Dear President Biden and Vice President Harris:

As members of civil society working to defend the rights of and solve the protection challenges for refugees and migrants across the United States, Mexico and Central America, we welcome the administration’s commitment to expand access to protection for vulnerable populations south of the U.S. border as stated in the “Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the U.S.-Mexico Border.” We are encouraged by the intent to consult with civil society, international organizations, and governments in the region as the administration considers different protection options.

We believe that it is past time to break the cycle of crisis response when it comes to managing regional migration. Regional pathways to protection are instrumental to doing just that as migratory flows in the Americas are here to stay and protection needs will persist. Today’s migration-related challenges – in more and less acute forms – have arisen multiple times during the last three decades. What must be new, however, is how the United States and its neighbors respond. This is why we consider the forthcoming U.S. Collaborative Migration Management Strategy (CMMS) a critical vehicle to spur the development of a regional system that advances U.S. national interests by ensuring protections and respect for the rights of migrants, asylum seekers, and refugees. It is an opportunity for the United States to lead by example in welcoming refugees at our border and to encourage humanitarian responses from other governments in the region that recognize the rights of families, men, women, and children to seek international protection.

As you move forward in developing the CMMS, we urge that you consider the following principles.

- The CMMS must complement the root causes strategy and be an addition to, not a substitution for, access to protection at the U.S.-Mexico border via a humanitarian and welcoming reception system in the United States.

- To properly address migration from the region, the CMMS should be premised on an understanding that the crisis in northern Central America should put protection at the center, recognizing that there are multiple reasons – from economic hardship, climate change, to violence and corruption – that are driving people from their homes. It therefore requires an approach aimed at mitigating risk and humanitarian need, while expanding protection-oriented solutions, rather than efforts focused on deterrence and enforcement.
• The CMMS and corresponding action plans must prioritize the principle of inclusive participation and move toward sustained consultation and coordination with all relevant stakeholders – civil society, international organizations, and states – to make protection a shared responsibility and increase and expand quality protection options throughout the region.

• The CMMS must consider and interact with other preexisting regional protection initiatives, such as the regional Comprehensive Refugee Response Framework (CRRF), known as MIRPS by its Spanish acronym. In addition to MIRPS, the administration should use various international fora, including the North American Leaders Summit, a regional leaders summit, and the next Summit of the Americas, to engage regional actors on refugee and migrant protection.

The CMMS is an opportunity to lay out the specific programs of work to strengthen and expand access to protection and other safe, orderly, and regular avenues to migration. We urge that the CMMS incorporate the following high-level civil society recommendations for the areas of work outlined so far:

1. The protection of internally-displaced persons (IDPs)

• The U.S. Government should insist that the governments of northern Central America assume their responsibility to protect IDPs, and support the national appropriation and ownership of IDP protection. This involves sustained pressure – at the executive level – and resources to develop, adopt, and implement an IDP protection framework in Guatemala and Honduras in line with UN Guiding Principles on Internal Displacement; conduct internal displacement profiling studies to understand the scope and nature of the problem; and design and deploy public policies in support of implementing the IDP protection law in El Salvador. Given the likely passage of a general law on forced internal displacement in Mexico, which would task Mexico’s National Commission for Refugee Assistance (COMAR) with supporting this population, the U.S. Government should also engage with the Mexican government and civil society organizations on ways to support the implementation of this law. The U.S. Government should also support the Ombudspersons’ offices and civil society-led accountability mechanisms to monitor governments’ adherence to IDP protection commitments, and progress on an agreed set of milestones.

• The U.S. Government should strategically invest in program pilots and the scaling of internal displacement relocation and protection programs, as well as other civil society-led IDP protection innovations in Mexico and northern Central America countries. This includes funding for protocols for attention and care to IDPs, a referral pathway, and accompany standard operating procedures. Such initiatives should have a differentiated approach to particular vulnerability profiles, such as single female-headed households, separated and unaccompanied minors, indigenous and Garifuna populations, and LGBTQI+ persons.
2. The safe return and integration of returnees

- The U.S. Government must fully comply with existing repatriation agreements with Mexico, El Salvador, Honduras, and Guatemala. Further, it should insist on and support enhanced return and reintegration services for returnees/deportees in all four countries, including, where applicable, the decentralization of return centers and strengthening of referral systems for survivors. Improved reception, protection needs identification, and referral protocols for both adult and child returnees are imperative. The U.S. Government should work with governments of the region and civil society organizations to ensure and increase services at the local (municipal and community) level for returnees. Services for deported people should include access to identity documents, job training and placement opportunities, including support services to the entire family. Services for returning children should be child centered and include case management, educational and psychosocial support.

- The U.S. Government should encourage governments of the region to allow civil-society presence at government-run reception centers in order to provide accountability and transparency for the reception-center operations, while recognizing the central role that the governments should have in providing services to the repatriated population, including facilitating government identification documents and access to public services. Civil-society access is critical to identifying cases of individuals with protection needs as well as post-deportation remedies; identifying binational family separation/custody issues; and ensuring that needs are met for individuals who do not feel comfortable interacting with government agents, including those whose persecutors are police or local officials.

