



May 2021

## Recommendations for Expanding Access to Protections for Refugees and Migrants in Central America and Mexico

Expanding access to protection in Central America and Mexico can allow some refugees and migrants to seek safety closer to home and in countries where they feel safe instead of having to make the dangerous trek to the U.S. border. All regional efforts should be complementary to, and not replace or bar, access to protection at the U.S. border, where a [safe, fair, orderly and humane asylum process](#) should be fully and immediately restored.

Additionally, these efforts should be in tandem with U.S. strategy to address root causes of migration through principled U.S. diplomacy that stands with communities working for change, not with corrupt, abusive, or authoritarian governments.<sup>1</sup> Targeted assistance must be channeled through civil society organizations focusing on vulnerable groups, including children and youth, women, indigenous, Afro-descendant, and LGBTQI+ populations. The United States should also prioritize safe migration and humanitarian access to protection not only at our border but also throughout the region, and it should not support or promote ineffective deterrence and enforcement models that [violate human rights](#).

**This document recommends six key steps the administration can take to expand access to protections in the region.**

1. [Improve the Central American Minors \(CAM\) Program](#)
2. [Expand and improve the capacity of the Protection Transfer Arrangement \(PTA\)](#)
3. [Launch a regional resettlement program](#)
4. [Support Mexico's asylum system and child welfare institutions](#)
5. [Support safe integration of returned migrants & protection of internally displaced persons](#)
6. [Reform alternative pathways to migration-labor](#)

**Improve the Central American Minors (CAM) Program in coordination with government agencies, international organizations, and civil society organizations (CSOs) in the United States and Central America<sup>2</sup>**

A new and improved CAM program could provide a pathway for thousands of Central American children to find safety and be reunited with family in the United States - by being considered for

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<sup>1</sup> For more comprehensive recommendations see LAWGEF, KIND, WOLA, CWS, Climate Refugees, Oxfam, [Serve Your People-A Roadmap for Transforming Relations between the United States & the Northern Countries of Central America](#) (2020).

<sup>2</sup> See more complete recommendations on CAM here: CWS, [Restoring & Strengthening the Central American Minors \(CAM\) Program](#) (2021), and KIND, [Thwarted Potential: The Need to Revive and Expand the Central American Minors Program as a key path to protection for at-risk unaccompanied children](#) (2020).

resettlement, or alternatively, parole - without having to embark on dangerous journeys. However, the reimplementation of the program should remain a complementary path to protection and not restrict access to asylum, other humanitarian protections, and existing protections for unaccompanied children who arrive at the U.S. border. We recommend the following Improvements to the program:

- Commit sufficient resources via the State Department and DHS to maintain the program in the long term, allocating funding for both service providers working with CAM applicants, and CAM applicants themselves. The goal is to complete the process more quickly than the year, or longer, that it took to process cases before the previous administration terminated the program.
- Remedy harm caused by CAM's termination, for example by providing protection to parents and loved ones in the United States reunifying with CAM participants to ensure that children brought to the United States under the program are not at risk of family separation. Also, extend CAM to cover additional individuals in need of protection, such as those who would have been eligible when CAM ended but have since aged out.
- Expand the eligibility criteria that was limited to children with a parent or stepparent with certain immigration status, to include all children in need of international protection with a relative in the United States
- Ensure a child-friendly process including legal orientation and legal representation, including during interviews, for all children and for other applicants as the program expands.
- Increase capacity to process emergency cases in an expedited manner, ensuring safe shelter and/or evacuation.
- Implement risk-assessment protocols to protect applicants as much as possible, including increasing accessibility for potential applicants who do not live in the capital cities, are from rural communities, are indigenous or Afro-descendant, do not speak Spanish, or have disabilities.
- Ensure that the maximum number of Central American children can be considered for resettlement by raising both the annual refugee ceiling and the allocation for Latin America and the Caribbean via presidential determination.
- Ensure CAM program parolees are eligible for Office of Refugee Resettlement (ORR) services and have opportunities to adjust to lawful permanent residency and be reunited with other family members.

**Expand and improve the capacity of the Protection Transfer Arrangement (PTA) to resettle individuals and families from Guatemala, Honduras, and El Salvador who are in immediate danger**

The PTA functions through collaboration between CSOs and UNHCR in Guatemala, Honduras and El Salvador to identify families and individuals in need of immediate protection and then transfer them temporarily to Costa Rica before eventual resettlement. We recommend the following improvements to the PTA:

- Increase existing State Department PRM funding for UNHCR to facilitate expansion and improvements within the program.

