



UNACCOMPANIED
MIGRANT
CHILDREN
FROM
CENTRAL
AMERICA:

CONTEXT, CAUSES, AND
RESPONSES



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- Background
- Objectives
 1. Set the unprecedented surge in youth and family migration in the context of long-term trends.
 2. Identify countries and communities of origin.
 3. Describe contextual factors driving youth and family migration.
 4. Provide an overview of what these children face upon arrival in the U.S.
 5. Discuss advocacy responses and legal avenues for deportation relief.
- Further Information and Resources:

www.american.edu/clals/migrant-rights.cfm

<http://ssrn.com/abstract=2524001>



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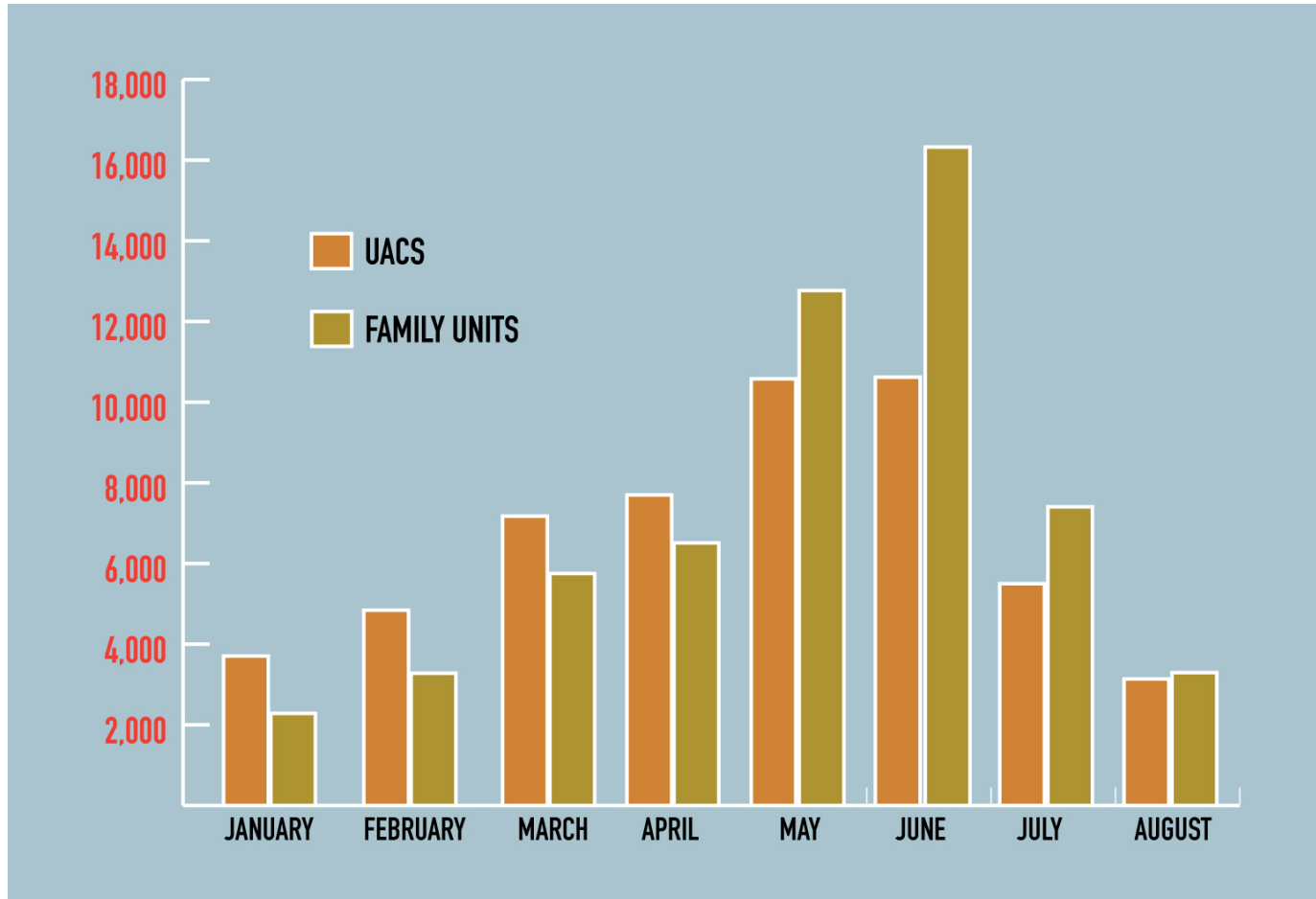


THE CRISIS IN CONTEXT:

**UNACCOMPANIED MINORS AND TRENDS IN
CENTRAL AMERICAN MIGRATION**



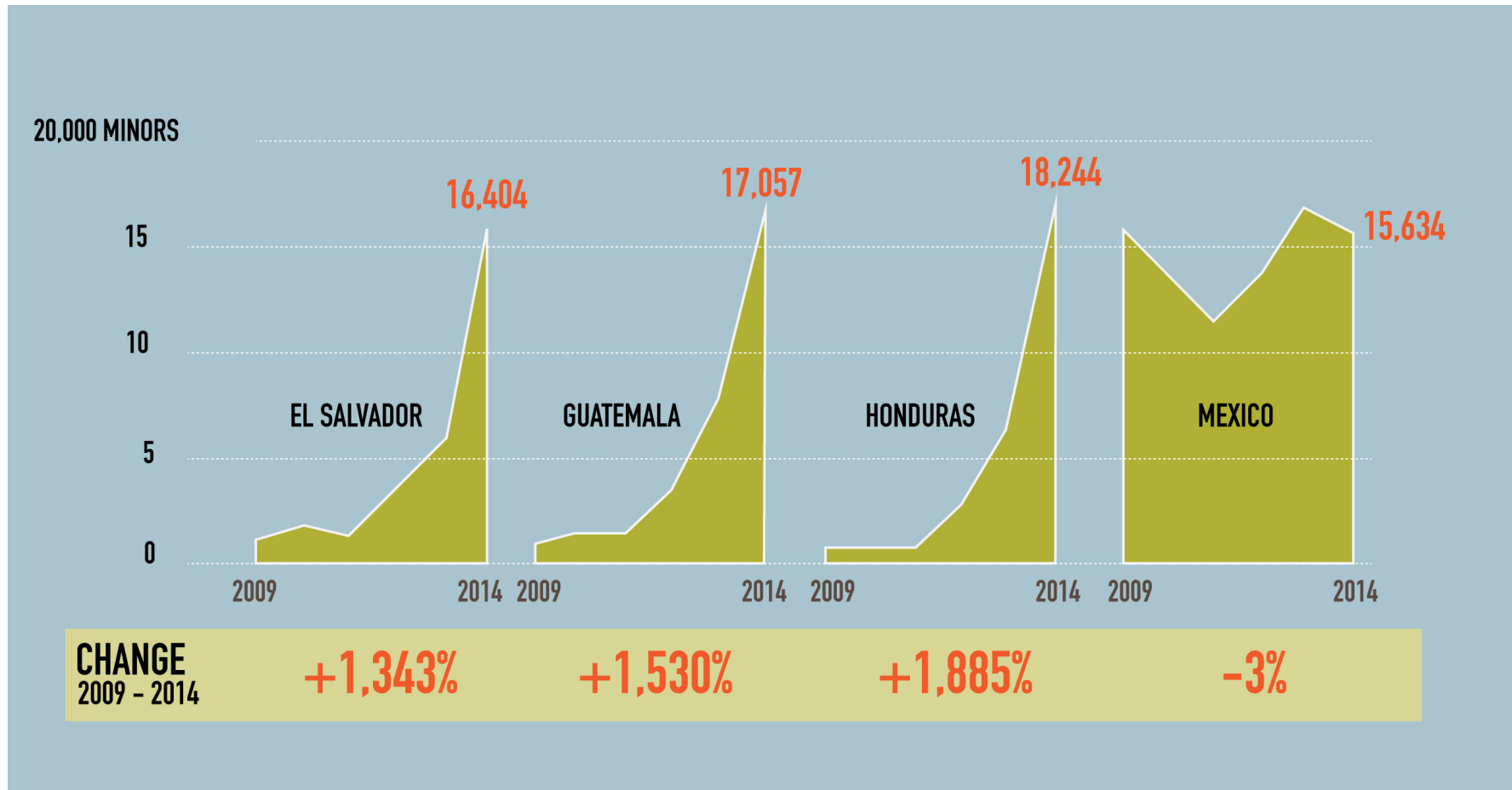
UAC and Family Border Apprehensions, January-August 2014



Data Source: U.S. Department of Homeland Security, "Statement by Secretary Johnson About the Situation Along the Southwest Border," September 8, 2014.



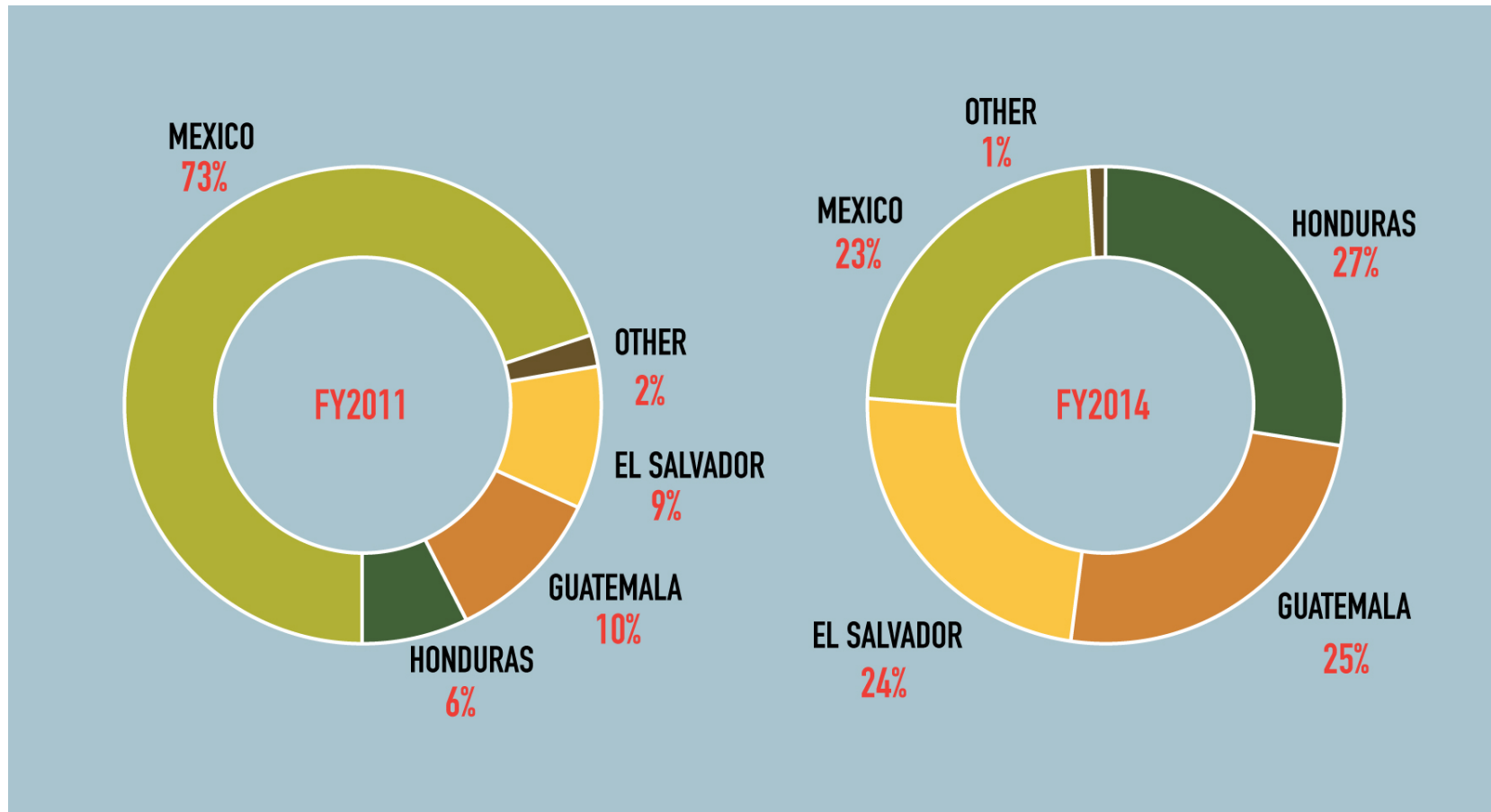
UAC Border Apprehensions by Country, FY2009-2014



Data Source: U.S. Customs and Border Protection, "Southwest Border Unaccompanied Alien Children."



