PUTTING LIVES AT RISK
PROTECTION FAILURES AFFECTING HONDURANS AND SALVADORANS DEPORTED FROM THE UNITED STATES AND MEXICO

Francisca Vigaud-Walsh, Eric Schwartz, and Gabriela Dehesa-Azuara

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Cover photo and photo above: Murals in Ciudad Hidalgo, on Mexico’s border with Guatemala.
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The Northern Triangle of Central America (Guatemala, Honduras, and El Salvador) is at a crossroads. On the one hand, significant bilateral and multilateral efforts are underway to help stabilize these countries and to improve the capacity of their governments to meet the needs of those who have been forced to return from the United States and Mexico. On the other hand, these countries remain plagued by violence and the number of people fleeing the Northern Triangle continues to climb. Meanwhile, both Mexico and the United States are taking increasingly robust measures to detect, detain, and deport migrants. Most recently, the Trump administration refused to extend Temporary Protected Status (TPS) for El Salvador. As a result, some 200,000 Salvadorans in the United States may be forced to return to a country experiencing extraordinary levels of violence.

Taken together, these trends raise a number of pressing questions regarding the protection of migrants, asylum seekers, and deportees from Northern Triangle countries. First, can asylum seekers be confident that their claims will be considered fairly when they arrive in Mexico and the United States? Second, are Mexico and the United States deporting migrants and asylum seekers with protection needs to the Northern Triangle, where there are significant protection concerns? Third, are Northern Triangle countries able to meet the protection needs of these deportees? Fourth, if not, is the international community doing enough to fill protection gaps in the Northern Triangle?

To explore these questions, Refugees International (RI) conducted a mission to Mexico, Honduras, and El Salvador in November 2017. In all three countries, the RI team met with national and local authorities, United Nations officials, representatives from international non-governmental organizations (INGOs) and community-based organizations, human rights defenders, members of the donor and diplomatic communities, as well as migrants and deportees. This report seeks to shed light on whether the United States and Mexico are meeting their responsibilities to provide access to asylum and assesses national and international efforts to provide protection to deportees in Honduras and El Salvador.

For the purposes of this report, international protection is defined as the range of measures taken to secure the rights and well-being of displaced persons, including migrants and asylum seekers, when those rights are at risk. Protection can include efforts to strengthen asylum procedures in countries of refuge and to safeguard the well-being of individuals who have not had access to asylum—or have been denied asylum—but are nonetheless at grave risk of rights violations upon return to their country of origin.

Based on its research, RI is convinced that both the United States and Mexico are deporting individuals with protection needs. The protection process at every stage—from asylum application to deportation to reintegration in countries of origin—suffers from serious failures that ultimately put lives at risk. Furthermore, RI found that despite important investments in reception services for deportees, both Honduras and El Salvador have weak protection systems. This report sets out a series of recommendations that the United States, Mexico, Honduras, and El Salvador should take to secure the rights of migrants and asylum seekers, including the protection of those deported to the Northern Triangle.
RECOMMENDATIONS

United States

Provide meaningful access to asylum in the United States:

- Take urgent action to address flaws in the U.S. asylum system that conflict with U.S. commitments under the Refugee Convention, its Protocol and other human rights treaties—The Department of Homeland Security (DHS) should ensure that asylum seekers are not turned away in violation of U.S. law and treaty commitments and that asylum seekers have their claims adjudicated without criminal prosecution relating to illegal entry. DHS should also ensure that all U.S. officials who come into contact with potential asylum seekers are trained to make them aware of their right to request protection and that no U.S. official state or suggest to a migrant that he or she cannot apply for asylum.

Provide meaningful protection alternatives for individuals who are at risk of targeted violence after being deported to the Northern Triangle of Central America:

- Expand U.S. support for protection initiatives for Central Americans—The United States, in particular the State Department’s Bureau of Population, Refugees, and Migration, should significantly expand its assistance for protection activities in Mexico, Honduras, El Salvador, and elsewhere in Central America. The United States should commit to an increase of at least $30 million annually in support of protection efforts of the UN Refugee Agency (UNHCR), as well as in support of International Organization for Migration (IOM) programs in the region. The initiative should also support local civil society organizations in the region that seek to provide protection.

- Expand and strengthen the Protection Transfer Agreement—The Trump administration should seek to expand its participation in the Protection Transfer Agreement, by which individuals at extreme risk in El Salvador, Honduras, and Guatemala can obtain temporary refuge in Costa Rica and be considered for resettlement in the United States and other countries.

- Develop a humanitarian protection program—Given the limited capacity of the governments of Honduras and El Salvador to provide meaningful protection for those at risk upon deportation from the United States, the Trump administration should develop a humanitarian protection program that defers deportation for those who have well-founded fears of targeted violence upon return to those countries, even if they have not been granted asylum under U.S. law.

Prevent massive returns of Central Americans who have been in the United States legally for many years:

- Protect DACA and TPS beneficiaries—The president and Congress must ensure against the return of hundreds of thousands of individuals from the Northern Triangle of Central America. Under current conditions, such returns would not only increase instability in the region, but would dramatically and unnecessarily increase the protection challenges described in this report and inevitably impose significant risks of violence on many of the returnees.
Mexico

Enhance meaningful access to asylum:

- **Strengthen cooperation with UNHCR**—The Government of Mexico should continue working with UNHCR in strengthening its asylum adjudication process.

- **Remove barriers to access to asylum**—Officials of Mexico’s migration agency, Instituto Nacional de Migración (INM), must commit to ceasing all efforts to discourage migrants from making asylum claims, inform migrants of their rights to seek asylum, and permit asylum seekers in detention access to the government’s Alternatives to Detention Program. Senior Mexican officials should ensure training of IMN personnel to secure this outcome.

- **Welcome the involvement of civil society**—The Government of Mexico should reduce barriers for civil society organizations to monitor human rights and assist migrants in detention and, in particular, renew access to Estación Migratoria Siglo XXI, Mexico’s largest migrant detention center, for the highly respected civil society organization CDH Fray Matías.

Honduras

Develop a protection framework for at risk deportees upon return to Honduras:

- **Develop protection protocols for adult migrants**—The General Directorate for the Protection of Honduran Migrants should lead an effort to develop standardized identification, referral, and protection protocols, with the assistance of UNHCR, for the two Centers for the Attention to Returned Migrants (CAMRs) that process adult deportees upon their return to Honduras.

- **Improve protection screening of returning deportees**—The General Directorate for the Protection of Honduran Migrants should work with the Ministry of Development and Social Inclusion (Secretaría de Desarrollo e Inclusión Social) and UNHCR to integrate protection into the socioeconomic survey instrument administered to deportees.

