICE DENIED: EL SALVADOR'S WEAK AND UNRELIABLE JUDICIAL SYSTEM

Multiple experts confirmed that victim support services and witness protection programs are virtually non-existent. This makes victims and witnesses of crime extremely reluctant to come forward. There is deep public distrust of law enforcement and the legal system.

Multiple legal sources and reporters confirmed that the first known successful case in El Salvador to hold police accountable for misconduct was won in May 2018. The case involved the extrajudicial killing of an unarmed disabled young man.

Nevertheless, widespread reports confirm that government officials in both the executive and judiciary are either paid or extorted by the gangs. In this climate, victims have extremely limited access to justice.

The delegation conferred with lawyers actively handling high profile cases, including attorneys from **Cristosal**, an organization fighting for justice in connection with the massacre at El Mozote,¹⁴ and **Instituto de Derechos Humanos de la UCA**, a legal clinic seeking relief for the assassination of Jesuit priests¹⁵ during the Salvadoran civil war. These courageous attorneys – working under death threats – all expressed disappointment and frustration with the legal and judicial system. As a human rights advocate indicated: “How do you expect the legal system to protect civilians if we can’t even hold perpetrators accountable for the 1981 massacre at El Mozote?”



14 Sarah Esther Maslin, “Remembering El Mozote, the Worst Massacre in Modern Latin American History,” *The Nation* (December 13, 2016), available at <https://www.thenation.com/article/remembering-el-mozote-the-worst-massacre-in-modern-latin-american-history/>.

15 Nina Lakhani, “Spanish Trial of Soldiers Who Killed Priests Raises Hopes of Ending Impunity in El Salvador,” *The Guardian* (April 8, 2016), available at <https://www.theguardian.com/world/2016/apr/08/spanish-trial-of-soldiers-behind-uca-atrocity-raises-hopes-of-ending-impunity-in-el-salvador>.

DEPORTED IMMIGRANTS ARE PRIME TARGETS FOR VIOLENCE AND EXTORTION

Experts agreed that TPS recipients who return to El Salvador will be at risk for extortion and death, and that this risk is especially great for young people – particularly men ages 13-21 – due to police and gang violence.

As in Honduras, deported immigrants are perceived by gangs as having access to money through personal savings and relatives abroad. This makes them particularly vulnerable to gang extortions and/or recruitment. Any deported TPS beneficiary would be “marked,” extorted, and likely killed by gang members. In fact, a growing number of deported immigrants have been found dead within weeks and even days of arriving in El Salvador.¹⁶ If TPS recipients are forced to return to El Salvador, they will likely be unable to find a job, will face poverty and violence, and may be killed by gangs.

As a noted community advocate explained: “Deported immigrants are unfamiliar with the country conditions and gang dynamics. They don’t understand that they have to ‘pay rent’ to gang members to stay alive.”



¹⁶ See, e.g., Enrique Garcias, “Pandillas Matan a Joven Deportado en San Marcos,” *El Mundo* (May 24, 2018), available at <http://elmundo.sv/pandillas-matan-a-joven-deportado-en-san-marcos/>. (noting that deportee was killed within two months of arriving in El Salvador).

*Every
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STRUGGLING FOR SURVIVAL: GENDER-BASED AND SEXUAL VIOLENCE

Experts report that 90 percent of violent incidents committed against women are not investigated or prosecuted. In fact, one woman is killed every 19 hours in El Salvador. Advocates and reporters confirm that victims of domestic violence are often killed after trying to escape; many are killed immediately after seeking police protection.

In rural areas, some women are even used as a form of “payment” – literally, they are bartered for services or sold for money. In the countryside, this often manifests through “arranged” marriages between teenage girls and older men. In these arrangements, in exchange for a child bride, impoverished families receive money and resources.

In families experiencing hunger and poverty, women – including young girls – are often conscripted into what experts called “domestic slavery.” As domestic workers, these women tend to live in their employers’ homes and are often considered to be “on call” to undertake work 24 hours a day.

Finally, El Salvador has one of the highest rates of pregnant minors in Central America. The country also has a total ban on abortion, and women – particularly low-income women in rural areas – are regularly targeted for criminal prosecution and imprisonment for miscarriages.¹⁷ Right now, at least 24 women are in Salvadoran jails due to miscarriages.