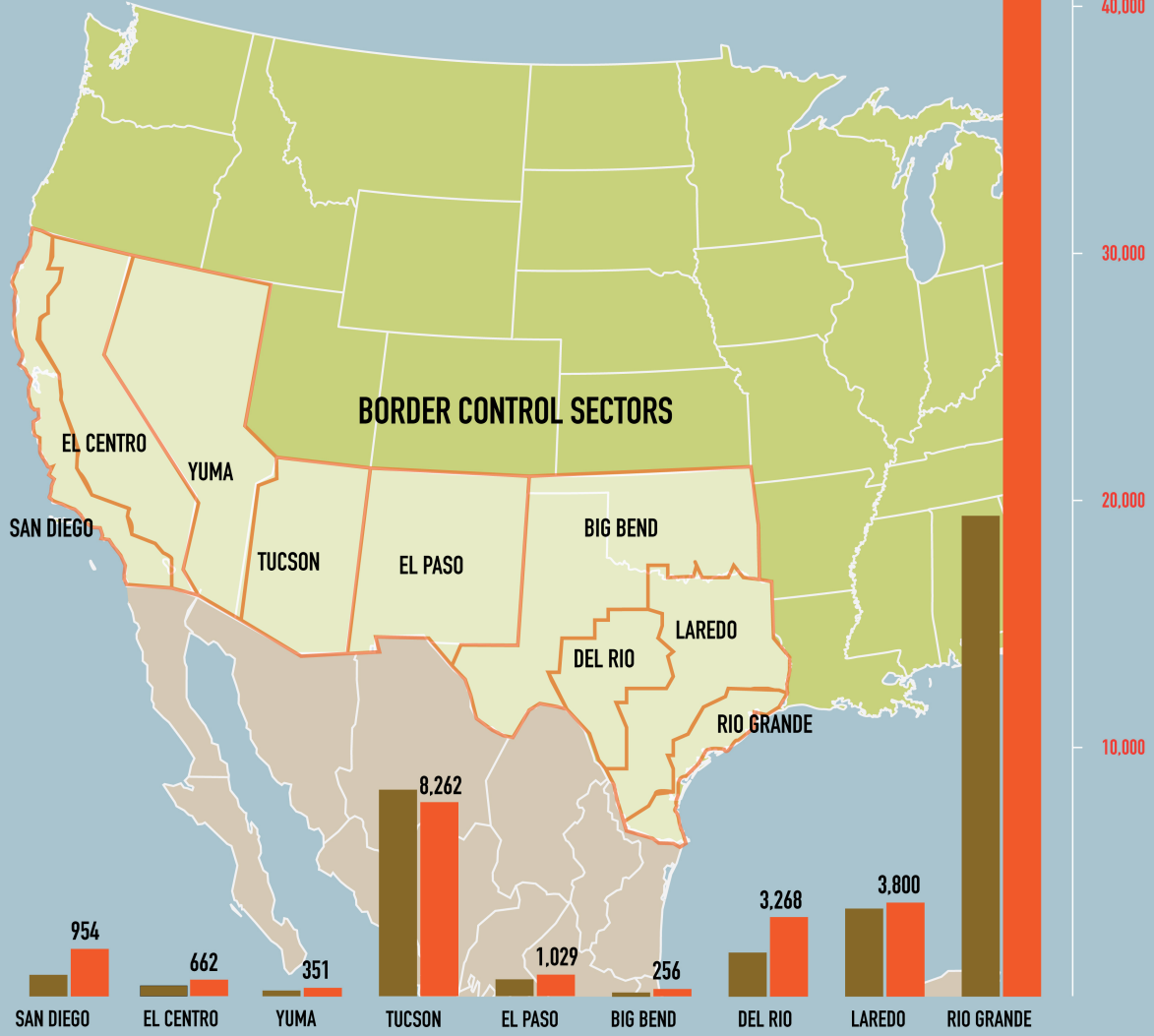
Nationality of UAC Border Apprehensions, FY2011 and FY2014



Data Source: U.S. Customs and Border Protection, "Southwest Border Unaccompanied Alien Children."

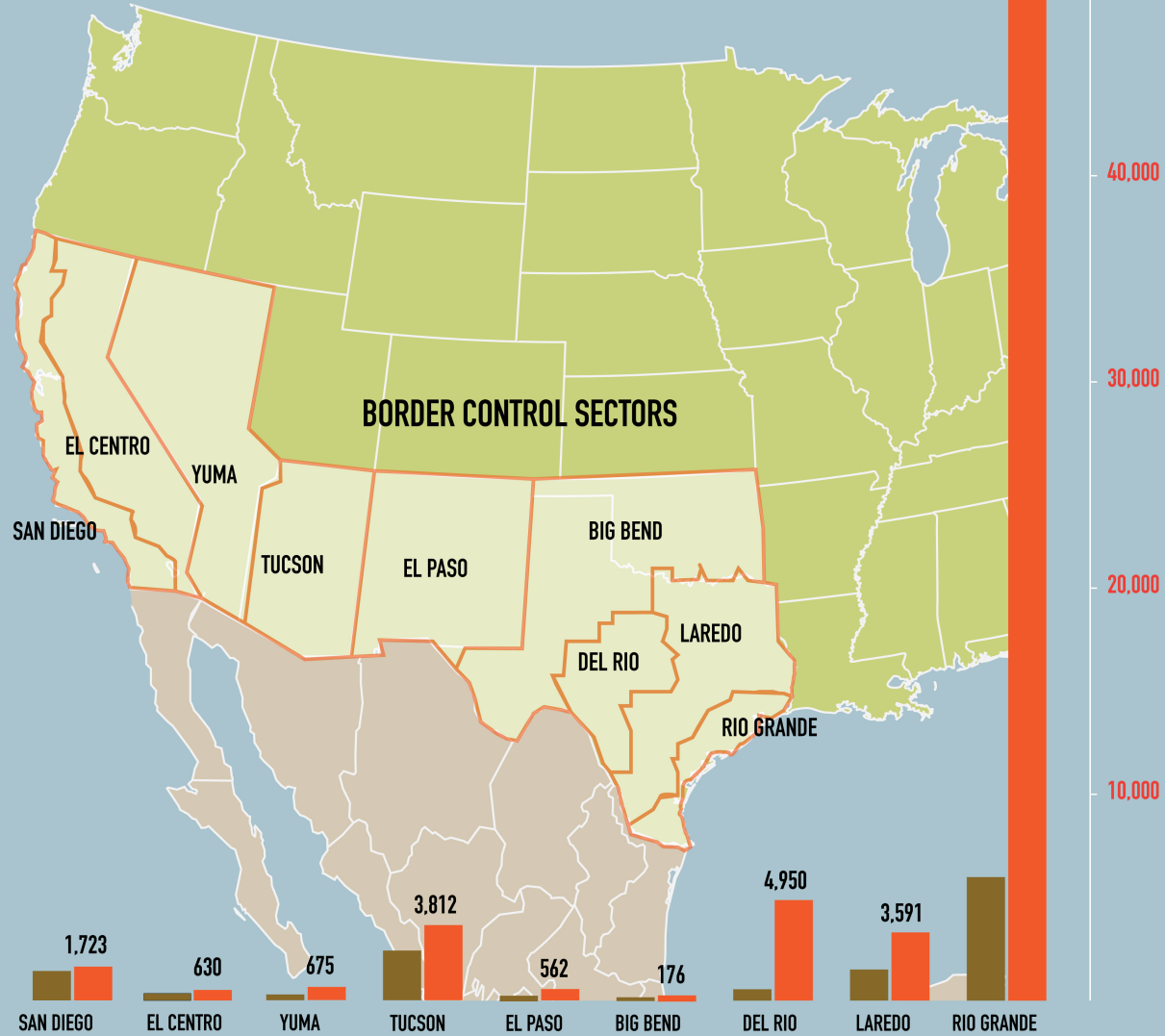
UAC Apprehensions by Border Control Sector, FY2013-2014

FY 2013
FY 2014



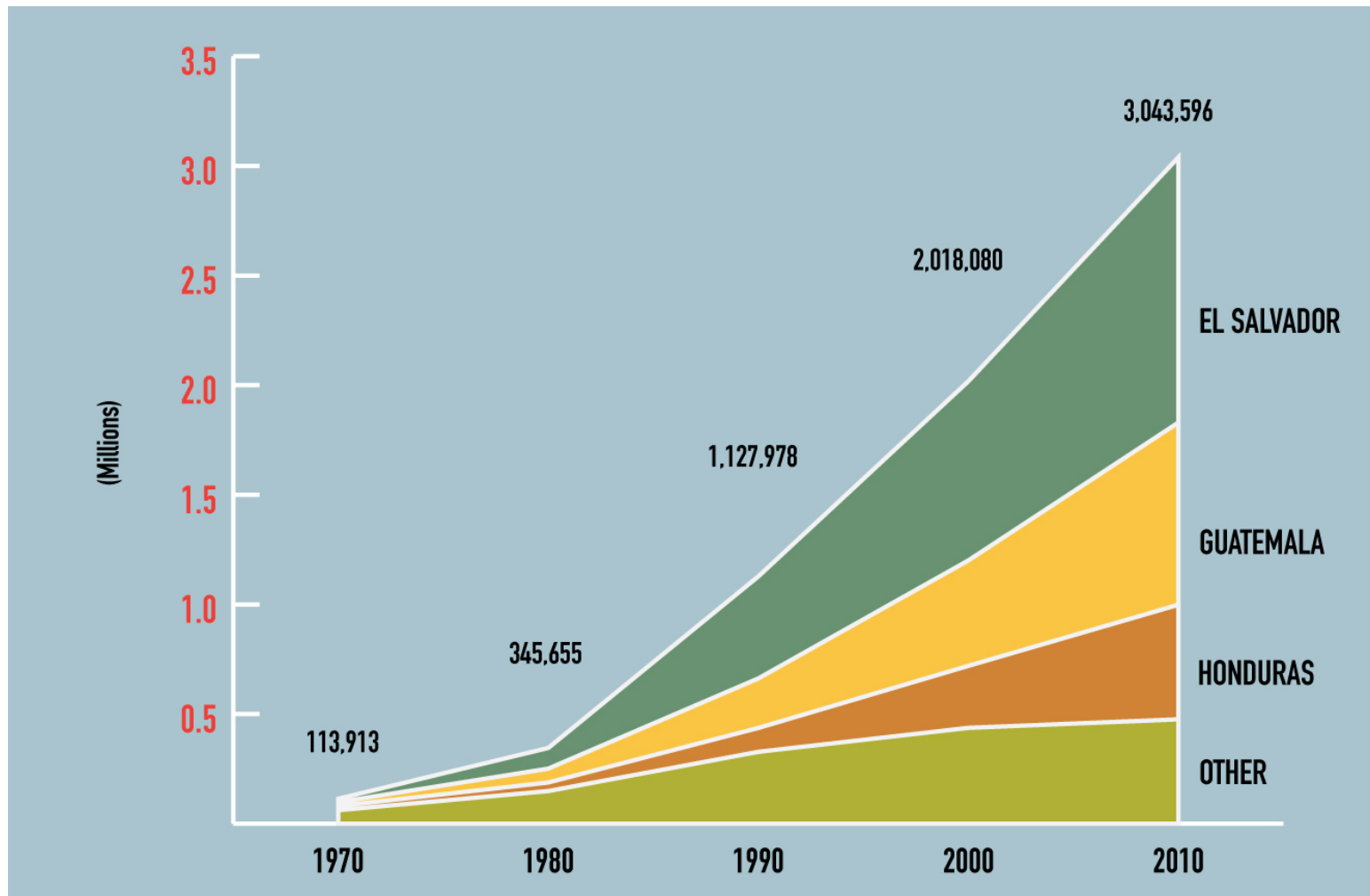
Family Unit Apprehensions by Border Control Sector, FY2013-2014

FY 2013
FY 2014





Foreign-Born Population from Central America Residing in the U.S., 1970-2010



Data Source: U.S. Census Bureau, 1960-2000 Decennial Censuses; 2010 American Community Survey.