- **Finalize a protection referral process**—The Honduran Foreign Ministry and the Inter-Institutional Commission for the Protection of People Displaced by Violence should finalize, in coordination with UNHCR and civil society organizations, a protection referral pathway and the accompanying standard operating procedures. Together, these elements constitute the process by which all protection actors agree on their respective roles and responsibilities in order to ensure meaningful access to protection for all persons at risk.

El Salvador

Acknowledge internal displacement and develop a protection framework for the displaced and at risk deportees upon return to El Salvador:

- **Formally acknowledge internal displacement**—The Government of El Salvador should publicly acknowledge internal displacement as a systemic policy challenge. The Ministry of Justice and Public Security, the Office of the Public Prosecutor, the Office of the Attorney General, the Human Rights Ombudsman, and other relevant institutions including civil society, must jointly develop a national strategy to prevent and respond to internal displacement in accordance with the UN’s Guiding Principles on Internal Displacement and with a view to durable solutions.
- Develop a comprehensive protection mechanism for victims of violence, with particular attention to internally displaced persons (IDPs) and deportees with protection needs—Available mechanisms in El Salvador are insufficient to respond to the protection needs of the population affected by the violence, and additional efforts by the Government of El Salvador and local authorities are required to develop an effective protection system to protect and assist victims of violence, including IDPs and deportees with protection needs. Progress must be made toward the consolidation of referral protocols and protection networks, including the establishment of safe houses.

- Invest in Plan Secure El Salvador—The Government of El Salvador must augment the budget allocated to Pillar Four of Plan Secure El Salvador, which lays out a results-based strategy for the assistance to and protection of victims. The United States should contribute funds earmarked for Pillar Four.

- Participate in Central America’s Comprehensive Regional Protection and Solutions Framework—The Government of El Salvador should officially engage as a participant in the Comprehensive Regional Protection and Solutions Framework, an important initiative designed to address challenges related to refuge, asylum, migration, and internal displacement in the region.

- Seek UNHCR technical expertise in the deportee reception center—As the protection response provided in the Directorate of Attention to Migrants, the reception site for deportees, is still very limited, Salvadoran institutions should seek technical assistance from UNHCR to strengthen the protection provided to deportees who may be at risk. The Salvadoran General Directorate of Migration and Immigration should seek UNHCR support to fully integrate protection into the socioeconomic survey instrument administered to deportees.

Crossing along the Suchiate River on the Mexican-Guatemalan border.
BACKGROUND

The Rise of a Protection Crisis in the Northern Triangle

In 2011, the Northern Triangle—El Salvador, Honduras, and Guatemala—was labeled the deadliest non-war zone in the world by the head of the U.S. military’s Southern Command.1 In 2015, according to Amnesty International, El Salvador and Honduras were deadlier than “many well-known conflict zones such as Iraq and Afghanistan.”2 Today, citizens in both Honduras and El Salvador continue to face threats of extortion, forced recruitment into gangs, rape, murder, and displacement.3 In Honduras, 174,000 people were displaced internally due to violence and crime between 2004 and 2014.4 In El Salvador, the country’s human rights ombudsman observed that internal displacement due to violence remains underreported and largely invisible. This is partly due to the fear of retaliation by gang members and the fact that the government does not register internally displaced persons.5

Traditionally, economic insecurity has fueled Honduran and Salvadoran migration northward. Motives for migration are now multifold, with personal insecurity—threats, beatings, and intimidation at the hands of armed criminal groups—ranking high.6 A 2015 UN Refugee Agency (UNHCR) study found that 85 percent of women were living in neighborhoods under the control of gangs—maras—or other criminal groups. Sixty-four percent of women pointed to attacks—or the threat of attacks—by gangs as a primary reason for their flight. A 2014 UNHCR report found that 72 percent of children interviewed shared reasons for flight that raised international protection concerns.7 This stands in stark contrast to the situation seven years earlier when only 13 percent of children indicated that insecurity had caused them to flee.

As violence has increased in the Northern Triangle, so have applications from Northern Triangle citizens seeking asylum in other countries. From 2008 to 2014, UNHCR documented a 1,185 percent increase in the number of applications across Latin America, mostly from citizens of the Northern Triangle.8 In the three years from 2013 through 2015, more individuals sought affirmative asylum in the United States from Northern Triangle countries than in the 15 years combined before 2013.9

In 2014, the Northern Triangle reached a watershed in the protection crisis. In an unprecedented exodus, roughly 69,000 unaccompanied children, most from the Northern Triangle, arrived at the U.S. border in search of asylum and family reunification. The number of U.S. Customs and Border Protection (CBP) apprehensions of Salvadoran and Honduran children jumped from 2,189 in Fiscal Year 2009 (FY2009) to 34,648 in FY2014; in FY2016, the figure was 27,980.10 This exodus was not unpredictable. One NGO official told RI that the 2014 crisis was “a chronicle of an announced death.” In a 2013 survey of arrivals in the United States, UNHCR determined that the majority of children interviewed from all four of these countries (Mexico, Honduras, El Salvador, and Guatemala)
provided information that clearly indicated they may well have been in need of international protection.11

In summary, the existence of a protection crisis in the Northern Triangle is borne out by the numbers. In October 2015, then-UNHCR Commissioner António Guterres went so far as to warn of a looming refugee crisis. UNHCR then called on countries in Central and North America to recognize a growing refugee crisis in the region and establish adequate capacity at borders to identify persons in need of international protection.12

**Defining International Protection**

For the purposes of this report, international protection can be defined as the range of measures taken to secure the rights and well-being of displaced persons, including migrants and asylum seekers, when their rights are at risk. Protection can include efforts to strengthen asylum procedures in countries of refuge, as well as efforts to safeguard the well-being of individuals who have not had access to asylum—or have been denied asylum—but are nonetheless at grave risk of rights violation, including death, in countries of origin and transit.

**Regional Protection Initiatives**

The Governments of Mexico, Honduras, and El Salvador have participated in a number of recent protection initiatives that underscore the importance of regional action and responsibility sharing. In December 2014, they were among the 28 governments in Latin America and the Caribbean that agreed on the Brazil Plan of Action. The plan recognizes that non-state actors, including gangs, are driving displacement and that states have an obligation to protect people fleeing violence. In July 2016, governments in the region convened a high-level roundtable—Call to Action: Protection Needs in the Northern Triangle of Central America. This resulted in the San José Action Statement,13 in which “states resolved to enhance protection and respond to the urgent needs of asylum seekers, refugees, IDPs, migrants, and returnees in the Northern Triangle and made a number of commitments to this end.”14

Pursuant to the San José Action Statement and the 2016 New York Declaration for Refugees and Migrants,15 six countries from the region worked with UNHCR, the Organization of American States (OAS), and the Central American Integration System (SICA) to develop a regional Comprehensive Refugee Response Framework (CRRF). The resulting Comprehensive Regional Protection and Solutions Framework—or Marco Integral Regional para la Protección y Soluciones (MIRPS) in Spanish—was launched on October 26, 2017. It reflects a collective effort to address forced displacement by linking countries of origin, transit, and destination. The six participating countries are Mexico, Belize, Honduras, Guatemala, Costa Rica, and Panama. The decision by El Salvador not to participate in MIRPS may have been informed by the government’s refusal to acknowledge internal displacement as a policy challenge. Nonetheless, these initiatives reflect an increasing awareness that violence has created protection imperatives for all governments in the region.

