



# **Fleeing, Not Migrating:**

---

Toward A Solution To The Human Rights Crisis  
Affecting Migrants and Asylum Seekers

**LCR**

LAWYERS FOR  
CIVIL RIGHTS  
BOSTON



 **ALIANZA  
AMERICAS**

## In response to the ongoing border crisis, Alianza Americas, Centro Presente and Lawyers for Civil Rights jointly conducted a fact-finding mission to Central America in August 2019.

Our findings confirm that federal officials and policymakers have misguided views on immigration that are disconnected from the reality and lived experience of the migrants arriving at our southern border. Federal immigration policies miss the mark because they fail to address the root causes of the migrant crisis and country conditions that are generating caravans.

Based on our mission and its findings, we are proposing five fact based recommendations to help policymakers, organizations, community groups, and concerned Americans navigate and resolve the ongoing migrant crisis:

1



**Stop Fomenting  
Violence in  
Central America**

2



**Promote Democracy  
and the Rule of Law in  
Central America**

3



**Protect Women and  
Vulnerable Populations  
in Central America**

4



**Support Meaningful  
Economic Opportunities  
in Central America**

5



**Strengthen U.S.  
Humanitarian and  
Asylum Protections.**

*These recommendations are discussed, in turn, below.*

## Fleeing, Not Migrating



By now, we are all familiar with the Trump Administration's ongoing efforts to discourage and stop migration. These efforts include, but are not limited to, [dismantling](#)

[DACA](#); closing longstanding humanitarian programs such as [Deferred Enforced Departure \(DED\)](#) and [Temporary Protected Status \(TPS\)](#); and dramatically expanding “[public charge](#)” and “[expedited removal](#)” policies. This haphazard collection of anti-immigrant policies does very little to stem the flow of migrants.

Frustrated, the federal government has been making already strict asylum rules unnecessarily tougher, and pressuring Mexico and Guatemala to sign so-called “[asylum agreements](#)” to further restrict the eligibility criteria for asylum seekers who request protection in the United States. These agreements – coupled with returning asylum seekers to Mexico and Guatemala – directly contradict the basic tenants of the internationally-recognized [Refugee Convention](#). **Guatemala, for example, has [limited capacity](#) to assess asylum claims and grant protections, with only four asylum officers who have yet to resolve a single case in 2019. In contrast, [over 300,000](#) asylum-seeking families from Central America have been apprehended at the US/Mexico border in 2019 alone.** Migrants and asylum seekers have already started using more desolate and less monitored border crossings increasing the likelihood of extortion, violence, and rape. Asylum agreements will, therefore, only exacerbate the migrant crisis and further destabilize an already fragile and vulnerable region.

One fundamental problem in the United States is that we tend to assume that immigrants are escaping poverty, but the reality is much more complex. They are actually fleeing to save their lives, liberty, and security by seeking asylum in a country where they feel safe. One example is particularly illustrative. As part of our delegation, we met with a



seamstress in La Chacra, a low-income neighborhood controlled by Mara Salvatrucha (MS) in San Salvador where violence is endemic. Because of safety concerns, the seamstress spoke with us only on the condition that she is not identified. The seamstress sells

clothing from her small home, which she shares with her family. She makes clothes sewing textile scraps discarded by a nearby maquiladora, a foreign company that manufactures and exports products. She struggles to put food on the table, but she remains in La Chacra, where she has to ask the gang for permission to move around her own neighborhood, and struggle with violent police raids targeting her gang-controlled community. Her experience shows that entrenched poverty and violence are not enough to trigger migration to the United States.

As our delegation observed firsthand, it really is **a toxic mix of particularized violence – coupled with a broken and corrupt law enforcement and judicial system** – that makes people leave their home and seek safety elsewhere. In most cases, migrants are fleeing particularized persecution from gang members and/or government actors.

In Honduras, while meeting with the Afro-Caribbean Garifuna community, we heard about **a leader who was persecuted and shot multiple times for vocally opposing a major development project** that was encroaching on village land.

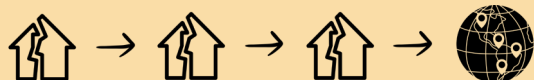


After surviving the assassination attempt, he sought support from law enforcement, but they refused to investigate or provide protection. The injured leader, not surprisingly, fled seeking refuge abroad.