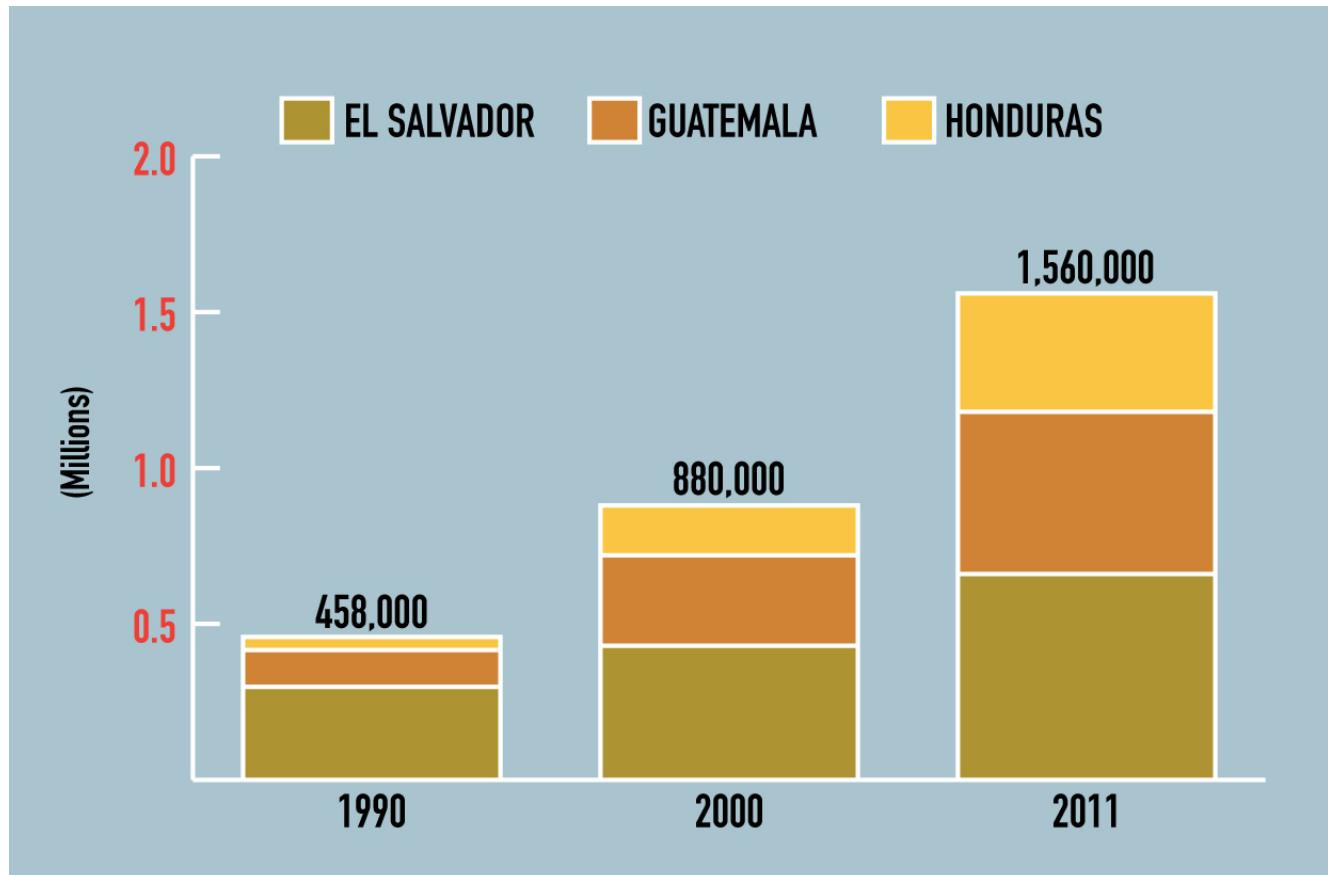
Central American Countries Currently Designated for Temporary Protected Status (TPS)

	EL SALVADOR	HONDURAS	NICARAGUA
ESTIMATED BENEFICIARIES	212,000	64,000	3,000
MOST RECENT DESIGNATION DATE	EARTHQUAKE (2001)	HURRICANE MITCH (1999)	HURRICANE MITCH (1999)
CURRENT EXPIRATION DATE	MARCH 9, 2015	JANUARY 5, 2015	JANUARY 5, 2015

Data Source: U.S. Citizenship and Immigration Services, "Temporary Protected Status"; Extension of the Designation of El Salvador for Temporary Protected Status, 78 Federal Register 32418 (May 30, 2013); Extension of the Designation of Honduras for Temporary Protected Status, 78 Federal Register 20123 (April 3, 2013); Extension of the Designation of Nicaragua for Temporary Protected Status, 78 Federal Register 20128 (April 3, 2013)



Unauthorized Population from the Northern Triangle Residing in the U.S., 1990-2011

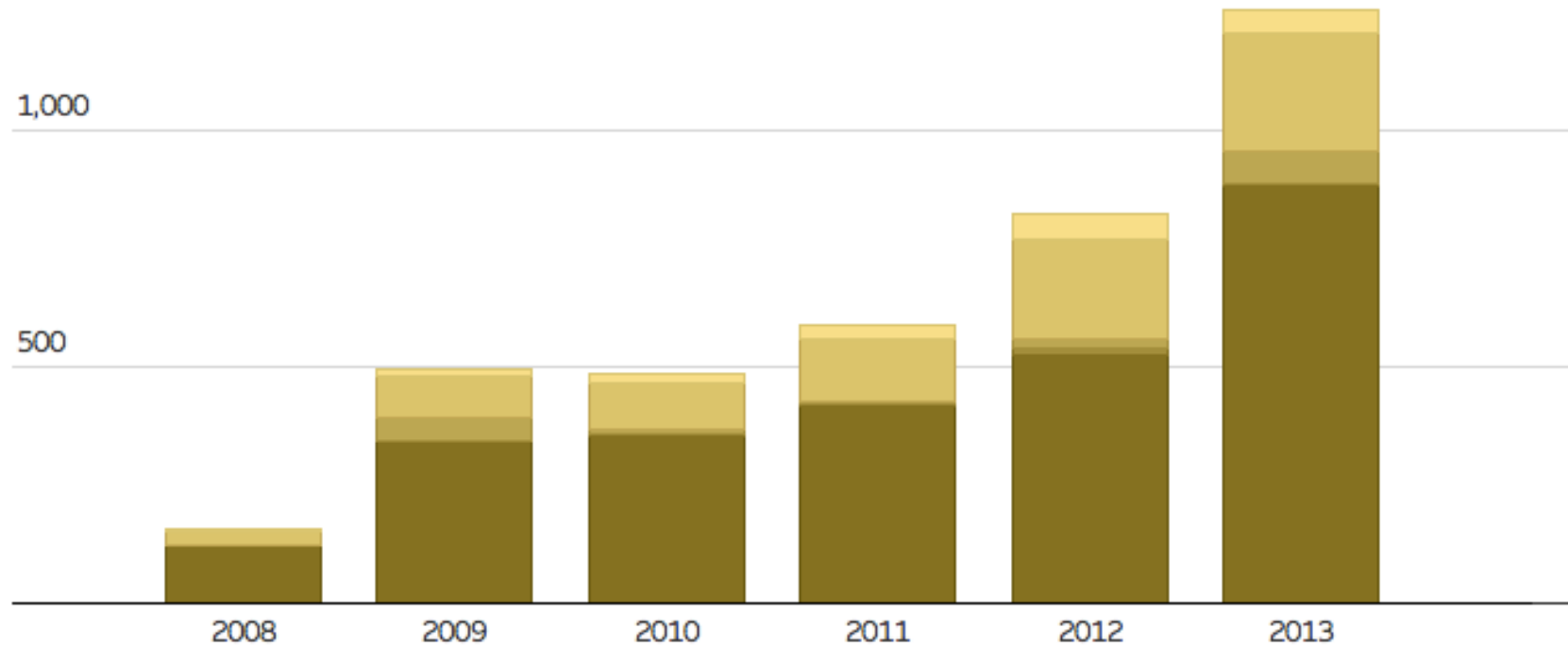


Data Source: U.S. Immigration and Naturalization Service, "Estimates of the Unauthorized Population Residing in the United States: 1990 to 2000"; U.S. Department of Homeland Security, "Estimates of the Unauthorized Population Residing in the United States: January 2011."



Non-U.S. Asylum Requests by Northern Triangle Citizens, 2008-2013

Mexico Panama Nicaragua Costa Rica Belize



Data Source: United Nations High Commissioner for Refugees



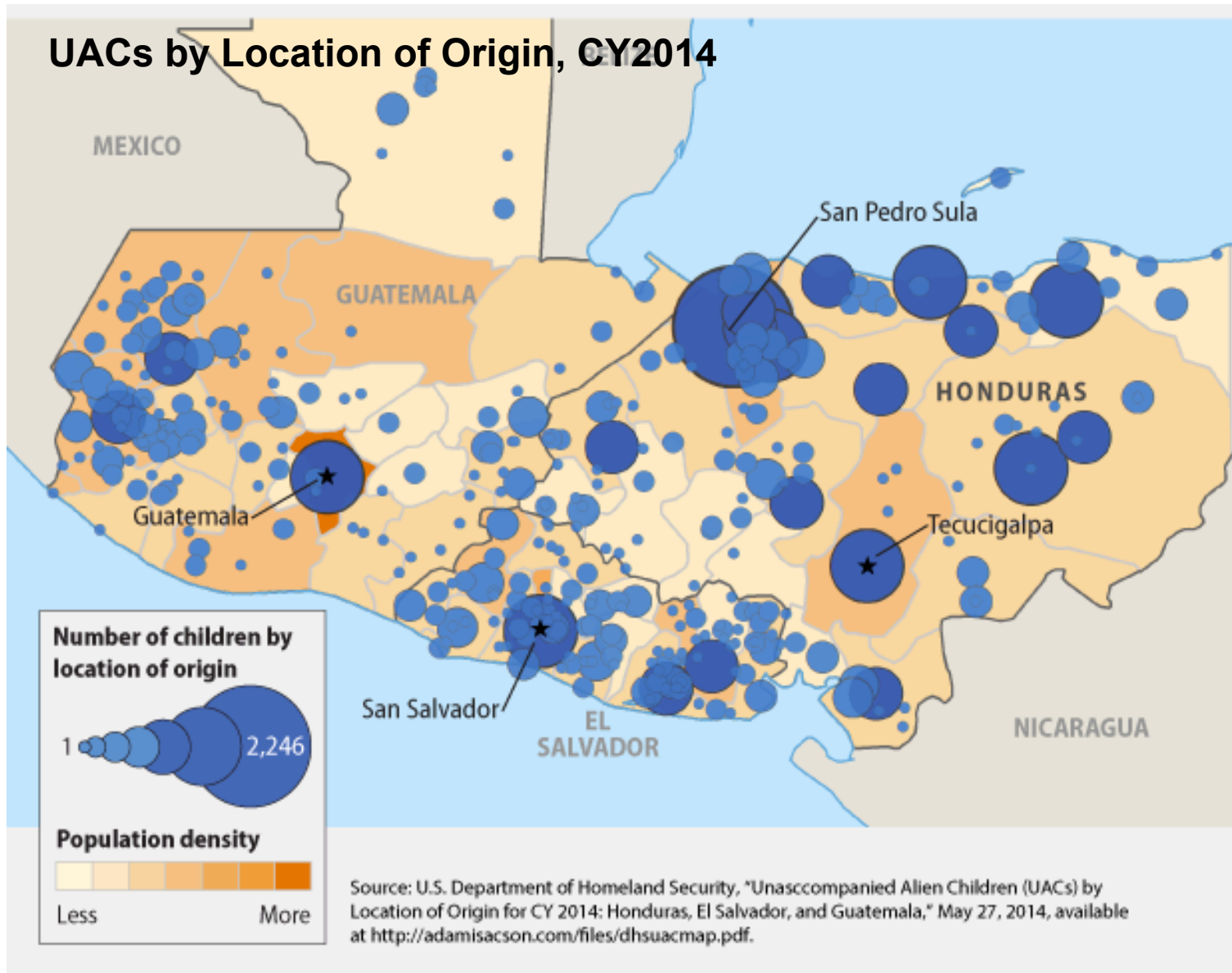
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COUNTRIES AND COMMUNITIES OF ORIGIN: CONTEXTUAL FACTORS FUELING YOUTH AND FAMILY MIGRATION