Finally, the United States, Costa Rica, UNHCR, IOM, and a select number of resettlement countries took on the important initiative of piloting the Protection Transfer Agreement (PTA). The PTA is a lifesaving mechanism through which individuals at extreme risk are evacuated to a transit country, following security clearances, for resettlement processing to third countries. UNHCR works with civil society in the Northern Triangle to identify eligible high-risk cases, which UNHCR then refers to the pilot transit country—currently Costa Rica. At this point, only 200 individuals can be present in Costa Rica for processing at any given time. IOM supports the transfers with logistical and administrative arrangements. Thus far, the United States has accepted the largest share of cases and has committed to granting resettlement to 600 more individuals via the PTA in FY2018. While the numbers are relatively low, PTA is an important breakthrough in providing safe and alternative pathways for international protection to those in urgent need.16
THE UNITED STATES

The United States responds to the 2014 Influx

Beginning in 2014, the Obama administration responded to the increase in refugees and migrants from the Northern Triangle by adopting a two-pillar strategy to limit migration to the United States via investments in countries of origin and deterrence.

With respect to these investments, the Obama administration introduced the U.S. Strategy for Engagement in Central America and announced new citizen security and economic development initiatives in the Northern Triangle. The initiatives were designed to "support efforts to repatriate and reintegrate migrants in Central America, to help governments...better control their borders, and to address the root causes driving migration." The U.S. government also agreed to support the regional 2014 Plan of the Alliance for Prosperity in the Northern Triangle (A4P). A4P was developed by the governments of the Northern Triangle with the support of the Inter-American Development Bank (IDB). The plan sought to address the underlying factors contributing to migration by fostering economic growth, increasing education and employment opportunities, improving security conditions, and strengthening government institutions in the region. The initial budget for the plan was set at $22 billion over five years.

The Trump administration has maintained elements of the investment strategy. In June 2017, the IDB signaled a strong focus on infrastructure in the coming years, pledging $750 million for key infrastructure projects in hopes of leveraging an additional $1.75 billion from private and public sources. At the same time, in a joint essay by Secretary of State Rex Tillerson, then-Secretary of Homeland Security John F. Kelly, and IDB President Luis Alberto Moreno, the Trump administration emphasized its support of the A4P initiative as a means to “combat illegal immigration by creating conditions for shared security and economic growth.” The U.S. Congress approved a spending package for the remainder of FY2017, providing $655 million to address violence, poor governance, and lack of economic opportunities in Central America. However, the Trump administration’s FY2018 budget request of $460 million for the Northern Triangle—a significant reduction in annual assistance—draws into question the depth of the administration’s commitment to these objectives.

The second pillar in the U.S. effort to address this spike in migration was deterrence. A comprehensive review of U.S. deterrence strategies is beyond the scope of this report. However, a variety of policies have led to the removal of tens of thousands of people from the United States to El Salvador and Honduras each year over the past seven years. An important component of U.S. migration deterrence policy is implemented in Mexico. With the 2014 influx, and at the urging of the United States, Mexican President Enrique Peña Nieto launched the U.S.-backed Southern Border Program (Programa Frontera Sur), which seeks to intensify Mexico’s border enforcement activities along its border with Guatemala. The program has two stated objectives: to safeguard the human rights of migrants who enter and transit via Mexico and to bring order to Mexico’s international border crossings, while increasing development and security in the region. The United States provided $24 million for training and equipping Mexican immigration authorities working in the southern border region, and another $75 million was earmarked for such activities.

The Trump administration’s FY2018 budget request of $460 million for the Northern Triangle—a significant reduction in annual assistance—draws into question the depth the administration’s commitment to these objectives.
operated program, Strengthening Capacities to Protect and Assist Migrants in Situations of Vulnerability, since 2010. The program supports governments in the region as they develop and implement “strategies for the promotion of regular, orderly, and safe migration, ensuring the protection of the most vulnerable migrants in Mesoamerica.” The State Department has also supported UNHCR's Northern Triangle Strategy to strengthen asylum systems and international protection screening for those in countries of origin, transit, and asylum. Further, it has provided nearly $30 million in funds to UNHCR and the International Committee of the Red Cross (ICRC) for operations in the Western Hemisphere, of which a portion goes to the protection of citizens of the Northern Triangle. In addition, the U.S. Agency for International Development (USAID) contributed $7.5 million to IOM’s Return and Reintegration in the Northern Triangle Program, which provides “services to help returning migrants reintegrate into local communities” and educates the public on “the risks of irregular migration.” USAID has extended its commitment to this IOM repatriation program, granting an additional $16.8 million through 2019. USAID’s total support for protection programming in Mexico and Northern Triangle amounts to $29.3 million dollars today.

New threats to migrants and asylum seekers in the United States

Beyond the deterrence strategy employed by the Obama administration, there are at least three areas where measures by the Trump administration are having significant impact on both removal and asylum for those who have fled Northern Triangle countries.

First, in September 2017, the Trump administration rescinded the Deferred Action for Childhood Arrivals (DACA) policy, an Obama administration policy that allowed eligible individuals who entered the country as minors to receive a renewable two-year period of deferred action from deportation and be eligible for work permits. As of September 2017, there were almost 790,000 DACA recipients, of which 25,900 are from El Salvador and 16,100 from Honduras. If the U.S. Congress does not provide a legislative solution, 42,000 DACA recipients from these countries will no longer be eligible to remain in the United States and will be subject to removal.

Second, in early January 2018, the Trump administration terminated Temporary Protected Status (TPS) for El Salvador. TPS protects eligible migrants from being returned to their country of origin if the country is experiencing: 1) armed conflict that prevents safe return; 2) an earthquake, flood, drought, epidemic, or other environmental disaster rendering the foreign state unable to handle adequately return of its nationals; or 3) other extraordinary and temporary conditions in the foreign state that prevent safe return. El Salvador was designated for TPS on March 9, 2001, after two devastating earthquakes earlier that year led to the deaths of more than 1,000 people, affected 1.5 million Salvadorans, and caused an estimated $1.66 billion in damages. The Trump administration’s decision will impact some 200,000 Salvadorans living in the United States, as well as nearly 200,000 of their American citizen children.