3. The strengthening of asylum systems in Mexico and other countries in the region

- The U.S. Government should continue to support the strengthening of Mexico’s asylum system and urge the government to commit its own resources to expand its asylum system, strengthening its adjudication capacity and processes. This should include supporting the UN Refugee Agency (UNHCR) in its work to increase information on how to access asylum in Mexico; build the capacity of migrant shelters including family and child-friendly spaces; provide asylum seekers with temporary cash assistance during the processing of their asylum application; provide staff secondments to increase the numbers of staff and expand COMAR’s geographic coverage at points of entry at the southern border and airports throughout the country; train COMAR asylum officers in best practices for interviewing applicants including children and families, and processing applications; support civil society- and government-led legal defense programs; facilitate alternatives to detention, and expand relocation and integration initiatives that bring asylum seekers from the southern border to locations that are safer and have stronger economies and more employment options.

- The U.S. Government should work with the Government of Mexico on meaningful enforcement reform, and the removal of barriers to access to asylum. Officials of Mexico’s migration agency, Instituto Nacional de Migración (INM), must cease 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. The U.S. Government should encourage Mexican authorities to provide training to INM agents to improve screening to identify trafficking victims and asylum seekers and provide them with access to pursue their claims with COMAR outside of detention facilities. U.S. assistance should also move towards increasing accountability, professionalization, and curtail corruption within Mexico’s INM and Customs agencies.

- The U.S. Government should consider supporting technical and capacity building initiatives, including funding to increase staff and expertise for state and local child protection authorities, such as Mexico’s National System for Integral Family Development (DIF) and the Child Protection Offices (Procuradurías de Protección de Niños, Ninas, Adolescentes) in child protection and gender-based violence; and provide operational support to expand alternative care arrangements for unaccompanied migrant children. In order for Mexico to properly implement its recently passed reforms to the migration and refugee laws, requiring best interest determinations of every migrant child that comes to the attention of child protection Authorities, significant support and capacity building is needed for these agencies.

- The U.S. Government should support the work of the UNHCR and civil society organizations to strengthen the asylum systems of Panama, Costa Rica and Belize including, but not limited to: capacity-building to process claims, training for government asylum officials, information and awareness raising campaigns to combat xenophobia and increase knowledge of how to seek asylum there, facilitation of host communities’ capacities for integration, including technical and vocational skills-building courses, and access to employment and cash assistance for asylum seekers.

- The U.S. Government should consider developing procedures with the Mexican government and other governments in the region to provide access to protection in the United States for individuals who would face persecution in Mexico or elsewhere given the close proximity to their perpetrators.

- The U.S. Government should work with the Mexican government to create a mechanism by which unaccompanied and separated children in the custody of the Mexican government 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. This mechanism should apply to unaccompanied and separated children of all nationalities; civil society should be involved in the mechanism for unaccompanied Mexican children. 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 this family as refugees (i.e. with recognized refugee status) in the United States.

4. The provision of protection and humanitarian services along the migratory route
The U.S. Government should invest in protection safeguards along the migratory route to mitigate risks and increase protection support for those who are forced to flee their home countries. This should include funding and technical support to expand the capacity of shelters and other refugee and migrant-oriented infrastructure, as well as establish one-stop shops that provide orientation on accessing protection, as well as services and referrals to specialized agencies. The U.S. Government should consider funding and technical support for digital and virtual safe space options, such as free hotlines and platforms that can provide information and guidance on protection services and options for migrants and the organizations serving them.

The U.S. Government should provide support to IOM and UNHCR, and press governments and sub-national authorities to take steps to support border entry systems throughout the region that are able to identify new arrivals with international protection needs and which provide appropriate and differentiated solutions for them. This includes working with Guatemalan and Mexican authorities to improve protections for separated and unaccompanied children provided by trained child welfare experts, especially at the Guatemalan-Mexico and U.S.-Mexico borders.

5. The expansion of access to resettlement and other safe and legal pathways

The U.S. Government should expand resettlement for Central American refugees, especially from Guatemala, Honduras, and El Salvador, through the U.S. Refugee Admissions Program and other complimentary pathways. The U.S. Government should also explore third-country processing and redressing harms caused by the previous administration. The U.S. Government must also work with UNHCR and the Government of Costa Rica to identify and address barriers to the Protection Transfer Arrangement (PTA) serving as an expedited pathway to the United States and other countries for those northern Central America nationals who are at extreme risk. In the meantime, the U.S. Government should explore with other countries in the hemisphere the possibility of creating an emergency transit center for those with pending refugee claims who need an emergency evacuation. Phase two of the Central American Minors (CAM) Program should expand the program to include sponsoring relatives beyond parents, and immigration statuses beyond those recognized during the initial CAM - i.e. at a minimum relatives with pending claims for relief in the United States.

The U.S. Government should also coordinate an effort to develop and operationalize complementary pathways for refugees from northern Central America. This could include refugee access to employee sponsorship programs or university scholarships, community co-sponsorship programs, and labor mobility schemes. However, labor schemes should not be promoted as an alternative to accessing asylum, and temporary worker programs must first be reformed to address the structural flaws and gaps in protection that have led to extensive exploitation of guestworkers.
In summary, the United States should uphold its commitment to provide protection at the U.S.-Mexico border and support protection initiatives throughout Mexico and Central America. Expanding access to protection so that individuals can seek safety closer to home is crucial to avoid the dangers that migrants are exposed to along the journey to the United States, but this strategy must be done in tandem to offering access to asylum at our border and in a humane, safe, orderly, and timely manner. We look forward to engaging with your administration throughout the process.

Sincerely,

Center for Democracy in the Americas (CDA)
Institute for Women in Migration/Instituto para las Mujeres en la Migración (IMUMI)
Kids In Need of Defense (KIND)
Latin America Working Group (LAWG)
Washington Office on Latin America (WOLA)

CC:
Antony Blinken, Secretary of State
Alejandro Mayorkas, Secretary of Homeland Security
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