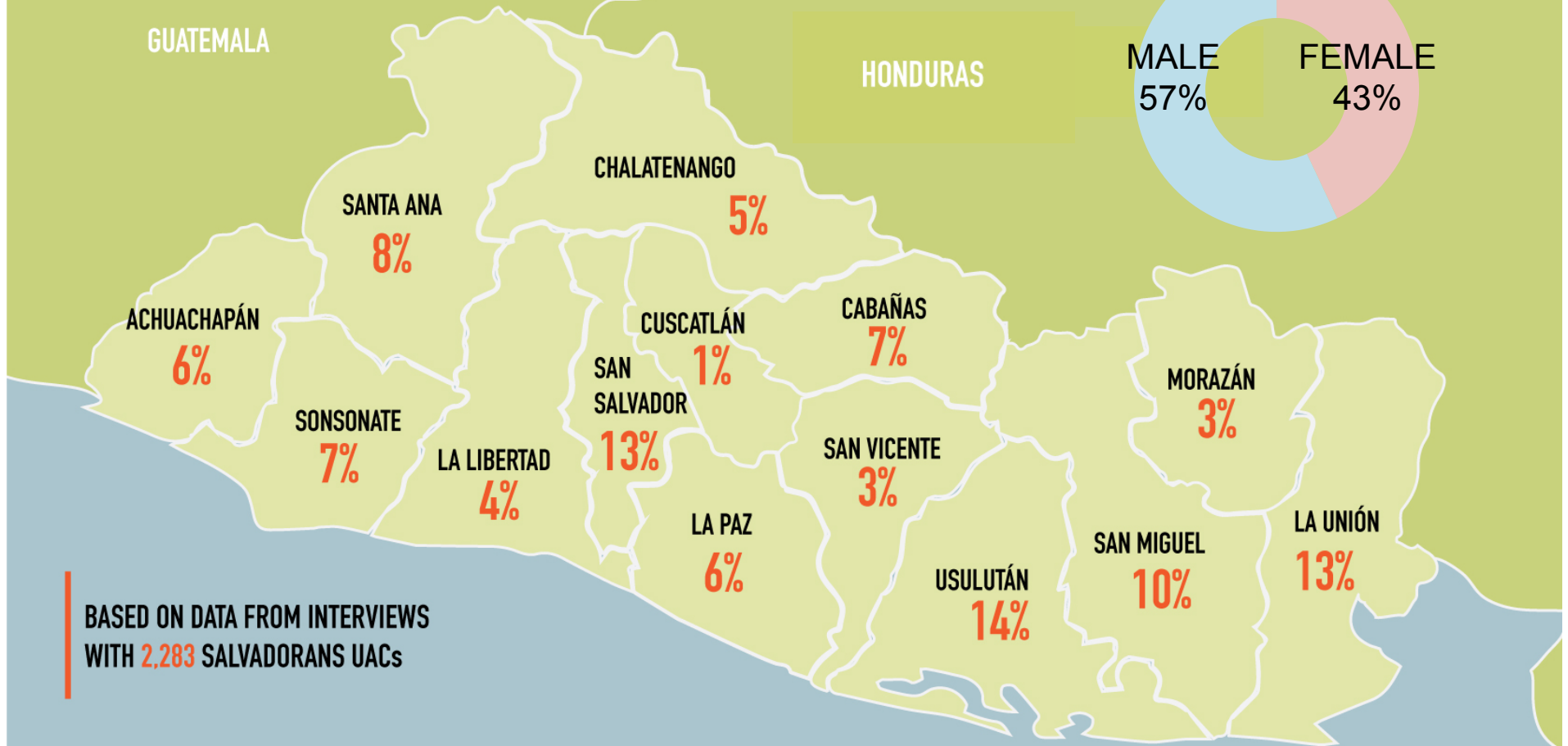


UACs by Location of Origin, CY2014





Salvadoran UACs by Department of Origin, FY2014





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GEOGRAPHY = DESTINY?

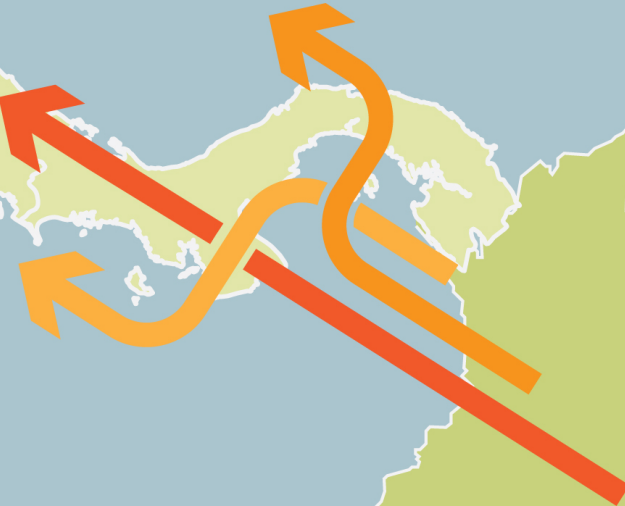


COLD WAR BATTLEGROUND



NATURAL DISASTERS

DRUG CORRIDOR





Push Factors: Social Exclusion

Select Demographic and Socioeconomic Indicators

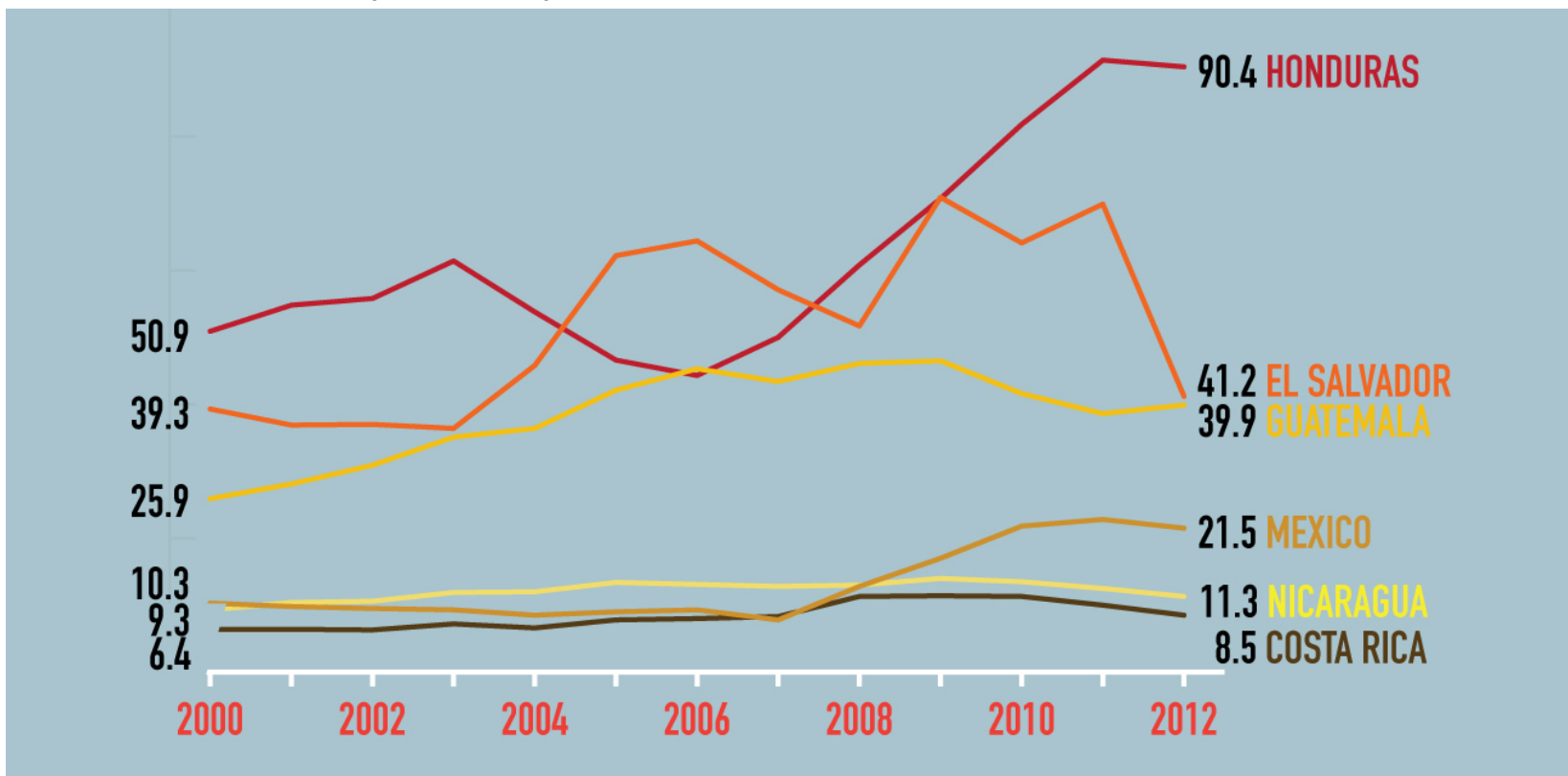
	EL SALVADOR	GUATEMALA	HONDURAS
GDP PER CAPITA US\$ (2013)	3,826	3,478	2,291
PERCENT OF POP. LIVING ON: \$4/DAY \$2.50/DAY	(2009) 42.7 23.1	(2006) 53.5 33.9	(2009) 52.3 36.5
UNDEREMPLOYMENT RATE	46.2 (2012)	41.25 (2013)	52.5 (2013)
PERCENT OF POP. UNDER 25 (2014)	49	58	56
COMPLETION RATE	45.1 (2011)	25.6 (2006)	36 (2010)
ANNUAL NET MIGRATION/1,000 POP. (2014)	-8.44	-2	-1.18

Data Source: For GDP per capita and poverty data, The World Bank, World Development Indicators; For underemployment rates, El Salvador, Programas de las Naciones Unidas para el Desarrollo; Guatemala: Instituto Nacional de Estadística; Honduras: Observatorio de Mercado Laboral; For secondary education completion rates, Economic Commission for Latin America and the Caribbean, Social Indicators and Statistics; For population age and annual net migration rates, Central Intelligence Agency, The World Factbook.



Push Factors: Societal Violence

Homicide Rates by Country, 2000-2012



Data Source: United Nations Office on Drugs and Crime, *Global Study on Homicide 2013*.



Push Factors: Societal Violence

Select Crime Indicators in the Northern Triangle

EL SALVADOR (2013)		
CRIME	TOTAL	RATE
THREATS	6,353	101
EXTORTION	2,785	44.3
THEFT	9,268	147.4
ROBBERY	5,346	85

GUATEMALA (2012)		
CRIME	TOTAL	RATE
EXTORTION	2,739	36
THEFT AND ROBBERY	17,840	118.4

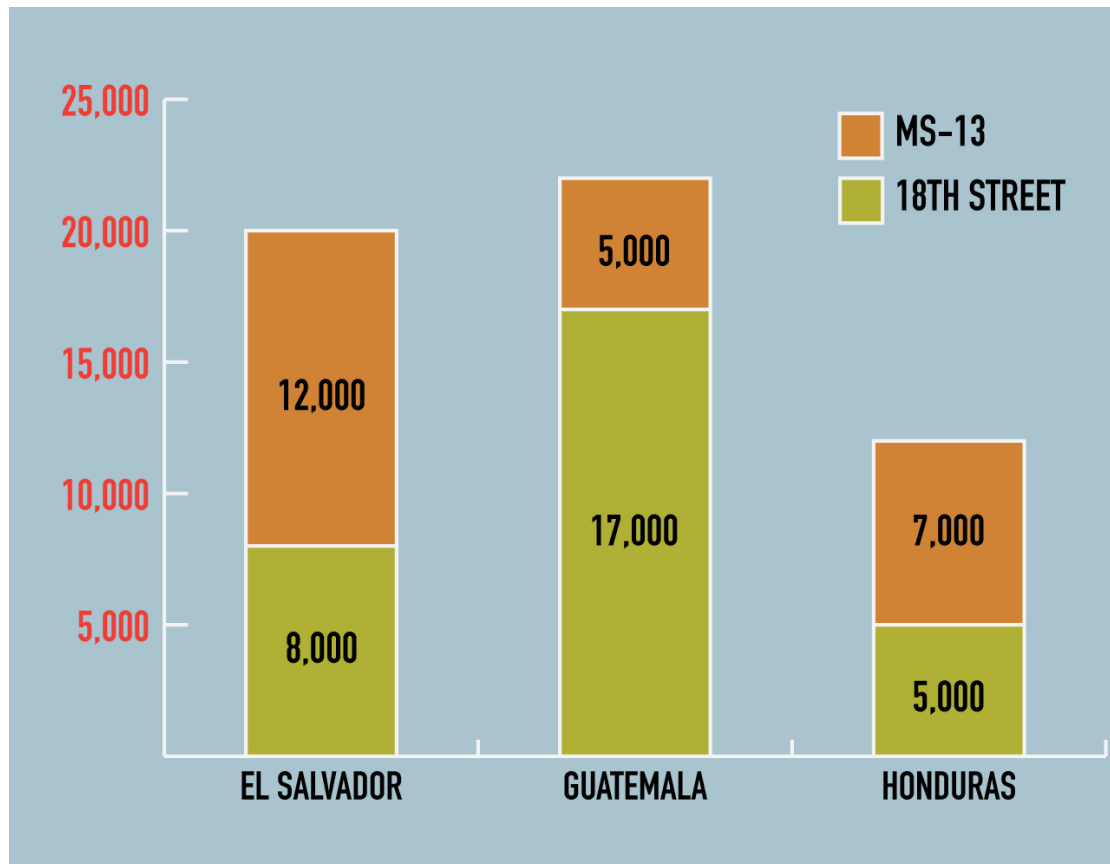
HONDURAS (2012)		
CRIME	TOTAL	RATE
EXTORTION (2013)	1,960	23.3
THEFT	3,779	45
ROBBERY	8,887	105.8

Data Source: For El Salvador, Instituto Universitario de Opinión Pública, *La situación de la seguridad y la justicia 2009-2014*; for Guatemala, Instituto Nacional de Estadística; for Honduras, Observatorio Nacional de la Violencia.