Some 60,000 Hondurans in the United States were granted TPS status in 1999 after Hurricane Mitch ravaged their country. The current 18-month extension was set to expire on January 5, 2018, but then-Secretary of Homeland Security Elaine Duke stated that additional information was necessary to make a final determination. As a result, the designation for Honduras has been automatically extended for six months with a new expiration date of July 5, 2018.

Third, Trump administration policies raise compelling concerns about effective access to asylum in the United States. Even with a pristine U.S. asylum process, there would be serious protection concerns for deportees from the United States to Central America. But, as Human Rights First and other organizations have documented, recent U.S. policies create far more substantial risk. These policies are reflected in a January 25, 2017 Executive Order and subsequent implementing guidance. They also include a broad expansion of efforts to detain and prosecute migrants, including asylum applicants whose claims have been deemed credible by U.S. authorities. These actions, along with those outlined below, create significant deterrents to asylum applicants.
To begin with, in February 2017, U.S. Citizenship and Immigration Services issued new guidance to immigration officials responsible for making credible fear determinations.\(^3\) That guidance substantially increased the likelihood that errors will be made that will result in the unreasonable exclusion of bona fide claimants. For example, in cases where there is a reasonable doubt about the credibility of an asylum seeker, immigration officials are no longer advised to refer cases to an immigration judge for a full hearing. They are left instead to make their own, final judgment before an asylum seeker has had access to legal counsel or a judge.\(^3\)

Next, there have been numerous documented cases in which U.S. officials have turned away asylum seekers at established ports of entry along the U.S. southern border without referring them for the required protection screening. Specifically, some Customs and Border Protection agents are “blocking access to asylum by refusing to process protection requests.”\(^3\) Such actions constitute a violation of U.S. law and international treaty obligations and have endangered the lives of individuals “by sending them into the hands of persecutors, traffickers, or cartels.”\(^3\)

Furthermore, the Trump administration has adopted a zero-tolerance initiative under which the “U.S. government rapidly prosecutes all who enter the country without authorization.”\(^3\) In practice, the policy has resulted in the criminal prosecution of asylum seekers and imposition of criminal sentences prior to consideration of asylum claims. This is a violation of U.S. international treaty obligations, in particular, obligations under the 1951 Refugee Convention and its 1967 Protocol to which the United States is a signatory state.

Finally, the U.S. Attorney General has made inaccurate statements directed at immigration officials with adjudicatory responsibilities, which raise serious concerns about prejudice in the adjudication process. In his October 2017 remarks at the headquarters of the U.S. immigration courts in Virginia, Attorney General Jeff Sessions asserted that “denying an asylum application is difficult to prove—and so it seldom happens.”\(^3\) In point of fact, only 43 percent of asylum seekers had their claims granted by the immigration courts in FY2016.\(^3\)

The United States should take steps to address the increase in asylum requests as part of the U.S. response to this protection crisis. DHS should take urgent measures to ensure that asylum seekers are not turned away in violation of U.S. law and treaty commitments and that asylum seekers have their asylum claims adjudicated without criminal prosecution relating to illegal entry. DHS should also ensure that all U.S. officials who come into contact with potential asylum seekers are trained to make them aware of their rights to request protection and that no U.S. official state or suggest to a migrant that he or she cannot apply for asylum.

The discussion below, which focuses on Mexico, Honduras and El Salvador, will reveal that protections for deportees at grave risk are seriously limited. Thus, RI strongly recommends that the United States significantly expand its assistance for protection activities in Northern Triangle countries and seeks to bolster the PTA. The Trump administration should also develop a humanitarian protection program that defers deportation for those who have well-founded fears of targeted violence upon return to those countries. And given the implications of massive returns into environments with such limited protections, action must be taken to protect DACA and TPS beneficiaries, who have been in the United States legally for many years.

**MEXICO**

“[Migrant] transit is over. The American Dream is no longer. They arrive fleeing, they are in need.”

— Catholic Church official in Mexico

Mexico has yet to adapt fully to recent changes in migration dynamics. Traditionally a transit country, Mexico’s immigration system is still largely geared toward detaining and deporting migrants transiting to the United States. In 2016, Mexican authorities deported 31,425 Salvadorans and 47,678 Hondurans.\(^4\) Meanwhile, Mexico
has increasingly become a destination for asylum seekers, with a 678 percent increase in the number of asylum applications between 2013 and 2016. The overwhelming majority of asylum seekers are from the Northern Triangle: of 8,781 asylum applications in Mexico in 2016, 91.6 percent were from citizens of Northern Triangle countries. The trend is not abating: Mexico saw more asylum applications in the first three months of 2017 than in all of 2015. According to UNHCR, Mexico deported some 78,000 people between January and July 2017, of which a significant portion had protection needs.

Mexico’s governmental institution in charge of providing protection to refugees, Comisión Mexicana de Ayuda a Refugiados (COMAR), has struggled to respond to the increased number of asylum seekers. In October 2016, there were only fifteen COMAR agents responsible for processing asylum cases in the entire country. Recently, the Government of Mexico has taken actions to strengthen its protection systems. UNHCR is supporting both increased staff numbers and capacity building initiatives.

**Mexico deported some 78,000 people between January and July 2017, of which a significant portion had protection needs.**

Further, Mexican authorities have put in place policies such as an alternative to a detention program for migrants who apply for asylum, as well as other legal processes for accessing protection such as humanitarian visas.

As recently as November 2017, Mexican authorities took action to implement the MIRPS at a local level when UNHCR and the municipal government of Tapachula signed an agreement to promote and facilitate the integration of asylum seekers and refugees there. This is significant because Tapachula, a border city in the southeastern state of Chiapas, is in a critical location. Tapachula is the primary border-crossing into Mexico, and it is home to Latin America’s largest migrant detention center, Estación Migratoria Siglo XXI. In the first eight months of 2017 alone, 4,475 persons applied for asylum at Tapachula’s COMAR office, which represents almost half of all applications in the country.

Nevertheless, civil society actors RI interviewed in Mexico expressed concern that the current number of asylum applicants from the Northern Triangle seems too low given the rates of violence in countries of origin. One senior UN official told RI that there is a gulf between those who have protection needs and those who apply for asylum. UNHCR found that 72 percent of children leaving El Salvador and 57 percent of children leaving Honduras had potential international protection needs. Civil society actors also do not feel that the number of asylum applications reflects the reality they witness through the protection, legal assistance, migrant, shelter, and other charitable programs they run.

“There is a gulf between those that have protection needs and those who apply for asylum.” – Senior UN official

Mexico also has high rates of withdrawal or abandonment of asylum applications. In 2016, 28.70 percent of Hondurans and 26.83 percent of Salvadorans withdrew or abandoned their asylum applications. This rate has not decreased considerably over the last two years despite Mexico’s actions to strengthen its asylum system.
Through RI’s research on the Mexican-Guatemalan border, RI found that would-be refugees contend with significant barriers to accessing international protection in Mexico, many of which arise from the fact that Mexico’s immigration regime remains largely geared toward migrant detection, detention, and deportation and not asylum.

