

Refugees at Our Backyard

Current US Refugee Policy and the Flight of Central Americans to the United States

DEBORAH ANKER — MAGGIE MORGAN — 10 November, 2016



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Since the 1970s, the southern border of the United States – spanning 1989 miles of international border between the United States and Mexico – has been the site of significant migration from Central America. Over one million Central American refugees crossed into the United States from the late 1970s to the early 1990s to escape civil wars in Guatemala and El Salvador, while thousands more went to Canada, Mexico, Costa Rica, and Belize.

While refugee migration slowed after these conflicts ended in the late 1990s, a second increase in migration began in 2012. This migration included a dramatic increase in the number of

women and children leaving Honduras, El Salvador, and Guatemala (a region referred to as the “Northern Triangle”) for the United States. Thousands fled persecution from powerful ‘third-generation’ gangs and other politically powerful criminal organizations that had targeted them or their family members for rape, murder, extortion and other harms.

Many are also escaping pervasive gender-based violence, including rape, femicide (gender-based homicide), and domestic violence. Both third-generation gangs and domestic abusers in these countries often operate with impunity due to the inability or unwillingness of State governments to protect victims from harm. It has been recognised that many of these migrants are refugees, having grounds for asylum or related protection under domestic and international law.

Deportation and migration

The growth and sophistication of gangs in Central America was fuelled beginning in the mid-1990s largely by the deportation of large numbers of Central American youth who had joined gangs in the United States after their families migrated to flee the earlier Central American civil wars. Gangs in Los Angeles, for example, formed initially as a defence against already established Chicano street gangs. In 1996, changes in U.S. immigration laws resulted in mass deportation of these gang youth as well as others on crime-related grounds. Between 1998-2005 more than 200,000 individuals were deported from the United States to Central America, and fledging criminal justice systems in receiving countries were unable to cope with these large scale arrivals. The gangs grew exponentially.

The response to this refugee flow has been a build-up of border militarisation , including now 650 miles of fencing and border walls and a huge growth in other forms of militarization (the immigration agency enforcement budget is about equal to that of all other US government criminal enforcement agencies combined). Other responses include the enactment of expedited removal procedures for anyone caught at the border or within 100 miles of it, detention including of families and unaccompanied minors, and cooperation between the U.S. and Mexico to deport refugees without hearings and forcibly return them at Mexico's southern border as they attempt the journey to the United States.

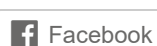
On a more positive note, there has also been a robust response from civil society, with a growth in NGOs providing legal representation and other forms of services to this refugee population. Quality legal representation is a highly significant factor in positive refugee recognition rates.

Professor Deborah Anker, with Maggie Morgan, Albert Sachs Teaching Fellow, Harvard Immigration and Refugee Clinical Program.

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