Push Factors: Societal Violence

Gang Member Estimates in the Northern Triangle, 2012

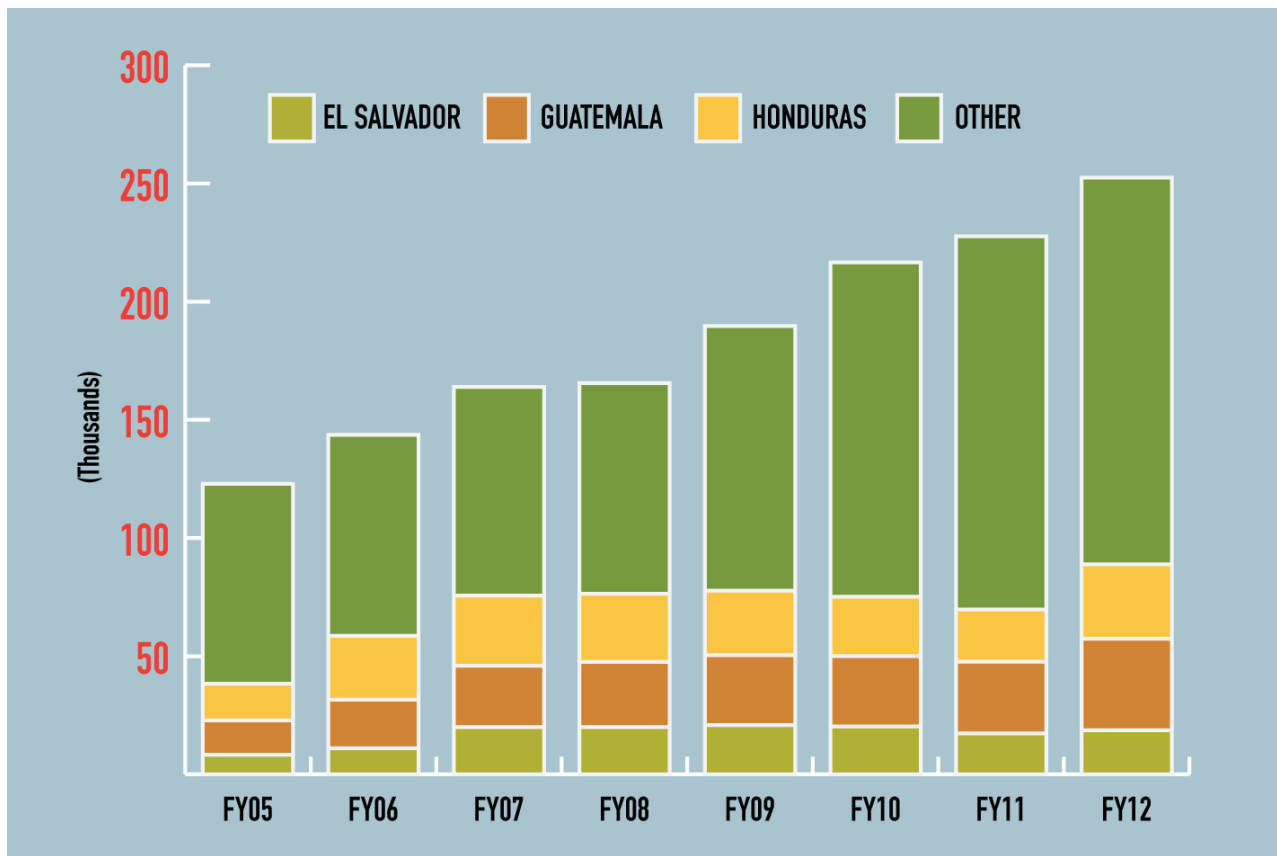


Data Source: United Nations Office on Drugs and Crime, *Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment*.



Push Factors: Societal Violence

Criminal Removals by Nationality, FY2005-2012



Data Source: U.S. Department of Homeland Security, Office of Immigration Statistics.



Push Factors: Societal Violence

Gang Violence

- Common types of gang-related harm suffered by children:
 - Forced conscription
 - Physical assault
 - Rape or other forms of sexual assault
 - Extortion
 - Threats
- Children are increasingly being used by gangs to monitor territories, sell drugs, and collect extortion payments.
- Based on data from interviews with 322 children returned to El Salvador, 59 percent of Salvadoran boys and 61 percent of Salvadoran girls list crime, gang threats, or violence as a reason for their emigration. Nearly one-third of all children list gang-related violence as the sole reason for their emigration. (Elizabeth Kennedy, “No Childhood Here: Why Central American Children Are Fleeing Their Homes”)
- In 2013, 17,000 Honduran families were internally displaced due to gang threats. (Internal Displacement Monitoring Centre)
- The Honduran Secretariat of Education estimates that in 2013 2,000 children under the age of 14 were forced to leave school because of death threats in the city of San Pedro Sula alone.



Push Factors: Household Violence

- From January through September 2013, the Salvadoran Institute for Children and Adolescents (ISNA) reported sheltering 496 abused children.
- According to a 2012 World Bank report, 41 percent of the first pregnancies of Salvadoran girls between the ages of 10 and 19 resulted from sexual abuse, and 12 percent of such pregnancies resulted from sexual abuse committed by a family member.
- Between January 1, 2013 and August 28, 2013, the Salvadoran Attorney General's Office reported 1,445 cases of alleged rape of minors, only 37 resulting in convictions.
- From January-September 2013, the Public Ministry of Guatemala reported 2,639 complaints of sexual assault or rape against minors, with only 11 convictions.
- A 2014 UNHCR report found that out of 302 unaccompanied minors from Central America, 20 percent of Salvadorans, 23 percent of Guatemalans, and 24 percent of Hondurans reported abuse in the home.



Push Factors: Drug Trafficking, Corruption, and Institutional Incapacity

- Lack of operational control over borders and territories
- Undermanned and ill-equipped police forces
- Widespread corruption within the Northern Triangle countries' criminal justice sectors, eroding public confidence in local law enforcement and meaning that most crimes go unreported
- Corrupt, ineffective, and inefficient judicial systems where impunity reigns
- Lack of capacity to respond to the challenge of re-integrating deportees forcibly removed from the U.S. or apprehended in transit through Mexico



Push Factors: Institutional Incapacity

TOTAL TAX REVENUE AS PERCENTAGE OF GDP (2012)	
EL SALVADOR	15.7
GUATEMALA	12.3
HONDURAS	17.5
LATIN AMERICA AND CARIBBEAN AVERAGE	20.7
OECD (COUNTRY AVERAGE)	34.6

Data Source: *Organization for Economic Cooperation and Development, Revenue Statistics in Latin America 2014*



U.S. Engagement in the Region

Central American Regional Security Initiative (CARSI) Funding, FY2008-2015

(in millions of U.S. dollars)	ECONOMIC SUPPORT (ESF)	NARCOTIC CONTROL AND POLICE/MILITARY SUPPORT (INCLE, NADR, FMF)	TOTAL
FY2008	25.0	35.0	60.0
FY2009	18.0	77.0	105.0
FY2010	23.0	72.0	95.0
FY2011	30.0	71.5	101.5
FY2012	50.0	85.0	135.0
FY2013	50.6	95.0	145.6
FY2014 (EST.)	61.5	100.0	161.5
TOTAL FY2008-2014	258.1	545.5	803.6
FY2015 (REQ.)	60.0	70.0	130.0

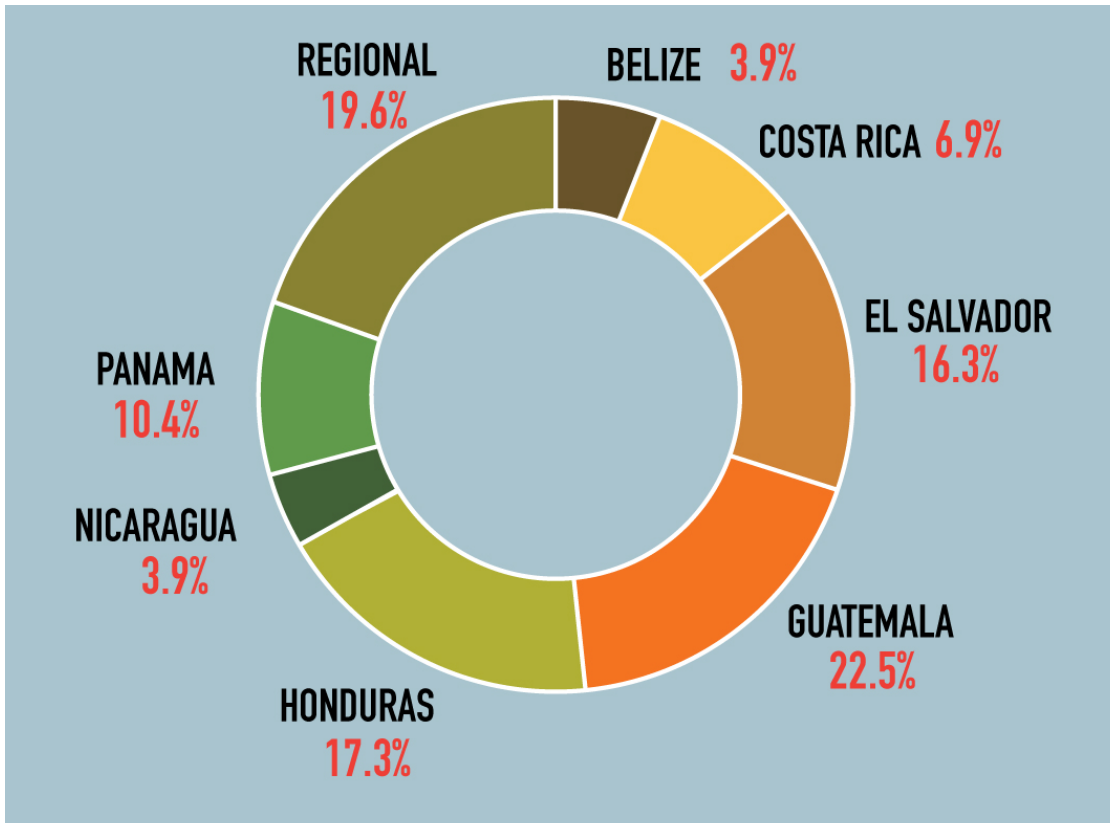
Source: U.S. Department of State, *FY 2013 Spend Plan – Central America Regional Security Initiative*, September 10, 2013; Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2014 (P.L. 113-76), <http://rules.house.gov/bill/113/hr-3547-sa>; and U.S. Department of State, *Congressional Budget Justification for Foreign Operations, Appendix 3: Regional Perspectives, Fiscal Year 2015*, April 2014.

Notes: ESF = Economic Support Fund; INCLE = International Narcotics Control and Law Enforcement; NADR = Nonproliferation, Anti-Terrorism, De-mining and Related Programs; and FMF = Foreign Military Financing.