¹⁷ Elisabeth Malkin, “They Were Jailed for Miscarriages. Now Campaign Aims to End Abortion Ban,” New York Times (April 9, 2018), available at <https://www.nytimes.com/2018/04/09/world/americas/el-salvador-abortion.html>.

FORCED INTERNAL DISPLACEMENT DUE TO VIOLENCE

The Salvadoran government concedes that there is considerable “movilidad interna”¹⁸ – internal mobility – but it has failed to fully acknowledge that it is directly linked to violence and extortions. Multiple experts confirm that El Salvador is experiencing significant internal displacement due to violence. In fact, recent studies conducted by well-regarded **El Instituto Universitario de Opinión Pública** (University Public Opinion Institute) confirm that at least 200,000 are internally displaced.

Fleeing families move several times to ensure their physical safety; many relocate three to five times domestically before they seek refuge abroad. In scenes reminiscent of the 1980s Salvadoran civil war, reports from survivors confirm entire communities fleeing en masse. In this manner, physical violence and extortions orchestrated by gangs and police have generated significant forced migration. As a human rights expert observed: “People are not migrating, they are fleeing.” People are fleeing their homes with their children in order to survive. Families and children flee abroad after exhausting their social and family networks and exercising all local and domestic options. As a well-regarded human rights advocates stated: “The government hides and denies this phenomenon because admitting it would reveal and confirm a collapsed and failed state.”



¹⁸ “Caracterización de la Movilidad Interna a Causa de la Violencia En El Salvador,” Government of El Salvador (March 2018), available at <http://www.seguridad.gob.sv/download/caracterizacion-de-la-movilidad-interna-a-causa-de-la-violencia-en-el-salvador/?wpdmdl=184387>.

Conclusion

The delegation's observations are consistent with what federal authorities – in both Republican and Democratic administrations – have previously found on numerous occasions: that Honduras and El Salvador are plagued by stagnant economies, food insecurity, extreme gang violence, gender-based violence, and ill-functioning infrastructure that makes these countries unsafe for their nationals to return. In light of these unstable conditions, TPS provides safe haven for Hondurans and Salvadorans in the United States. In an abrupt departure from these findings, however, the Trump Administration terminated TPS status for Hondurans and Salvadorans. As it stands, TPS is set to terminate for Salvadorans on September 9, 2019, and for Hondurans on January 5, 2020. The deportation of TPS recipients is tantamount to a death sentence, and it will destabilize a region that is still reeling from ongoing natural disasters and other crises.



TPS Delegation at the Comité de Familiares de Detenidos Desaparecidos in Honduras.

The **Lawyers' Committee for Civil Rights and Economic Justice** fosters equal opportunity and fights discrimination on behalf of people of color and immigrants. We engage in creative and courageous legal action, education, and advocacy, in collaboration with law firms and community partners. The Lawyers' Committee and our community allies filed the first lawsuits in the country against the Trump Administration to protect sanctuary cities; to save TPS on behalf of Honduran, Salvadoran and Haitian immigrants; and to block immigration arrests in courthouses.

Established in 1981, **Centro Presente** is a member-driven, state-wide Latin American immigrant organization dedicated to the self-determination and self-sufficiency of the Latin American immigrant community of Massachusetts. Operated and led primarily by Central American immigrants, Centro Presente struggles for immigrant rights and for economic and social justice. Through the integration of community organizing, leadership development and basic services, Centro Presente strives to give our members voice and to build community power.

Alianza Americas is a network of Latin American and Caribbean immigrant organizations in the United States. It is the only national organization in the United States that is rooted in Latino immigrant communities and works both domestically and transnationally to create an inclusive, equitable and sustainable way of life. Alianza Americas combines its deep community roots and highly respected transnational experience with its advocacy and policy work to protect the dignity and promote the well-being of all people across the Americas. Its 45 organizational members represent more than 100,000 families across 12 states in the United States. Alianza Americas works with civil society partners, government agencies, communities of faith, and organized labor to shape and influence public policies that promote social, political, and economic justice across the Americas.



#TPSDelegation

#ProtectTPS

#SaveTPS