- Support national NGOs with expertise working with diverse populations - both in capitals and rural communities - to build institutional capacity and know-how to establish referral systems, conduct risk-assessment, and apply resettlement criteria so that cases that are referred are viable for U.S. resettlement.
- Ensure, in coordination with UNHCR, that individuals and families who are evacuated to Costa Rica or another country prior to resettlement are processed swiftly, limiting their time in third countries as much as possible in order to improve their safety, wellbeing, health, and long-term outcomes.
- Support UNHCR to increase capacity in Costa Rica, or other third transit countries, to host a higher number of individuals able to wait there, while ensuring prompt processing.
- Explore, in conjunction with UNHCR, other transit countries beyond Costa Rica to diversify options for third country resettlement.
- Use diplomacy to encourage other countries in the hemisphere to resettle refugees. The pool of resettlement countries should be expanded beyond Australia, Brazil, Canada, and Uruguay.

### **Launch a regional resettlement initiative**

We recommend that a regional resettlement program include the following elements:

- Scale refugee adjudications significantly for persons from Honduras, Guatemala, and El Salvador who have fled their home countries. Such an initiative should resettle vulnerable cases, including unaccompanied children, women at risk, LGBTQI+ persons, and refugees facing acute danger or risk in the country where they are currently staying.
- Identify extremely urgent protection cases inside Guatemala, El Salvador, and Honduras via the State Department, DHS, and international organizations. However, given the acute security risks for this population, “in-country” efforts should remain limited unless there is an expansion of support for the emergency transfer of people in danger. Further, these efforts should never be used as a justification for preventing people from fleeing their countries or seeking asylum where they feel safe.
- Create a priority 2 resettlement category for nationals from refugee sending countries like Honduras, Guatemala, El Salvador, and Haiti, especially those with family (regardless of status) in the United States.
- Expedite pending Priority 3 or follow-to-join cases to reunify with family members already resettled in the United States.
- Restore and expand programs like the Cuban/Haitian Entrant Program (CHEP). Humanitarian parole - a tool the administration has used for Cubans and Haitians through the CHEP program - could serve as a model to support other populations.

Offices or locations opened to implement a resettlement strategy or to process visas should not be confused with - or characterized as - “safe zones” (areas that have proven to be unsafe for people fleeing harm), nor should they be used as a measure to restrict freedom of movement. Refugee resettlement efforts in Central America or the Caribbean should not replace the resettlement of refugees from other parts of the world, and the United States should resettle refugees from various parts of the world commensurate with global needs.

**Support Mexico's asylum system and child welfare institutions while urging the government to commit its own resources to expand its asylum system, strengthen its adjudication processes, and build up institutions that protect migrant children<sup>3</sup>**

While the U.S. Government should support also the work of UNHCR and CSOs to strengthen the asylum systems of different countries - such as Costa Rica, Belize, and Panama - Mexico has continued to receive a growing number of asylum seekers from Central America and other parts of the world, necessitating the urgent expansion and improvement of its asylum system. Via the State Department, the United States could support the strengthening of Mexico's asylum system and institutions that protect migrant children in the following ways:

- Collaborate with the Mexican government, UNHCR, and CSOs to increase the availability of information on how to access asylum in Mexico; build the capacity of migrant shelters; expand access to legal assistance for asylum claims; provide asylum seekers with temporary cash assistance during the processing of their claims; expand staff capacity at Mexico's refugee agency (COMAR) to reduce the current backlog and expedite processing times and geographic coverage at points of entry and airports; train COMAR asylum officers in best practices for interviewing applicants - including children, women, families, and LGBTQI+ populations - and processing applications; foster language access initiatives for non-Spanish speaking applicants, including for Haitians and Indigenous applicants; facilitate alternatives to detention; and expand relocation and integration initiatives that bring asylum seekers from Mexico's southern border to safer cities that offer better employment options.
- Encourage Mexican authorities to make meaningful enforcement reforms and remove barriers to access asylum. U.S. assistance should also move towards increasing accountability, professionalization, and curtailing corruption within Mexico's *Instituto Nacional de Migración* (INM) and Customs agencies, as well as limiting the participation of the National Guard (*Guardia Nacional*) in immigration enforcement within Mexico.
- Increase technical and financial assistance to Mexico's child protection entities such as the National System on Child Protection (SIPINNA), the National Child Welfare Agency (SNDIF), and federal and local child protection offices (*procuradurías de protección*) to ensure that the rights of migrant children are protected and best interests determinations are carried out resulting in meaningful protection.<sup>4</sup>
- Work with the Mexican government to create a mechanism by which unaccompanied and separated migrant children in the custody of the Mexican authorities can be safely transferred to U.S. officials to reunite with family members and seek protection in the United States when local child protection authorities determine that it is in the best interest of the child. The U.S. Government should also work with Mexico to establish a resettlement mechanism for unaccompanied children granted refugee status in Mexico, but who have family in the United States, to be resettled and reunified with their families as refugees (i.e. with recognized refugee status) in the United States.