U.S. Engagement in the Region

CARSI Allocations by Country, FY2008-2012



Data Source: Congressional Research Service analysis of data from U.S. Government Accountability Office, *Central America: U.S. Agencies Considered Various Factors in Funding Security Activities, but Need to Assess Progress in Achieving Interagency Objectives*, GAO-13-771, September 25, 2013



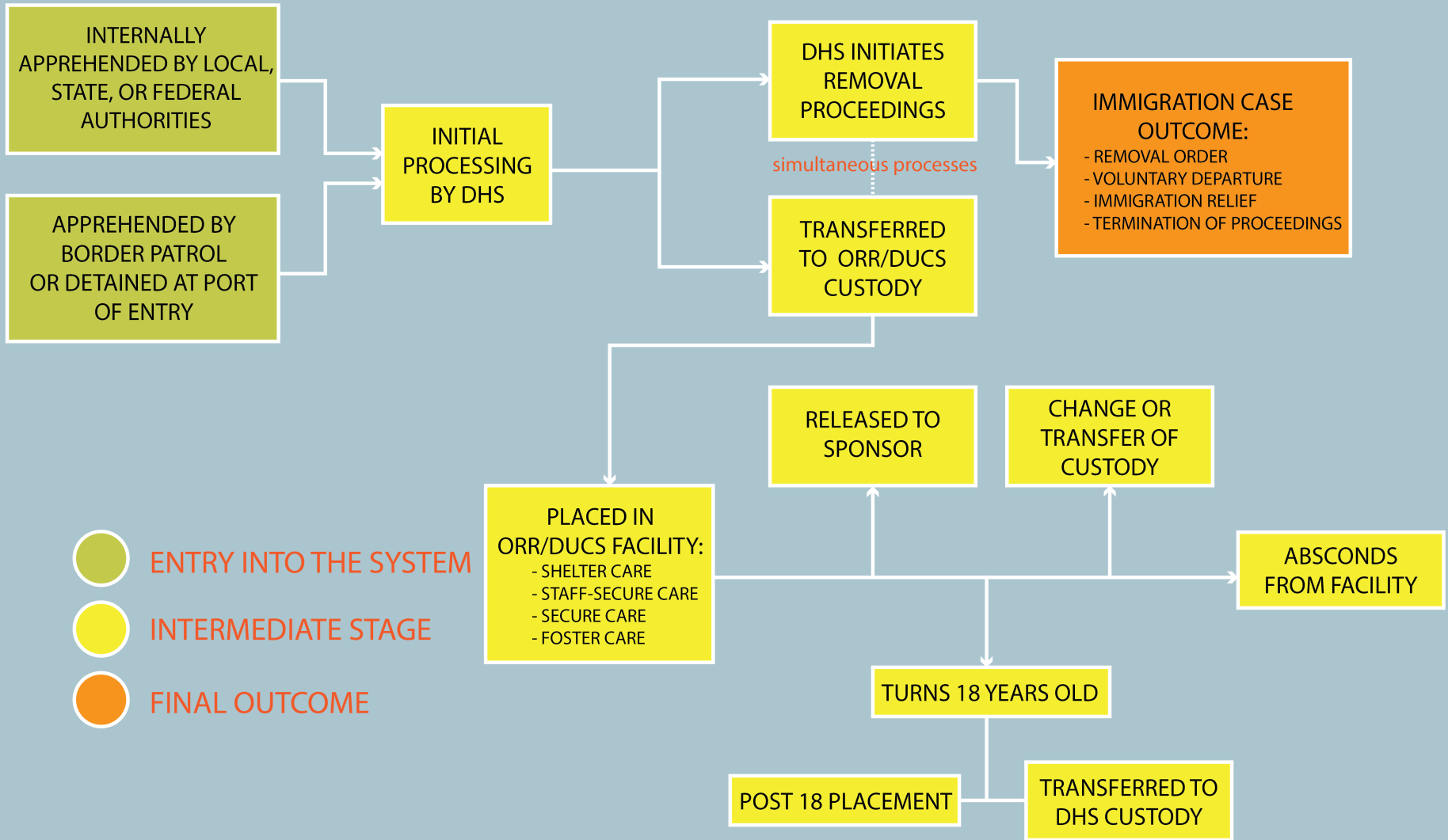
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UNACCOMPANIED CHILDREN IN THE U.S.: THE IMMIGRATION SYSTEM, POTENTIAL OUTCOMES AND POLICY RESPONSES



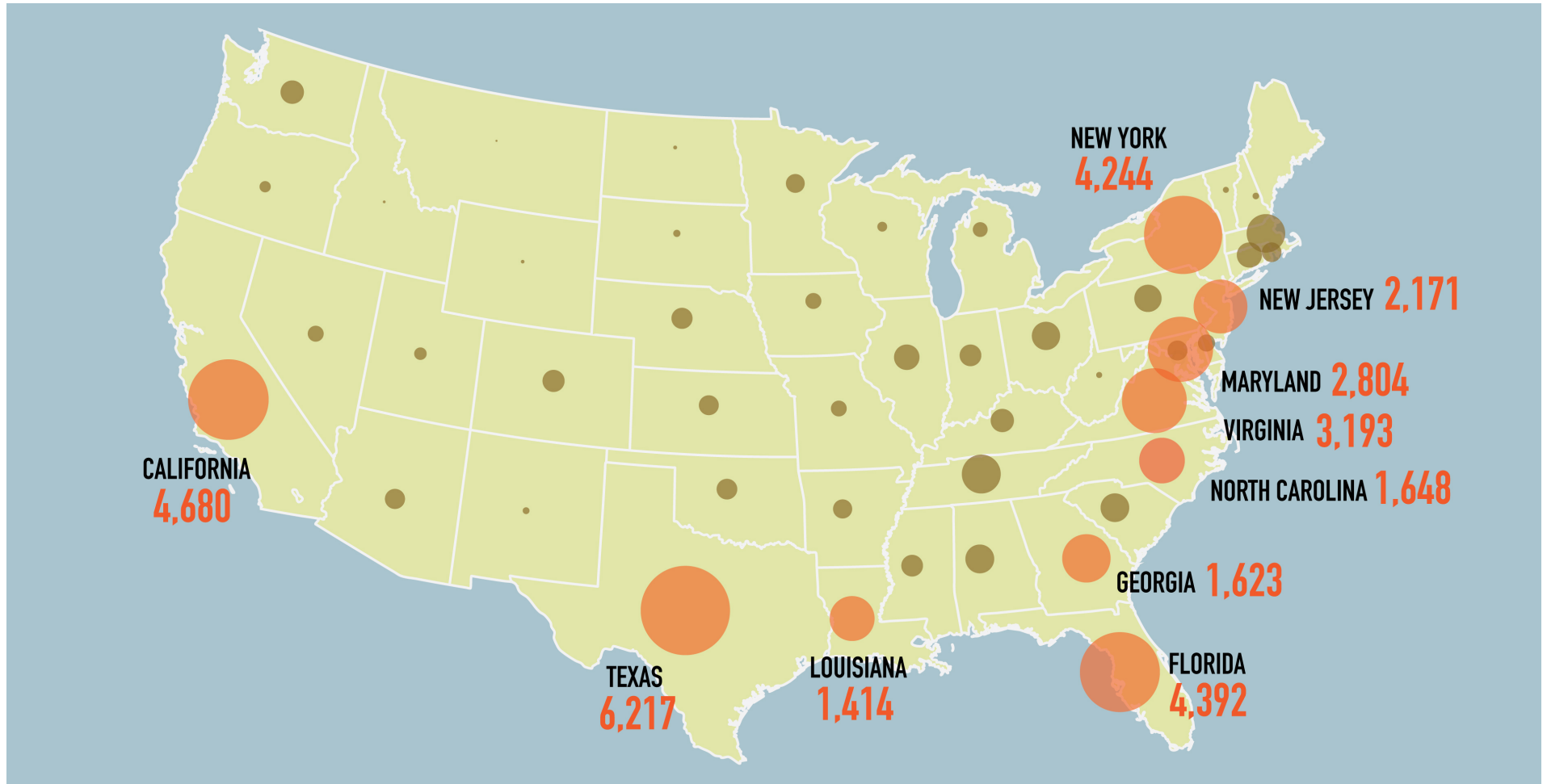
The Flow of Central American UACs through the U.S. Immigration System





UACs Released to Sponsors by State

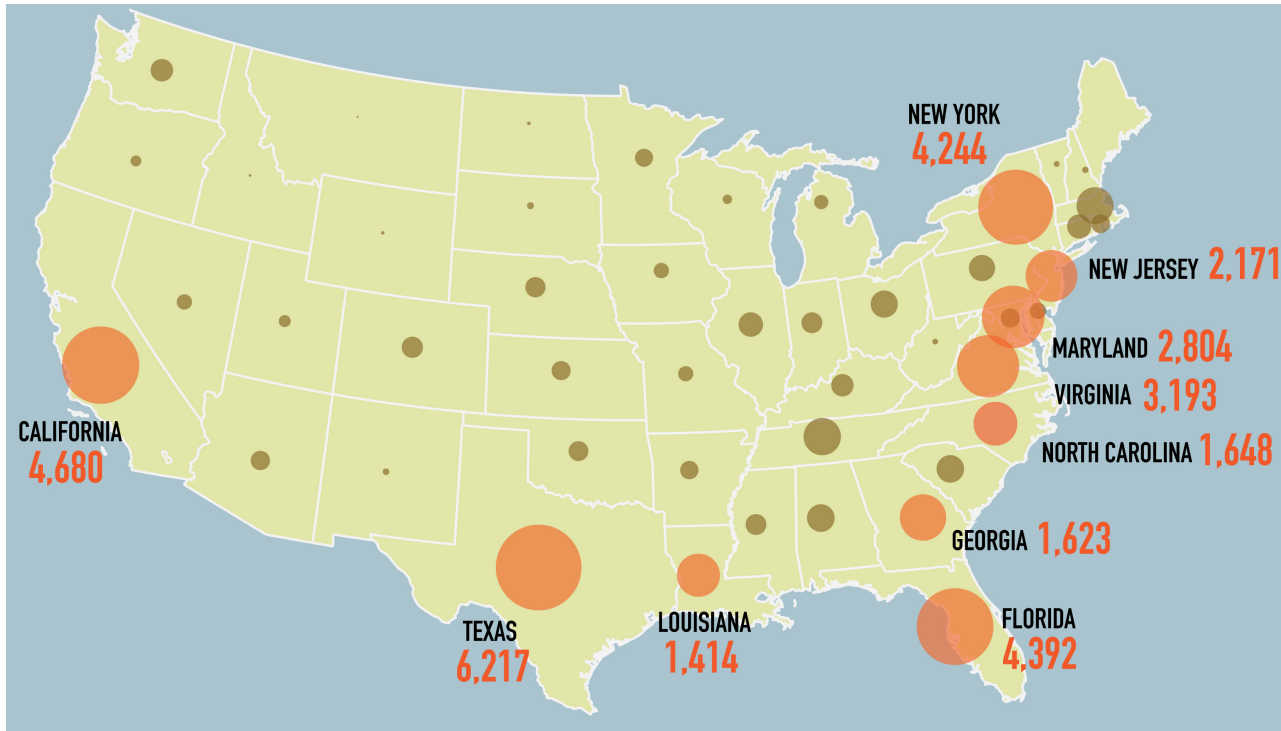
CY2014 (through August 31)



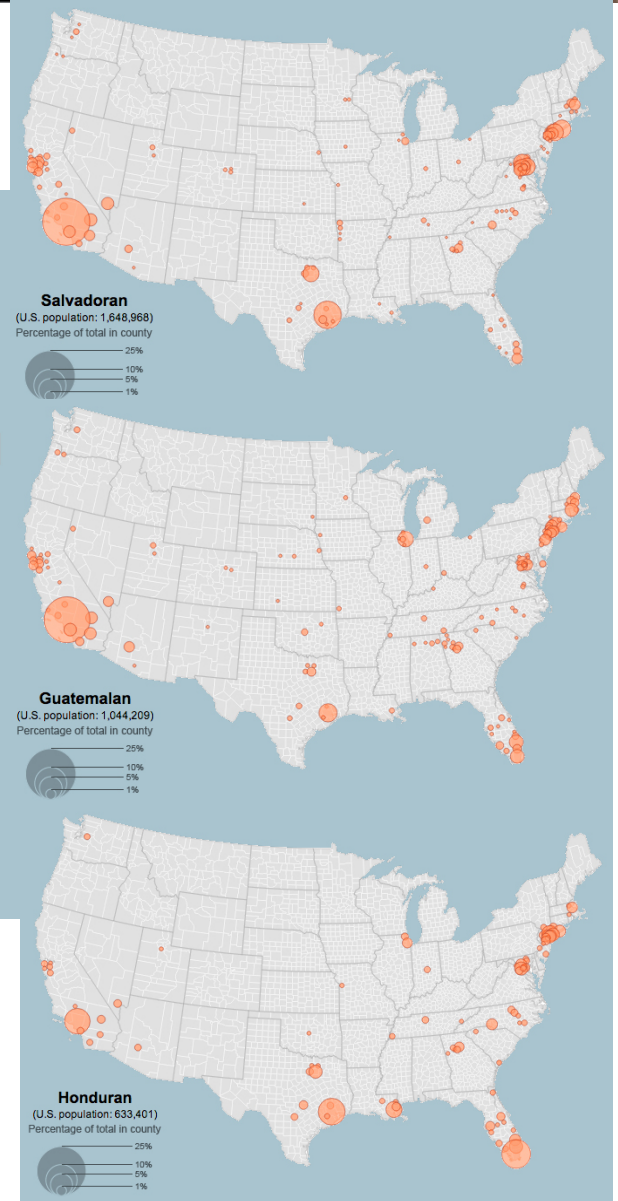
Data Source: Office of Refugee Resettlement



Northern Triangle Communities in the U.S.