**Barriers to Accessing Protection**

Migrants’ experiences with Mexico’s refugee regime depend on which institution they come into contact with upon arrival. Migrants may be intercepted by agents of Mexico’s federal migration agency, INM, assisted by civil society organizations, or secure direct access to COMAR officials. People can apply for asylum directly at a COMAR office, an INM office, or a detention center, such as Siglo XXI. The easiest way, however, is for a person to seek asylum directly at a COMAR office.

Asylum seekers face a range of barriers to protection once in Mexico. The first is that many would-be asylum seekers simply fail to recognize themselves as people fleeing violence and therefore have a right to apply for asylum. Many would-be asylum seekers report that they migrate in search of economic opportunities. However, upon closer analysis, it becomes clear that violence is often a root cause. For example, RI interviewed deportees from Mexico who asserted they were economic migrants but later divulged that they had been subject to extortion and saw themselves as having been forced to flee. UNHCR, IOM, COMAR, and partners have labored to make migrants aware of their right to access international protection. Murals and posters on the Mexico-Guatemala border, at migrant shelters, and other places that migrants transit inform them of their right to apply for asylum if they have fled for reasons of violence or persecution.

A second barrier to international protection is the comportment of the INM. If a would-be asylum seeker is detained by an INM agent, they are taken to a detention center where they should be informed of their rights, including the right to seek asylum at any point before they are deported back to their country of origin. However, refugee advocates argue that INM officers use complicated, legal jargon that is not understood by most migrants.

Furthermore, asylum seekers in Mexico and deportees returned to their countries of origin from Mexico regularly accuse INM of actively dissuading people in detention from filing an asylum application or seeing it through to its conclusion. Protection actors (i.e. officials or NGO representatives involved in migrant protection activities) told RI that some INM officials tell detainees that they should not bother filing an application because they do not have “evidence” of their persecution. Some INM agents tell detainees that they will spend months in detention while their case is reviewed, without explaining that they could benefit from the alternatives to detention program. That program allows detainees to continue their asylum procedure in a shelter. These INM practices need to change, especially in light of a recent Mexican court ruling against the detention of asylum seekers, which asserts that the “deprivation of liberty” must be an exception.50

RI was also told by protection actors that some INM officials advise would-be asylum seekers that it is in their best interest to sign a voluntary deportation order and try their luck on the migration route again, in the hopes that they can access COMAR the next time they cross the border into Mexico. It is notable that these concerns with INM were raised by most international actors, local civil society, and government officials with whom RI spoke.

A third barrier is the limited protection actors’ presence in and/or access to detention centers. In the Siglo XXI center, there is no permanent protection presence. UNHCR and IOM conduct three visits per week to make migrants aware of their rights and, in the case of IOM, identify people needing international protection. COMAR claims to visit the detention center twice a week, but refugee advocates note that COMAR sometimes fails to appear for weeks at a time. Civil society’s access is limited and regularly interrupted. For example, Centro de Derechos Humanos (Center for Human Rights, CDH) Fray Matías—a key provider of legal assistance—has been effectively barred by INM from accessing the center since October 5, 2017, when CDH’s entry permit was not renewed. Refugee advocates told RI
that individuals who cited violence and/or persecution as the main motive for leaving their countries of origin were no longer at Siglo XXI when the advocates returned for a follow-up visit a few days later. When confronted, INM showed the refugee advocates paperwork indicating that the individuals had signed voluntary deportation forms. The collective result is a significant gap in legal advice and support to asylum applicants.

Fourth, despite efforts to strengthen COMAR’s capacity, the agency continues to experience significant shortcomings. The limited size and reach of COMAR compared to INM lead refugee advocates to claim that the system is designed for migrants and not people in need of asylum. INM employs more than 5,000 people, has 194 offices, and operates 52 detention sites. As noted above, COMAR employs only a few dozen officials and has merely three offices and one small outpost. The constrained reach of COMAR means that would-be asylum seekers often have no other option but to approach INM. But even physical access to a COMAR office does not eliminate barriers. In Tapachula, for example, where there are 23 COMAR officials, the office can only manage a daily caseload of ten people. Asylum seekers often sleep on the street outside the COMAR office or start lining up as early as 4:00 am in the hopes of getting an appointment.

COMAR officials are clearly cognizant of these systemic shortcomings. Through the MIRPS process, the agency has committed to increasing its staff, strengthening coordination mechanisms with INM to enhance identification of people with international protection needs, improving provision of information on refugee rights to migrants, and working to increase alternatives to detention. UNHCR and its civil society partners are working to overcome these challenges through capacity-building activities targeting Mexican staff involved in refugee status determination, providing information to people of concern, and offering cash-based assistance to asylum seekers. But the financial outlook for such activities is bleak. On November 28, 2017, UNHCR reported only having secured $683,839—or five percent—of the funding required for its operations in Mexico that year.

To ensure that Mexico is providing meaningful access to asylum within its borders, the Mexican government should continue working with UNHCR to strengthen its asylum adjudication process and protect against barriers of access to asylum. The INM must commit to ceasing all efforts to discourage migrants from making asylum claims, inform migrants of their rights to seek asylum, and permit asylum seekers in detention access to the government's alternatives to detention program. Senior Mexican officials should ensure training of IMN personnel to secure this outcome. Finally, the government of Mexico should welcome the full engagement of civil society organizations to monitor human rights and assist migrants in detention and, in particular, renew access to Mexico’s largest migrant detention center, Estación Migratoria Siglo XXI, for the highly respected civil society organization, CDH Fray Matías.

**HONDURAS AND EL SALVADOR**

**Legal and Bureaucratic Framework for Protection—Honduras**

In 2014, Honduras passed the Law for the Protection of Honduran Migrants and their Families (Ley de Protección de los Hondureños Migrantes y sus Familiares). Among the many provisions for migrants, there are key components relevant to deportees. The law established a General Directorate for the Protection of Honduran Migrants (Dirección General de Protección al Hondureño Migrante) to “oversee the execution of policies and programs to Honduran migrants overseas, as well as for returning migrants.” The new directorate houses key offices and centers. One such office is the...
Office of Protection for Honduran Migrants (Oficina de Protección al Hondureño Migrante), which is linked to the Houston Protection Center—a network of eleven Honduran consulates in the United States. The network was established to identify Hondurans with protection needs in U.S. immigration detention centers.

Others are the Office for Assistance to Returned Migrants (Oficina de Asistencia al Migrante Retornado), and Centers for the Attention to Honduran Migrants (Centros de Atención al Migrante Retornado or CAMR). The latter constitutes formal deportee reception centers that provide assistance, including health screening, food, clothes, access to family members, shelter for up to two days, and transport to the deportee’s hometown. Prior to the establishment of the CAMRs, deportee services were largely nonexistent. Deportees from the United States were welcomed by a faith-based organization at a small room at the Tegucigalpa airport and given the little support the organization could afford. Deportees from Mexico were summarily left at the Honduran-Guatemalan border.