Outside of the Garifuna community, we heard similar accounts of persecution and violence from Honduran peasant farmers in Guapinol and other villages in the Valley of Aguán. Under international pressure, the government created a special law enforcement unit, Unidad de Investigación de Muertes Violentas del Bajo Aguán (UMVIBA), to investigate **hundreds of violent deaths, but the crimes perpetrated against the peasants remain unresolved.** Locals report that UMVIBA has failed to investigate and prosecute. Peasants whose family members have been executed with impunity are now fleeing the country.

The Honduran government continues to criminalize dissent, often raising trumped-up criminal charges – including terrorism – against peasant farmers who are simply exercising their freedom of speech or right to assemble peaceably.

These examples demonstrate that what triggers migration is much more complex than poverty. **People are not migrating; they are actually fleeing.**



*On average, families and children relocate three to five times domestically before they seek refuge abroad.*

Families flee abroad only after exhausting their social and family networks, and exercising all local options. People are making the trek north — risking rape and death en route — in a last-ditch effort to survive.

## Five Concrete Recommendations

After spending dozens of hours documenting country conditions in Central America, we are proposing five fact-based recommendations to help guide policymakers, organizations, and concerned Americans through the migrant crisis:

### 1 Not one more U.S. taxpayer dollar toward state-sponsored violence in Central America

Our delegation confirmed a growing military and police presence in the region in response to the war on drugs and gangs. **Central American countries are in crisis**, and American financial support and technical assistance is effectively producing an arms race between gangs, drug cartels, and law enforcement. For example, in El Salvador, there were approximately 2,000 violent encounters between 2015 and 2016 involving police officers and alleged gang members.

Military and police forces have been effectively deployed as death squads to profile and use deadly force against civilians, particularly in low-income neighborhoods and communities controlled by gangs. In El Salvador, for example, there are well-documented instances of **state-orchestrated massacres** in [San Blas](#) and [Zaragoza](#). Under these circumstances, migrants are often fleeing not only gang-perpetrated violence, but also state-sponsored violence.



Meanwhile, the rule of law is deteriorating in the region. In this respect, Guatemala's dismantling of the [International Commission Against Impunity \(CICIG\)](#) provides a key example. Acting as an independent international body, CICIG investigates illegal groups, clandestine organizations in Guatemala, and criminal groups believed to have infiltrated state institutions fostering impunity and undermining democratic gains in Guatemala since the end of the country's armed conflict in the 1990s.

[CICIG prosecuted more than 100 cases](#), bringing charges against approximately 700 people involved in more than 60 criminal networks. Instead of allowing CICIG to deepen and expand its important work, the Guatemalan government is shutting it down.

A parallel effort is underway now to dismantle the Mission to Support the Fight Against Corruption and Impunity ([MACCIH](#)) in Honduras, similar to CICIG, this institution was established with support from the Organization of American States. The Honduran government is now shutting it down.

Under these circumstances, American aid should support efforts to strengthen rule of law and combat impunity, not to militarize Central America. We should end all financial and technical assistance that contributes to militarization. This alone would go a long way in preventing the violent displacement of families and children.



## 2 Promote Democracy and Civic Participation

The right to vote—and the principle that elections should be fair—is at the very core of democracy. In Honduras, an ongoing democratic crisis has reached a critical boiling point. In recent days, political protests and demonstrations have crippled the country. This is part of a broader ongoing crisis of legitimacy and governance. There is widespread public fear and distrust of the Honduran government in the wake of the electoral fraud that marred the November 2017 presidential election. The political situation is highly unstable, particularly after U.S. prosecutors accused [Honduran President Juan Orlando Hernández of conspiring with his brother and other top politicians to protect drug traffickers](#). Right now, even though the vast majority of Hondurans agree that the current president is illegitimate and corrupt, support from the Trump Administration and the State Department continues propping up the Honduran president. **The Honduran government has been infiltrated by the interests of drug-traffickers who are now controlling law enforcement and the administration of justice.**



The current political and social crisis in Honduras is a powerful reminder that democracy encompasses more than just free and fair elections, and military officers who answer to civilian authority. Democracies must also expand the rule of law, access to a fair judicial system, and protect basic civil rights, including freedom of speech and the right to assemble peacefully.

It is critical to connect American aid to specific targets and benchmarks, including protecting and respecting electoral integrity, and strengthening democratic institutions.