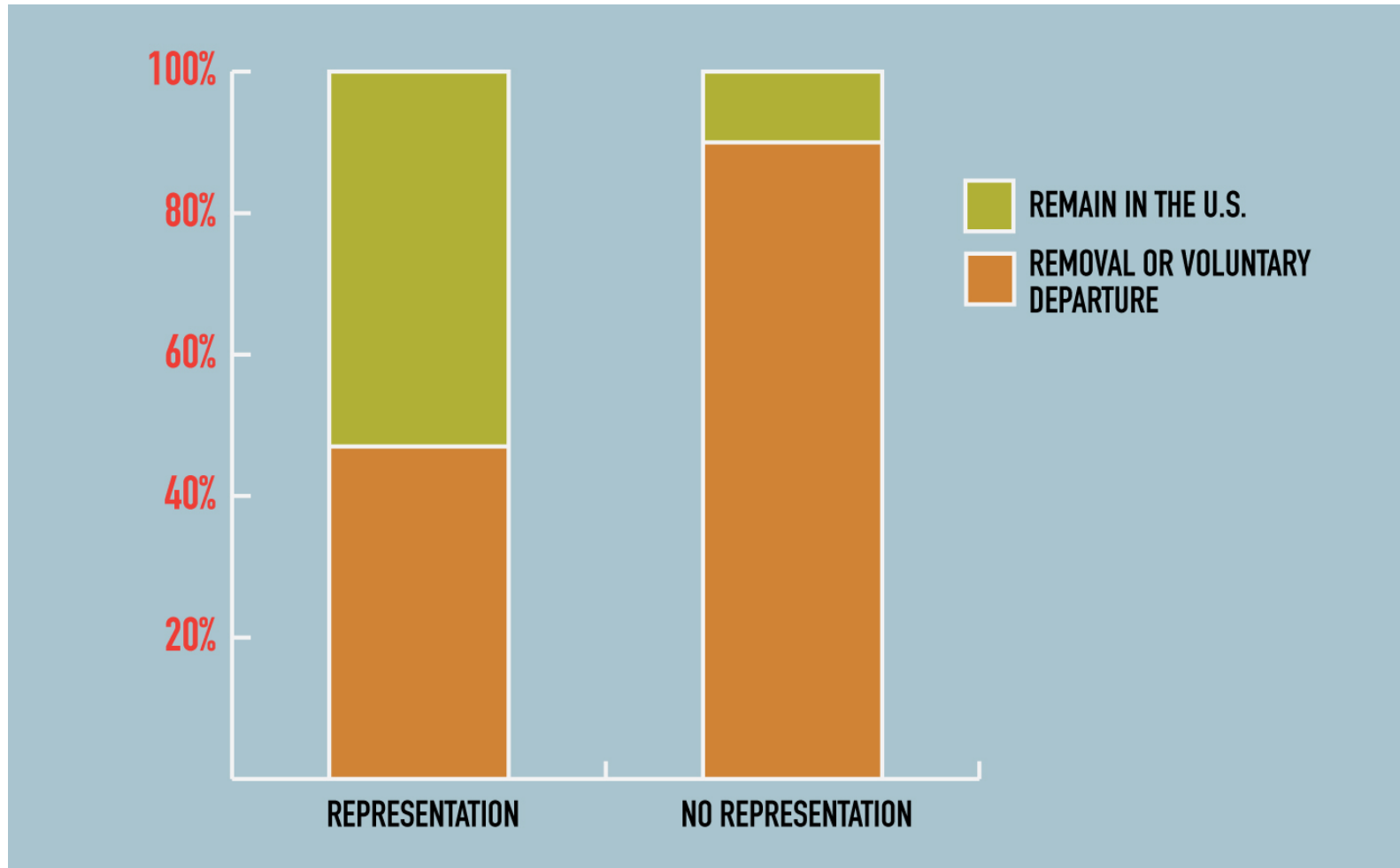


Data Source: Office of Refugee Resettlement; U.S. Census Bureau, Census 2010 SF1 table PCT11





Juvenile Case Outcomes in Immigration Courts, 2005-2014



Data Source: Transactional Records Access Clearinghouse (TRAC), "New Data on Unaccompanied Children in Immigration Court," July 15, 2014.



Legal Options for Deportation Relief

ASYLUM

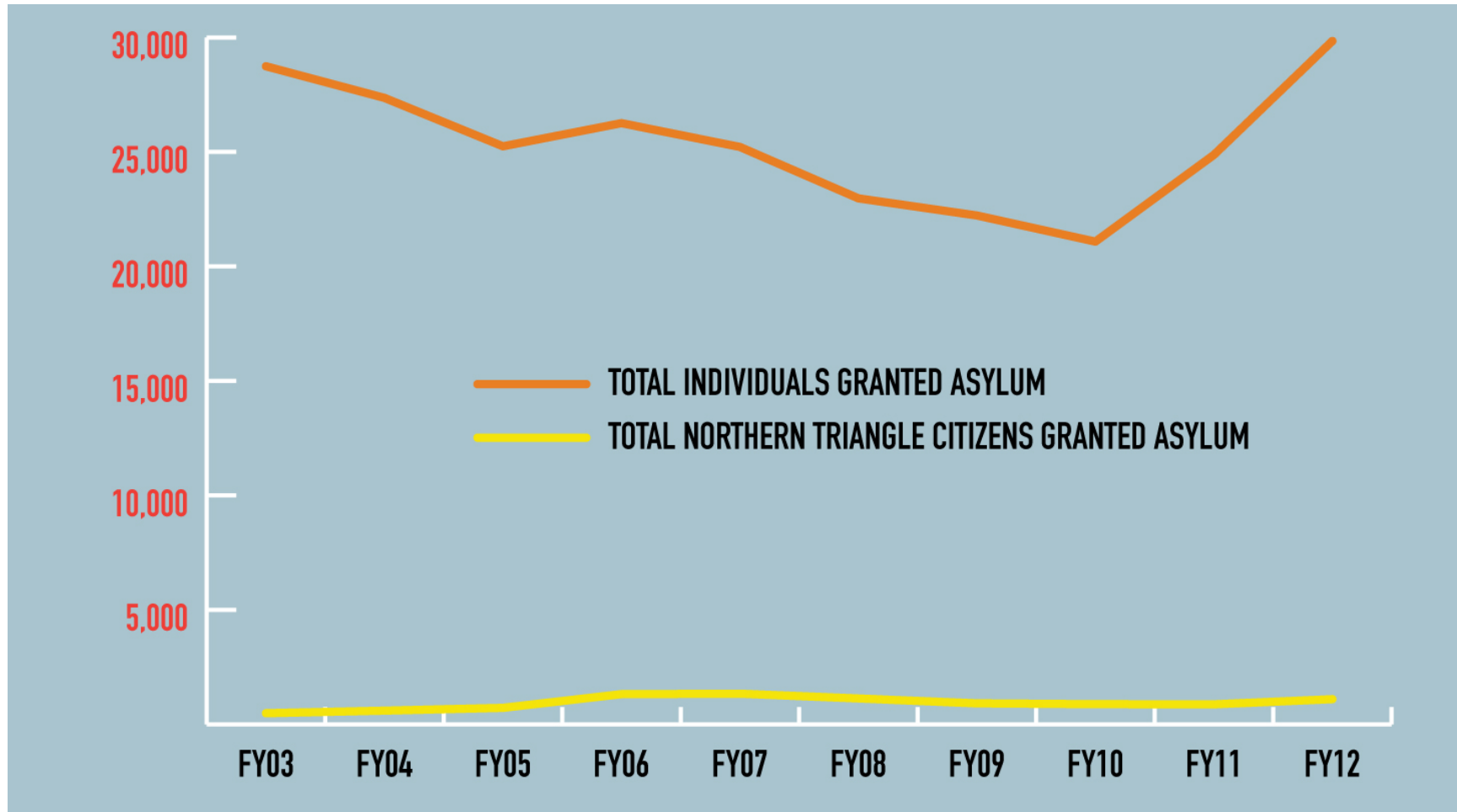
SIJS

U-VISA

T-VISA



Northern Triangle Citizens Granted Asylum in the U.S., FY2003-2012



Data Source: U.S. Department of Homeland Security, Office of Immigration Statistics.



Asylum Granted Defensively

IMMIGRATION COURT ASYLUM GRANT RATE			
	GRANTS	DENIALS	GRANT RATE
FY09	8,800	9,876	47%
FY10	8,518	8,335	51%
FY11	10,137	9,280	52%
FY12	10,711	8,502	56%
FY13	9,933	8,823	53%

IMMIGRATION COURT ASYLUM GRANT RATE FOR NORTHERN TRIANGLE COUNTRIES			
	GRANTS	DENIALS	GRANT RATE
FY09	257	2,430	10%
FY10	310	2,138	13%
FY11	340	2,413	12%
FY12	427	2,182	16%
FY13	426	2,590	14%

FY2013 GRANT RATES BY COUNTRY			
	GRANTS	DENIALS	GRANT RATE
EL SALVADOR	181	1186	13%
GUATEMALA	153	829	16%
HONDURAS	92	575	14%

Data Source: Executive Office for Immigration Review, *FY 2013 Statistics Yearbook*



Asylum Granted Affirmatively

RACQMPAP

BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES
 REFUGEES, ASYLUM AND PAROLE SYSTEM
 MPA AND PRL REPORT
 10/01/13-06/30/14

7/9/14

Asylum Office		Pending 10/1/13	Cases Filed	Approval Rate	Cases Granted	Cases Denied	Interviewed Referrals	Rejected Appls	Uninterv. Referrals	Admin Closed	No Juris. Closed	Pending 6/30/14
ALL Office	MPA (NOT PRL)	707	430	94.7%	339	0	18	1	7	19	5	753
	PRL (ANY AGE)	864	1532	64.7%	108	0	59	0	9	38	14	2182
TOTALS	MPA (N/PRL) + PRL	1571	1962	85.1%	447	0	77	1	16	57	19	2935
ZAR	MPA (NOT PRL)	102	55	98.60%	71	0	1	0	0	3	2	82
	PRL (ANY AGE)	37	72	53.80%	7	0	6	0	0	8	5	88
	MPA (N/PRL) + PRL	139	127	91.70%	78	0	7	0	0	11	7	170
ZCH	MPA (NOT PRL)	46	60	100.00%	20	0	0	0	0	3	0	83
	PRL (ANY AGE)	134	152	31.20%	5	0	11	0	0	3	0	267
	MPA (N/PRL) + PRL	180	212	69.40%	25	0	11	0	0	6	0	350
ZHN	MPA (NOT PRL)	64	33	96.00%	48	0	2	0	3	2	2	42
	PRL (ANY AGE)	77	86	53.80%	14	0	12	0	0	3	0	134
	MPA (N/PRL) + PRL	141	119	81.50%	62	0	14	0	3	5	2	176
ZLA	MPA (NOT PRL)	153	91	95.60%	44	0	2	0	3	5	0	190
	PRL (ANY AGE)	219	265	40.00%	6	0	9	0	1	2	2	466
	MPA (N/PRL) + PRL	372	356	81.90%	50	0	11	0	4	7	2	656
ZMI	MPA (NOT PRL)	48	43	95.20%	20	0	1	0	0	1	0	69
	PRL (ANY AGE)	44	91	66.60%	14	0	7	0	1	4	1	109
	MPA (N/PRL) + PRL	92	134	80.90%	34	0	8	0	1	5	1	178
ZNK	MPA (NOT PRL)	130	58	90.00%	45	0	5	0	0	1	0	137
	PRL (ANY AGE)	170	526	83.30%	5	0	1	0	1	5	1	684
	MPA (N/PRL) + PRL	300	584	89.20%	50	0	6	0	1	6	1	821
ZNY	MPA (NOT PRL)	60	57	83.30%	40	0	7	1	1	2	1	66
	PRL (ANY AGE)	46	138	78.50%	33	0	9	0	6	4	2	132
	MPA (N/PRL) + PRL	106	195	81.10%	73	0	16	1	7	6	3	198
ZSF	MPA (NOT PRL)	104	33	100.00%	51	0	0	0	0	2	0	84
	PRL (ANY AGE)	137	202	85.70%	24	0	4	0	0	9	3	302
	MPA (N/PRL) + PRL	241	235	94.90%	75	0	4	0	0	11	3	386

Minor Principal Applicants (MPA):	affirmative asylum applicants under age 18 at the time of filing
PRL:	asylum applicants of any age filing with USCIS under the initial jurisdiction provision of the TVPRA while in removal proceedings

Approval Rate:	Approvals / (approvals + cases denied + referred (interviewed) + filing deadline referrals) x 100
	The rate of approval of adjudicated (i.e. interviewed on the merits) completions.