Finally, the 2014 law mandates that the state help returnees—whether they are deportees or voluntary returnees—to reintegrate. The coordination of this function has been assigned to the new Municipal Units for Assistance to Returnees (Unidades Municipales de Atención al Retornado or UMAR), established in 2017. UMAR’s mission is to assist children, adolescents, women, and families in reintegration. UMARs are tasked with referring people to programs available at seven government institutions, including health and education.

While the law recognizes violence as a root cause for Honduran emigration, it does not address internal displacement. However, in 2013, by Executive Order, the Honduran president created the Inter-Institutional Commission for the Protection of People Displaced by Violence (Comisión Interinstitucional para la Protección de las Personas Desplazadas por la Violencia or CIPPDV). The commission’s mandate is to establish public policies for the prevention of violence-fueled displacement and to provide protection and solutions for the displaced. The CIPPDV is composed of thirteen government entities and four civil society organizations. The CIPPDV is leading an effort to draft a law on internal displacement. Responsibility for the protection of Honduran deportees who cannot return to their homes due to reasons of violence falls to the CIPPDV.

However, government officials with whom RI spoke observed that the CIPPDV had limited capacity and funding to discharge its functions. RI was told that the Honduran Foreign Ministry therefore effectively exercised the responsibilities of the CIPPDV. This should change in the coming months. First, a new Secretariat—the Secretariat for Human Rights—was just created in December 2017, and it will house an IDP unit. This effectively raises the profile and mandate of the CIPPDV. Second, the CIPPDV was just allocated a budget, albeit only $4 million. Finally, the draft law on internal displacement will be considered in the Honduran Parliament in 2018.

Legal and Bureaucratic Framework for Protection—El Salvador

In 2011, El Salvador passed the Special Law for the Protection and Development of the Migrant and His/Her Family (La Ley Especial para la Protección y Desarrollo de la Persona Migrante y su Familia). The law established the National Council for the Protection and Development of the Migrant and His/Her Family (Consejo Nacional para la Protección y Desarrollo de la Persona Migrante y su Familia or CONMIGRANTES). CONMIGRANTES was given a mandate to guarantee, promote, and reinstate the rights of migrants. In July 2017, after three years of extensive consultations, CONMIGRANTES unveiled El Salvador’s national policy for the protection and development of Salvadoran migrants and their families.

With regard to deportees, the new national policy stipulates that the state, in collaboration with international and national stakeholders, will implement “adequate reception mechanisms and protocols, identification of protection needs, case documentation, and referrals.” It further calls for a temporary assistance center for those who cannot return home for “reasons of health, absence of family, direct threats or imminent risk to life, climate change, or transport problems.” It also lists actions to be taken to facilitate the reintegration of deportees back into
Salvadoran life, including education, employment and microfinance, and cultural activities.

While El Salvador has taken steps to address the plight of migrants, the government has failed to publicly acknowledge the problem of internal displacement as a systemic policy challenge. As such, the Salvadoran government has not developed a national strategy or a legislative or policy framework to address violence-fueled displacement. The government has taken steps to confront widespread criminal violence, including the 2015 Plan El Salvador Seguro (the Secure El Salvador Plan). The plan is expected to cost more than $2 billion over five years and sets out four pillars of action to prevent and respond to violence.

Pillar Four of the plan—Assistance and Protection to Victims—aims to protect “individuals, families, and communities of victims of violence.” It calls for a new law for assistance, protection, and reparations for victims, and the creation of a registry of people who are internally displaced due to “crime.” As such, this pillar could serve as the first official acknowledgment of the internally displaced population by the Salvadoran government. In February 2017, as a part of Pillar Four, the government established the Local Office for Assistance to Victims (Oficina Local de Asistencia a Victimas or OLAV) to provide psychological and legal assistance to victims. Six OLAVs have been opened and another nine are planned.

The overall impact of the Secure El Salvador Plan on the protection of and reparation for victims is questionable, given that less than five percent of the plan’s budget has been allocated to Pillar Four.

Gaps in Identifying Protection Needs

There are two points at which Salvadoran and Honduran deportees with protection needs can be identified. The first is at the pre-deportation stage in Mexico or the United States, when consular staff from both countries interview individuals prior to their deportation. The Houston Protection Center forwards lists of those identified to the Honduran Foreign Ministry in Tegucigalpa to facilitate specialized assistance to arriving deportees who have protection needs. Honduran government officials told RI that, in 2016, the consulates in the United States and Mexico identified 334 people as having protection needs before they were deported. However, RI’s interviews with staff working at each of the CAMRs in 2016 revealed that far fewer deportees were actually referred for protection assistance upon arrival at the centers. None of the officials interviewed by RI could explain the discrepancy. Salvadoran consular staff also identify people in need of assistance upon deportation. But Salvadoran migration authorities told RI that this rarely occurs, as many Salvadorans either do not identify themselves as victims or are loath to discuss their situation with consular staff given a general lack of trust in officials.

The second point at which protection needs can be identified is upon arrival in the reception centers, which have been funded in large measure by USAID through IOM’s Return and Reintegration in the Northern Triangle Program. In Honduras, there are three CAMRs: 1) La Lima, which processes between 130 and 150
deportees from the United States daily; 2) Omoa, which processes deportees arriving on three buses a day from Mexico, with an average of 110 people per day; and 3) Belén, where children and families arrive three times a week from any country. In El Salvador, there is only one reception center—the Directorate of Attention to Migrants (Dirección de Atención al Migrante)—known colloquially as La Chacra—which processes up to 135 deportees from the United States four times per week and up to 114 deportees arriving from Mexico per day.

The reception centers in both countries function as one-stop shops, where deportees are presented with an array of services by government officials, volunteers, or NGO staff. Deportees in both countries are generally registered, offered immediate food assistance and a hygiene kit, health and mental health support, and referrals for hospitals, education, and employment agencies. The entire process takes two hours on average. In both El Salvador and Honduras, a short socioeconomic survey is administered to deportees. In the case of Honduras, a single question is used to identify those who may have protection needs: “Why did you leave [the country of origin]?” If a deportee states s/he left for reasons of violence, s/he is flagged and given different options (discussed in the next section, Protection Options).

From a protection standpoint, the survey has a number of shortcomings. First, it is very short. According to officials in both countries, it takes between three and five minutes to administer. Second, a single question cannot easily elicit the complexity of motives that drove a deportee to leave their country. Third, individuals who are likely traumatized and exhausted by the deportation process and/or who probably distrust government officials are unlikely to have the presence of mind to articulate complex protection needs in response to a simple question. In short, the survey is not seriously designed to identify people in need of protection, but rather to collect socioeconomic information on the deportees.