## 3 Protect Women and Persons Who Are Vulnerable

In Central America, women are fleeing with their children. We have seen this firsthand in the United States as part of the recent family separation crisis at the border where, overwhelmingly, children were forcibly separated

from their mothers. This pattern of migration is not coincidental. It is the direct result of systemic government policies that foster violence against women. According to experts, a woman is killed every 16 hours as a result of domestic violence in Honduras; and a woman is killed every 19 hours as a result of domestic violence in El Salvador.

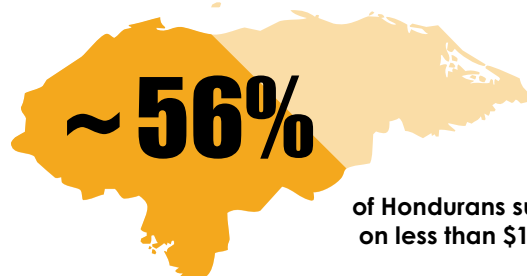
Other vulnerable populations are similarly targeted for violence. For example, earlier this year in El Salvador, [a transgender woman was killed shortly after being deported from the United States](#). The brutality of the murder strongly suggests that this was a transphobic hate crime – femicide – against a transgender woman. Addressing violence against transgender persons remains an urgent and unaddressed challenge in the region.



It is critical to connect American aid to specific targets and benchmarks, including protecting and respecting women's rights, and strengthening law enforcement's capacity to respond to violence against women. Shelters, professional support, and technical assistance training resources must be allocated to protect survivors of violence against women. Efforts to hold perpetrators of violence against women accountable must be expanded to include: meaningful legislation, decisive prosecutorial action, and public awareness campaigns. Broader efforts to combat discrimination against women, LGBT people, and indigenous and afrodescendant persons in Central America must also be implemented and expanded.

## 4 Meaningful Economic Opportunities

The stagnant Central American economy traps families in poverty. In Honduras, for example, nearly 80% of the country lives in poverty with an estimated 56% living in extreme poverty, defined as surviving on less than \$1 a day.



of Hondurans survive on less than \$1 a day



**Remittances**, money sent back home by family members living abroad, account for 17% of the Honduran GDP and 20% of the Salvadoran GDP. Remittances are a critical lifeline for poor families and weak national economies.

By some estimates, nearly 70% of businesses pay tribute to avoid gang interference. Recently, the region has experienced a sharp decrease in commercial activity with many small **shops shuttered because they are unable to pay gang extortions**. Gangs are increasingly moving in the direction of seeking tribute from households – not just from businesses – under the threat of violence for failure to acquiesce to extortion.

Increasingly, **climate change is connected to poverty and displacement**. Rivers have started drying up making agriculture and survival virtually impossible. There is already intense – and violent – competition for fertile land and access to water. This directly contributes to the exodus of peasant farmers in Central America.



In the United States, we need to closely monitor large-scale development projects that threaten to further destabilize the region. For example, in Honduras, the National Congress granted mining concessions to Los Pinares, a subsidiary of a multinational company that will exploit mineral resources from a national park, [Montaña de Botaderos](#). Environmental activists who opposed the desecration of the protected area have been violently persecuted. The killing of one of the most prominent activists, [Berta Caceres](#), demonstrates the intense social problems produced by the current socio-economic crisis. This assassination also illustrates how economic growth and violence are inextricably intertwined.

In this landscape, American aid and support should focus on job creation and generating meaningful economic opportunities in Central America. We should invest directly in education, food security, and other local solutions in affected communities.

## 5 Strengthen U.S. Humanitarian and Asylum Protections

Until then, it is absolutely critical that we maintain long-standing humanitarian programs and asylum protections in the United States. As a threshold matter, this means keeping DACA and TPS in place. Cancelling these programs that have allowed hundreds of thousands of families to live and work in the U.S. will result in greater vulnerability for deportees and inflict devastating social and economic harm in communities throughout the region.

Asylum barriers must also be reduced for people who have been persecuted or who have a well-founded fear of persecution. The Trump Administration is pushing for tougher [asylum rules](#), but [asylum](#) is already difficult to obtain because we have strong standards and safeguards. Instead of diluting these protections, we should dedicate more resources to process immigration court backlogs, and create new legal protections specifically dedicated to refugees fleeing emerging life-threatening conditions, such as climate change. Ultimately, instead of demonizing immigrants, elected officials and policymakers must commit to fixing our broken immigration system.