Definition of Refugee

“ Any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. ”

—Immigration and Nationality Act (I.N.A.) Section 101(a)(42)(A)

- Past persecution or well-founded fear of future persecution on account of:
 1. Race
 2. Religion
 3. Nationality
 4. Membership in a particular social group
 5. Political opinion
- Government is unwilling or unable to protect the asylum-seeker
- Internal relocation is deemed unreasonable



Towards a Definition of “Particular Social Group”

An applicant for asylum based on membership in a particular social group must establish that the group is:

- composed of members who share a “common, immutable characteristic” that one cannot change or should not be required to change
see *Matter of Acosta*, 19 I&N Dec. 211, 222 (BIA 1985)
- defined with “particularity”
see *Matter of W-G-R-*, 26 I&N Dec. 208 (BIA 2014)
see *Matter of M-E-V-G-*, 26 I&N Dec. 227 (BIA 2014)
- “socially distinct” within the society in question
see *Matter of W-G-R-*, 26 I&N Dec. 208 (BIA 2014)
see *Matter of M-E-V-G-*, 26 I&N Dec. 227 (BIA 2014)

When persecution is on account of “mixed motives”:

- one of the protected grounds must be a “central reason” for the persecution
see REAL ID Act of 2005

Contested Notions of “Particular Social Group”

Specific case law has also set precedents regarding the recognition of the following social groups, though interpretations have varied widely:

Common, Immutable Characteristic	Relief	Decision	Case
Family Ties	Granted	Family members of a Salvadoran police officer involved in anti-gang efforts constitutes a PSG	EOIR, Immigration Court Arlington, VA August 22, 2011
	Granted	Male siblings of those murdered by gangs who resist active recruitment efforts constitute a PSG	EOIR, Immigration Court Arlington, VA September 27, 2010
	Granted	Victims of persecution on the account of the political opinions of family members (i.e., imputed political opinion) constitute a PSG	EOIR, Immigration Court Boston, MA November 26, 2007
	Granted	Family members of those who actively oppose gangs in El Salvador by agreeing to be prosecutorial witnesses without compensation constitute a PSG	EOIR, Immigration Court Boston, MA November 26, 2007
Church Membership / Religious Beliefs	Granted	Evangelical Christians who fear future persecution on account of religious beliefs that prohibit unlawful conduct constitute a PSG	EOIR, Immigration Court Arlington, VA July 17, 2007
	Denied	PSG may be defined as those refusing to join a gang based on youth and membership in a church that prohibits gang membership. Request was denied because applicant was unable to identify other members of the alleged group	EOIR, Immigration Court San Francisco, CA April 23, 2007
Rejection/Resistance to Gang Membership	Denied	Salvadoran youth who have rejected or resisted membership in a gang based on their own personal, religious, and moral opposition to the gang's values and activities do not constitute a PSG. Though PSG claims based on age may still be cognizable, the proposed PSG represents a "potentially large and diffuse segment of society," and thus not substantially different from other people.	<i>Matter of S-E-G-</i> , 24 I&N Dec. 579, 582 (BIA 2008)
	Granted	The case of a Salvadoran male who resisted gang recruitment was distinguishable from <i>Matter of S-E-G-</i> . The alleged social group was deemed both distinct and particular	<i>Matter of ____</i> IJ Decision Arlington, VA August 4, 2009
Former Gang Members	Denied	Former members of the Mara 18 gang in El Salvador who have renounced their gang membership do not constitute a PSG	<i>Matter of W-G-R-</i> , 26 I&N Dec. 208 (BIA 2014)

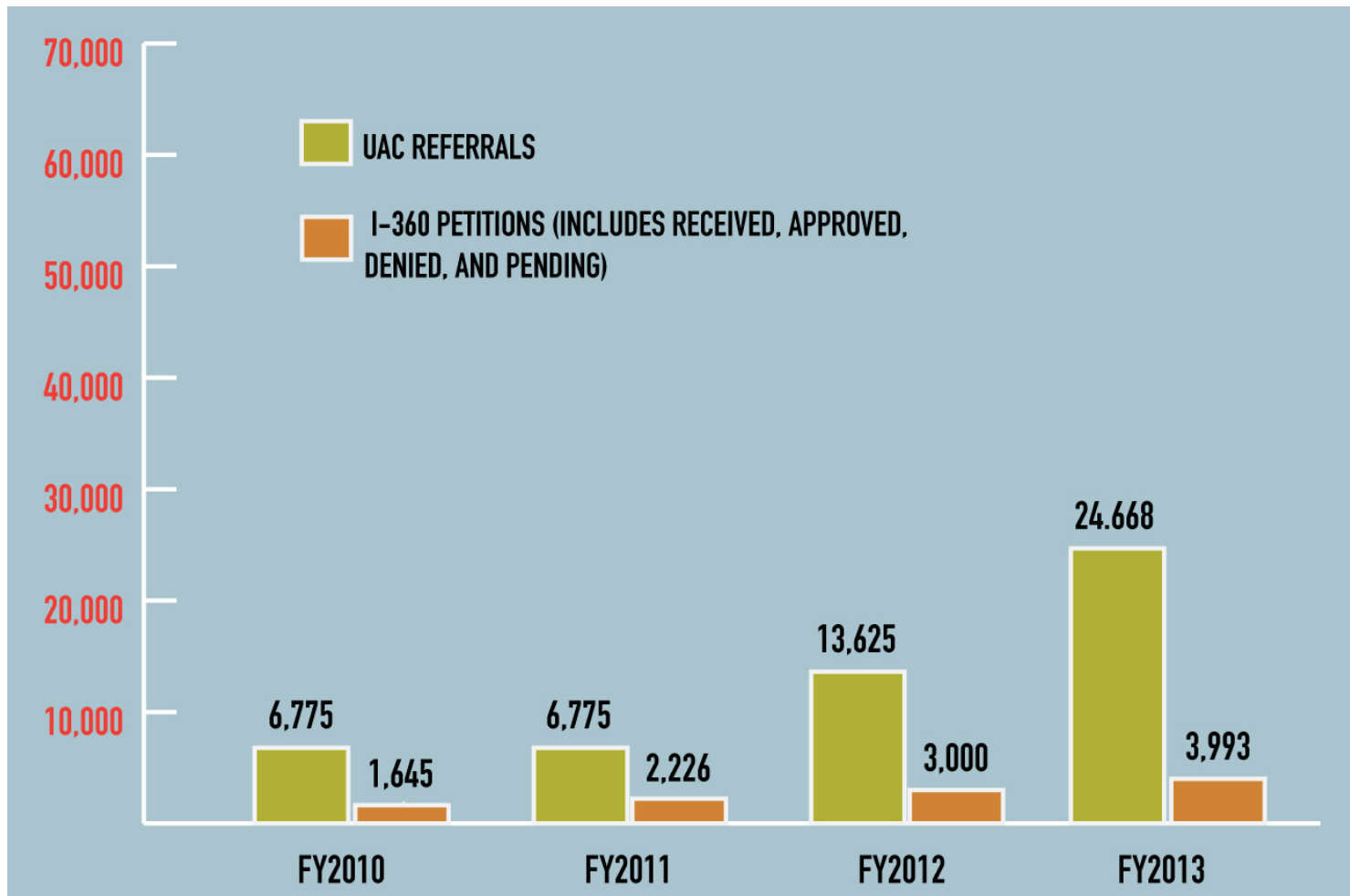


Special Immigrant Juvenile Status (SIJS)

- Unmarried child is a dependent of the court or has been legally placed in the custody of a state agency, a private agency, or a private person
- Reunification with one or both parents is not viable due to:
 1. Abuse
 2. Neglect
 3. Abandonment
- Return to home country is not in the child's best interests



Special Immigrant Juvenile (SIJ) Petitions, FY2010-2013



Data Source: U.S. Citizenship and Immigration Services, "Number of I-360 Petitions for Special Immigrant with a Classification of Special Immigrant Juvenile (SIJ) by Fiscal Year and Case Status 2010-2013."



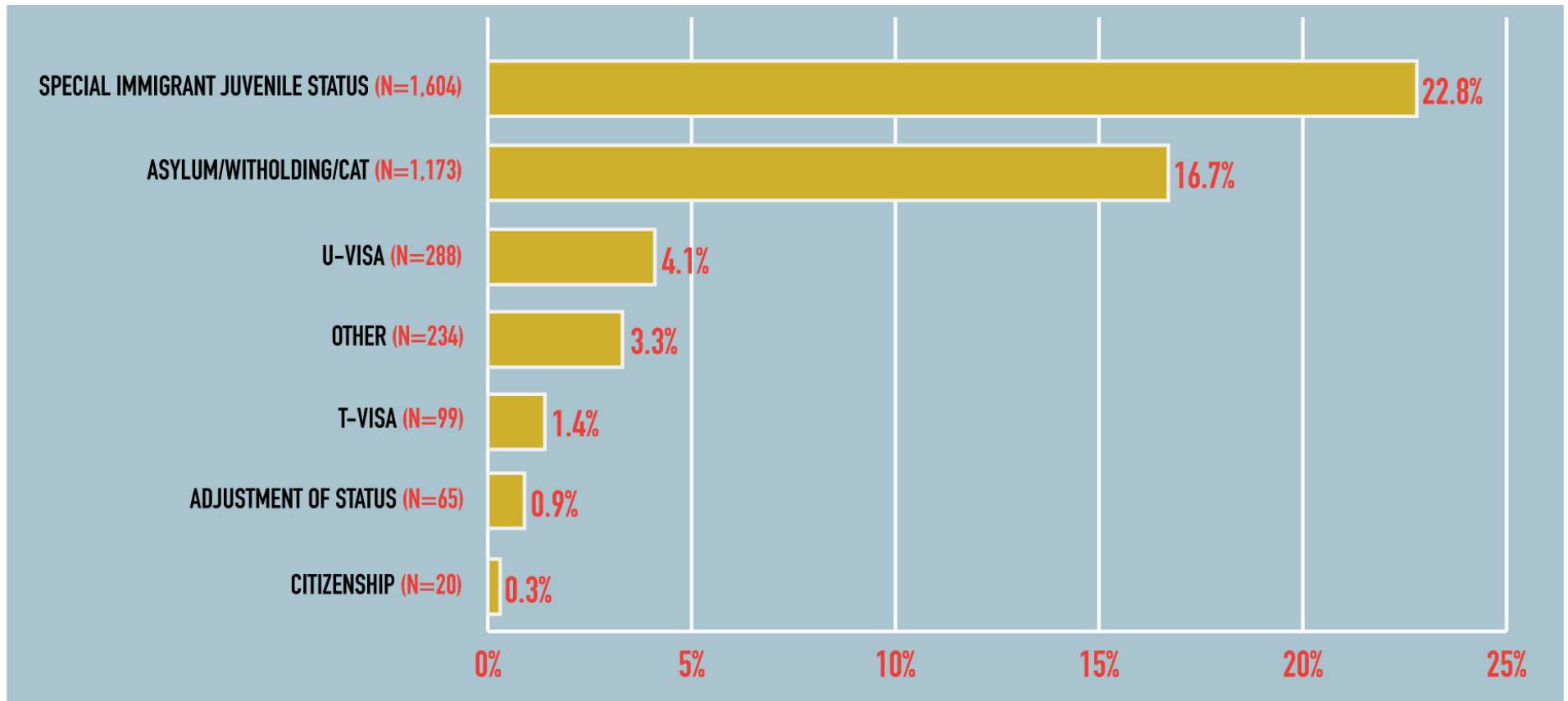
Special Immigrant Juvenile (SIJ) Petitions by Case Status, FY2010-2013



Data Source: U.S. Citizenship and Immigration Services, "Number of I-360 Petitions for Special Immigrant with a Classification of Special Immigrant Juvenile (SIJ) by Fiscal Year and Case Status 2010-2013."



Types of Potential Relief from Removal for Children Screened by DUCS Legal Service Project Providers, CY2010*



Data Source: Vera Institute of Justice subcontractor data from Vera's DUCS Legal Access Project

*Among 7,020 unique children the project served in 2010, 2,830 were eligible for some type of potential relief from removal. Because many children were eligible for more than one type of potential relief, the number of instances of potential relief was greater than the number of eligible children. The percentages shown are based on the number of unique children served.



Policy Responses

**TVPRA
AMENDMENTS**

**EXPEDITED
HEARINGS**

**PROVISION
OF LEGAL
COUNSEL**

**REFUGEE
PROCESSING
CENTERS**