Another method of identification at the reception centers is through the psychologists on site. However, in both countries, a session with the psychologist is optional. The Belén reception center in Honduras is the exception to this rule. At Belén, children must be screened by a psychologist who uses protection guidelines to identify vulnerable children with protection needs. Until recently, once a child was identified, a “protection panel” was supposed to be convened to determine the protection measures to be taken. An NGO representative shared with RI that this procedure was not consistently followed and detailed instances in which this omission had negative consequences on children with protection needs. A senior government official familiar with Belén operations confirmed to RI that protection panels were “rarely convened” in 2015 and 2016. The government official told RI that the system has since been re-designed. Under the new system, the psychologist who identifies a child with protection needs must propose an action plan subject to approval of the direct supervisor and the Belén director. RI could not ascertain the effectiveness of the process as it is very new.

In the case of El Salvador, there is no specialized reception center for deported children. However, it is obligatory for child deportees and/or their deported parents to meet with two national child welfare and protection actors—Instituto Salvadoreño para el Desarrollo Integral de la Niñez y la Adolescencia (ISNA) and Consejo Nacional de la Niñez y de la Adolescencia (CONNA) at La Chacra. ISNA provides psychosocial and reintegration assistance for children, while CONNA identifies child victims and articulates protection actions for each case. There is also an impressive ISNA child-friendly space at La Chacra to entertain children while parents meet with psychologists or ISNA and CONNA officials. La Chacra officials told RI that there are protection guidelines for identifying children who may be at risk in their place of origin or residence.

Given the identified weaknesses in both countries, RI believes that many individuals needing protection are not identified at any of the reception centers. UNHCR asserts that of the 77,969 people deported by United States and Mexico to the Northern Triangle between January and July 2017, “a significant proportion” had protection needs.64 This is in great contrast to the low numbers of individuals at the centers identified as needing protection. In 2016, Mexico and the United States deported 69,275
people to Honduras. According to numbers CAMR officials provided to RI, 999 were identified as needing protection in its reception centers: 757 in Belén, 162 in Omoa, and 80 in La Lima. That is only 1.44 percent of all deportees to Honduras in 2016. El Salvador processed 52,938 deportees in 2016 and Salvadoran officials told RI that they identified between ten and 12 people per week who need protection, meaning that only about 570 people were identified as needing protection—1.07 percent of total deportees processed.

Finally, in the case of Honduras, not all deportees have access to the full reception process. RI monitored the reception of a ferry with deportees from Belize (all female). The process at the port, overseen by one international organization and one local organization, did not include any kind of protection screening. The women were given hygiene kits and bus tickets. No one asked the women if they had protection needs or if they had left because of violence. RI interviewed nine of these women, seven of whom said that they would migrate again. One woman expressed fear of going home, stating that she left because of violence and could not return.

In short, the processes for the identification of cases involving protection needs in both countries are inadequate. But even in those instances where individuals in need are identified, it is important to examine whether there are adequate processes to provide protection. We examine that issue below.

### Protection Options

For those with identified protection needs that could prevent them from returning home, there are a series of options available in both countries. The first option is short-term emergency accommodation. In Honduras, Belén and Omoa have an on-campus lodging facility. Hotels or hostels are provided for cases in need arriving at La Lima. According to the 2014 Law for the Protection of Honduran Migrants, lodging is provided for up to two nights maximum. Similarly, in El Salvador, the immediate first option provided at La Chacra is emergency accommodation at an adjacent migrant detention center. In both countries, civil society and international organizations also provide emergency accommodations.

A second option is relocation—effectively, assisted internal displacement. In Honduras, a UN Agency/INGO partnership provides humanitarian aid and civil society assists with relocation. In El Salvador, this option is extremely limited. El Salvador is much smaller than Honduras, its violence more widespread, and the reach of gang networks is extensive. This leaves few places to hide. Those with serious protection needs typically remain confined to their homes, go into hiding, or flee the country.

A third option is humanitarian evacuation. An in-country protection and assistance network, comprised of UN agencies, INGOs, and civil society, communicate with a transnational civil society network to shuttle people to safety across borders. A fourth option is the PTA—a resettlement scheme through Costa Rica (see section Regional Protection Initiatives above). Indeed, 95 percent of all PTA cases submitted to resettlement countries for consideration are from El Salvador.

Furthermore, both countries have municipal-level reintegration offices—the UMARs in Honduras and the Windows of Assistance to the Returned Salvadoran (Ventanilla de Atención a la Persona Salvadoreña Retornada) in El Salvador. These one-stop shops provide referrals for employment assistance and other vital services; authorities in both countries listed them as protection options.

Finally, in the case of El Salvador specifically, the OLAV offers assistance to those needing protection.

### Protection in Practice, Honduras

In Honduras, there are several challenges with the available protection options. To begin with, internal relocations are not government-supported. The cost and support fall entirely on the shoulders of humanitarian actors—international and national—and the assistance is discrete and short-lived. People at risk are given transportation, shelter, food, hygiene and education kits, and, at times,
microenterprise seed funding over the course of three months. Not only is this a short-term solution, but it is also unsustainable as the costs are prohibitive. One international agency official shared calculations with RI that put the cost of relocating a family at $3,000. CIPPDV should be the government lead for those at risk of displacement, but without a budget until recently, its capacity remained limited.

The Honduran government does provide reintegration assistance to deportees at the UMARs, the Municipal Units for Assistance to Returnees described above. While securing documentation, accessing employment, and enrolling children at local schools are all key protection activities, the UMARs are intended only for children, women, and family units. The majority of deportees continue to be men. Further, the UMARs are focused primarily on economic integration and education; protection is not their primary mandate. There are now four UMARs (with a goal to establish twenty)—all in municipalities with high levels of violence and/or emigration. As a result, it is highly questionable that people will relocate from a municipality where they feel threatened to a municipality where an UMAR is present as these are, by definition, also high risk.

Both the Honduran government and international actors refer humanitarian evacuation cases to local civil society groups. These groups assist with humanitarian aid, transport, and connecting individuals to an informal civil society network that helps these individuals transit safely through neighboring countries. However, civil society actors shared with RI that they are under tremendous strain. Funding is being channeled to and through international agencies and INGOs, and local civil society groups have very limited funding options for their operations.

Finally, the process by which people with needs are referred to the available protection options remains somewhat ad hoc. A protection referral pathway for people in need was drafted, but the accompanying standard operating procedures (SOP) for this protection mechanism have been frozen since 2016. No one at the foreign ministry has been appointed to represent the government and complete this exercise in consultation with international partners and civil society.