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<sup>3</sup> See Asylum Access, IMUMI, and WOLA, [Key Issues on Access to Asylum in Mexico. Protections for Migrant Children, and U.S. Cooperation](#) (March 2021)

<sup>4</sup> See KIND, [Policy Recommendations to Improve Protections for Migrant Children in Mexico](#) (May 2020)

## **Support the safe integration of returned migrants & protection of internally displaced persons (IDPs)**

Deportations from the United States should be halted while the public health emergency continues and until there is demonstrated evidence of diminished cases and community transmission of COVID-19. During this time, individuals with final orders of removal should instead be released safely under orders of supervision into the community and allowed to shelter in place with their families and friends. Once the conditions have been met for safe repatriation and conditions are deemed safe for individuals to return to their countries of origin, the U.S. Government should support safe and holistic repatriation, as well as sustainable reintegration. We recommend that a comprehensive approach to repatriation and reintegration include the following:

- DHS should comply with existing repatriation agreements between the United States and countries where migrants are being returned to, and adhere to established intergovernmental guidelines and protocols. DHS should ensure individuals are screened for protection and provided adequate access to due process, including legal representation and a fair hearing or proceeding prior to completing any removal order. DHS must provide all migrants being repatriated with clear information about repatriation and their rights throughout the process.
- The State Department and USAID should focus initiatives and support investments beyond the infrastructure and maintenance of reception centers where migrants are returned. While important, these reception centers are not equipped to provide specialized attention, longer-term protection or reintegration services that are necessary for creating safe conditions for individuals to remain in their communities. Support for reintegration initiatives should be channeled to frontline faith and civil society organizations and be invested in direct services for returned individuals and in community development solutions.
- The State Department should encourage partnerships between governments, international organizations, and CSOs. CSOs should always be present at government-run reception centers to evaluate conditions and identify individuals with specialized assistance and protection needs.
- State Department programs to support the reintegration of deported migrants should be culturally appropriate and language accessible, and include services such as medical and psychosocial trauma screening, as well as access to identity documents, job and vocational training and placement opportunities, and support services for the entire family. Programs should emphasize long-term community development such as training for microenterprise opportunities. Services for returning children should be child-centered and include case management, educational, psychosocial, and counseling support.

The United States can help support the needs of internally displaced persons (IDPs) in Mexico and Central America through the following actions:

- The State Department should encourage the governments of Mexico and northern Central America to assume their responsibility to protect IDPs, and support the national appropriation and ownership of IDP protection.
- Support programs via the State Department and USAID that provide for safe shelter of IDPs, and the scaling of internal displacement relocation and protection programs, and other faith and civil society-led IDP protection programs.

## **Reform alternative pathways to migration-labor**

Temporary agricultural (H2-A) and non-agricultural (H2-B) worker programs implemented through the Department of Labor may provide options for individuals in need of economic opportunities, but they should first be reformed to address the structural flaws, poor regulation and gaps in protection that have led to [extensive exploitation](#), including widespread sex and age discrimination, of guest workers. Under U.S. law, both programs tie visa holders to a specific employer. This prevents workers from seeking another employer if they are denied the wages promised, if they experience substandard labor conditions, or are abused in other ways. Without improved protections, these guest worker initiatives channel migrants into poorly regulated programs that are rife with abuse, then return them directly back to the same conditions in their home countries. Structural issues must be addressed to ensure the protection of workers before access to seasonal work visas for Central Americans can be expanded.

Existing guest worker visas must first be reformed to:

- Make visas transportable so that seasonal workers are not tied to specific employers as currently stipulated under U.S. law, which prevents guest workers from speaking out against abuse or withheld wages due to fear of retaliation.
- Create pathways to permanent legal status for seasonal workers who are employed for extended periods of time in the U.S.
- Ensure H-2B workers can access legal services.
- Provide concrete status protections and work authorization to any guest workers who face abuse on the job or retaliation for exercising fundamental workplace rights.