The Government of Honduras, principally led by the Honduran Directorate for the Protection of Honduran Migrants, has taken important steps to ensure the protection of its migrants, deportees, and the internally displaced. To solidify its efforts and enhance the protection options of those at risk, the Directorate should develop standardized identification, referral, and protection protocols, with the assistance of UNHCR, for the CAMRs that process adult deportees—Omoa and La Lima. It should also work with the Ministry
of Development and Social Inclusion (Secretaría de Desarrollo e Inclusión Social) and UNHCR to improve the survey administered at the CAMRs and integrate protection into the socioeconomic survey instrument administered to deportees. It is also critical to finalize a protection referral process, in coordination with UNHCR and civil society organizations, which ensures meaningful access to protection for all persons at risk.

Protection in Practice, El Salvador

The commitments set forth in Plan Secure El Salvador’s Pillar Four have never been realized. Further, while CONMIGRANTES has a new—and unfunded—protection policy, the Government of El Salvador has no operational protection mechanisms for people in need. This is reflected throughout the protection chain. When a deportee with protection needs is identified at La Chacra, s/he is referred to the protection actor there—OLAV—for assistance. The OLAV office in La Chacra was opened in May 2017. It offers additional psychological assistance, an additional basket of goods that include personal hygiene items, and legal assistance for those who wish to pursue legal action against an alleged perpetrator. Circumstances in El Salvador make legal action highly unlikely. Victims have little faith in institutions and seeking recourse within the justice system poses grave risks to both the victim and his/her family members. In short, the OLAV cannot provide protection solutions.

“OLAV can identify cases but can’t provide answers.” – UN official, San Salvador

Simply put, no institution in La Chacra can provide physical protection or alternatives to people for whom going home will present a threat to their life. If deportees indicate that they cannot go home, authorities in La Chacra scramble in a search for solutions and often call civil society and ask for help. RI heard first-hand testimony of how low-resourced civil society support groups and their staff members struggle to pay—often out of their own pockets—for short-term accommodation in hostels in an effort to save lives. The protection options described above—humanitarian evacuation and the PTA—cannot accommodate the many cases of people in need. Furthermore, the PTA process can be painstakingly slow. Protection actors RI interviewed shared that in the PTA process, which is designed to save lives, determining the eligibility of a person to be extracted to Costa Rica can take several months. Civil society, without the involvement of humanitarian organizations, has thus teamed up with peers throughout the region to shuttle those at risk out of the country.

UNHCR is providing some assistance to OLAV, as well as to the national human rights ombudsman, Procuraduría para la Defensa de los Derechos Humanos (PDDH), including training on the Guiding Principles on Internal Displacement. With few tools at the PDDH’s disposal, it can either call civil society organizations or pursue a legal case against alleged perpetrators and provide people at risk access to the Special Law for Victim and Witness Protection (Ley Especial de Víctimas y Testigos). This puts the PDDH right back in the same conundrum as OLAV. Most people refuse to pursue legal action, as this law does not provide the protection it promises. The protection measures that law affords—shelter and anonymity under a witness protection program—are of limited value in practice. Those who avail themselves of the government shelters can find themselves confined and cohabitating with fellow witnesses and civilians alike. This protection itself only lasts until the judicial process comes to an end. The Salvadoran government does not provide assistance with relocation alternatives, finding employment, or changing identity.
In short, PDDH cannot offer protection solutions. It can only seek assistance from an overstretched and underfunded civil society. What ensues is a game of protection “ping pong.” OLAV may call a civil society organization requesting help. That organization may not have the capacity to help the at-risk person and will therefore refer the case to PDDH. PDDH, in turn, may refer the case back to OLAV or civil society again. What was described to RI was a frustrating process with organizations running on empty, scrambling to meet the need. The only remaining option is often an unofficial effort by grassroots groups to shuttle the person out of the country.

There are, however, some indications that the situation could improve. For the first time in Salvadoran history, El Salvador’s Constitutional Court admitted five lawsuits for judicial protection for families who have been forced into internal displacement because of violence and who accuse the government and the Office of the Attorney General of failing to protect them. These cases could prompt Salvadoran authorities to tackle internal displacement and protection with urgency.

The Government of El Salvador should publicly acknowledge internal displacement as a systemic policy challenge. Relevant ministries must develop a national strategy to prevent and respond to internal displacement, with the participation of civil society and in accordance with the UN’s Guiding Principles on Internal Displacement. Additional efforts by the Government of El Salvador and local authorities are required to develop an effective protection system to assist victims of violence, including IDPs and deportees. Further, the Government of El Salvador, with the support of the United States, should augment the budget allocated to Pillar Four of Plan Secure El Salvador. The country must also engage as a participant in the Comprehensive Regional Protection and Solutions Framework. Furthermore, all Salvadoran institutions involved in the reception process should seek technical assistance from UNHCR to strengthen the protection and assistance they provide to persons in need. Finally, the Salvadoran General Directorate of Migration and Immigration should seek UNHCR support to integrate protection into the socioeconomic survey instrument administered to deportees.

CONCLUSION

Refugees International is convinced that both the United States and Mexico are deporting individuals with serious protection needs. To be sure, the responsibility to protect citizens falls upon their countries of origin. But when those countries are unwilling or unable to protect their citizens, people flee across borders and their protection becomes the responsibility of neighboring governments and the international community. The United States and Mexico must do their part by closing substantial gaps in their asylum processes, and by ensuring that anyone from Honduras and El Salvador with serious protection needs is not forcibly removed.

The United States is making important investments in reception services for deportees in El Salvador and Honduras. However, these services do not yet provide meaningful protection and additional steps will be required to remedy the situation. In light of the existing gap, the United States must avoid any large-scale returns that would result in the deportation of Salvadoran and Honduran beneficiaries of Temporary Protected Status or the beneficiaries of the Deferred Action for Childhood Arrivals Program.

Finally, even if the United States and Mexico dramatically improve their protection of asylum seekers, deportees will continue to face protection challenges in Honduras and El Salvador. In Honduras today, the government does not have standardized protection policies or processes for deportees. Instead, protection is often outsourced to civil society. In El Salvador, the system to address displacement and protection depends largely on the efforts of grassroots groups. That system is overwhelmed, and people in danger are shunted back and forth between government agencies and civil society. It is therefore essential to identify and assist deportees at risk, with the support of the UNHCR, the United States, and governments around the world.


44 Ibid, 16.


46 Ibid.

47 UNHCR, Children on the Run, 6.


49 Ibid. Between 2013 and 2016, the withdrawal or abandonment rate of Hondurans decreased by 1.87 percent and increased by 1.83 percent for Salvadorans.


51 This is according to one civil society actor providing legal advice to asylum seekers in Tapachula, Mexico.


61 Ibid, 39.

62 Ibid, 40.

63 Ibid, 20

64 UNHCR, Operational Update: North of Central America 2017 Mid-Year Update, July 2017.

65 CONMIGHO, “Hondureños Retornados 2016.”


