

Working Paper: Addressing the Increase of Central American Migrants

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Since January 2019, an increasing number of migrants from Central America are being apprehended at our southern border, including [unprecedented numbers of family units](#) seeking asylum.

The situation calls for re-examining the effectiveness of the federal government's current policies and for a dialogue on implementing a new strategy to address the migrants at the border that ensures our laws are being followed while we continue to treat those seeking humanitarian assistance with compassion. This set of policy recommendations includes solutions that can be implemented in the short term to better manage and process the increase in Central American migrants at our southern border, as well as longer-term solutions that address the reasons Central Americans are leaving their home countries in large numbers. These longer-term solutions will require a sustained commitment over a number of years to be successful.

Short-Term Solutions to Manage and Process Central American Migrants

1. Use resources effectively and increase resources as necessary to better manage the flow of migrants.

a. Supplement personnel and resources to expand capacity at ports of entry to handle intake and process asylum claims. Migrants who are not permitted to enter (or must wait weeks or months) at ports of entry because of capacity issues are incentivized to try to cross the border between ports of entry.

b. Ensure that agencies integral to the processing of certain migrants, such as Health and Human Services' Office of Refugee Resettlement (ORR), have additional authority, capacity, and resources to process migrants on a similar schedule as Customs and Border Protection (CBP). While CBP must operate around the clock, other federal agencies do not have a similar mandate, which could lead to delays in processing migrants.

c. Increase immigration judge teams and the number of U.S. Citizenship and Immigration Services (USCIS) asylum officers to increase capacity to handle asylum claims and work to adjudicate these claims in a timely manner. Improve resourcing of the immigration courts and asylum systems.

Permit USCIS asylum officers to see cases through to the end. Because of their expertise and familiarity with a case, they would be able to adjudicate claims more efficiently.

Create a border court division of the Executive Office for Immigration Review (EOIR) to hear cases rejected by the asylum officers.

d. Fund upgraded or additional barriers only in areas where needed — not where sufficient barriers exist or where technology and personnel already can adequately police the border in the absence of a barrier — to ensure adequate resources for processing migrants.

2. Maximize use of alternatives to detention (ATDs); detain security threats.

a. To ensure adequate detention capacity for security threats, keep families and children together and release them as quickly as possible on alternatives to detention (ATDs). Provide additional resources for existing Department of Homeland Security (DHS) and ORR facilities to ensure that detainees are held in humane and adequate conditions for families and children. Detention of children should remain short term and in compliance with court orders.

b. Prioritize the use of ATDs, such as case management and electronic monitoring, as a cost-effective substitute to detaining large numbers of families who pose little or no security threat. (If there are not enough electronic monitoring ATD slots, low-priority migrants should instead be placed on other types of ATDs or released on their own recognizance, particularly if they are represented by an attorney.) An American Immigration Council [study](#) published in August 2018 and examining 15 years of data found that “96 percent of asylum applicants had attended all their immigration court hearings.”

3. Ensure an orderly release of migrants who are not safety threats.

a. Provide notice to organizations providing humanitarian assistance and release migrants in manageable numbers over a number of days so that these organizations and transportation systems are not overwhelmed.

b. Ensure migrants have access to medical services while in custody so they are healthy when released.

c. Provide emergency resources and humanitarian assistance to nonprofits that provide services and support to families at the border.

4. Inform migrants about U.S. asylum and immigration laws.

a. Conduct a public information campaign aimed at migrants in Mexico and the Northern Triangle. This campaign should work to dispel misinformation from smugglers and help migrants understand who may be eligible for asylum so they do not make the dangerous trip to the U.S. if they do not have a valid claim.

b. Re-establish in-country processing (potentially working with UNHCR, the U.N. Refugee Agency) to permit those in danger the option to apply for asylum in-country. Establish other legal migration options that would permit potential asylum seekers to apply for relief before reaching the U.S.-Mexico border.

5. Partner with Mexico and Northern Triangle countries to counter human smuggling operations and increase intelligence cooperation.

Longer-Term Solutions to Address the Increase of Central Americans Fleeing to the Southern Border

1. Pass immigration reform to bring our immigration system into the 21st century.

Broad-based bipartisan immigration reform can expand pathways for those who want to enter the U.S. legally to find work or reunite with family while increasing border security. Congress could immediately establish temporary worker visas for Central Americans as an interim step to broader immigration reform. Immigration reform also should provide temporary protected status holders from Central American countries the opportunity to earn citizenship.

2. Address the factors that lead Central Americans to leave their home countries.

Providing foreign aid is a critical component to addressing what is causing people to leave. While the Trump administration has [announced](#) that it will withhold the remaining foreign aid allocated for the Northern Triangle countries, foreign aid to our neighbors already has had some successes making the countries more habitable.

a. Provide El Salvador, Guatemala, and Honduras with U.S. advisors who can assist the countries' judicial and law enforcement institutions with the implementation of reforms that will strengthen those institutions, put an end to trafficked firearms, increase the rule of law, establish public trust in these institutions, and improve security overall.

b. Enact the Central America Reform and Enforcement Act ([S. 3540](#)), or a similar bill that addresses the violence and humanitarian crisis in El Salvador, Guatemala, and Honduras by funding programs to combat corruption and criminal violence. Specifically, such legislation would direct the secretaries of state and homeland security to work together to fund programs that would help the three Northern Triangle countries work together to address gang and drug violence; track and arrest human smugglers; and address international organized crime because it may need a transnational response. This funding would be provided to nongovernmental organizations to work with the countries' governments to establish and implement the proposed programs. Funded programs should include the community-based crime prevention programs the U.S. Agency for International Development (USAID) carries out under the [Central American Regional Security Initiative \(CARSI\)](#), which has been effective in reducing violence and strengthening civil society.

c. Establish educational and agricultural programs in the Northern Triangle to improve education levels and economic conditions. Programs should teach practices to adapt to the hotter and drier conditions that have led to significant drops in crop yields, and should include vocational education specializing in fishing, forestry, and market gardening. These programs would be consistent with

and support the development and poverty-reduction programs of the [U.S. Strategy for Engagement in Central America](#). They would aim to increase human capital overall; stimulate business investment and competitiveness in the region; and strengthen the countries' institutions responsible for budgeting and revenue collection. The U.S. and the respective countries in the Northern Triangle would fund these programs jointly. For the U.S., the programs would be under USAID oversight.

3. The United Nations General Assembly and UNHCR should address the challenges the Northern Triangle countries face by:

- a. Working with each of the Northern Triangle countries to establish in-country relocation areas/safe zones for those who are internally displaced. These zones would allow those fleeing persecution to stay in their home countries and at the same time protect them from the violence that forces them to leave home.
- b. Advocating with the Northern Triangle countries to all adopt and implement the U.N.'s "[Comprehensive Regional Framework for Protection and Solutions](#)" ([MIRPS](#), its Spanish acronym). This framework helps countries develop a national plan that also recognizes the regional impacts of migration and provides opportunities for countries to learn from each other.
- c. Engaging the Northern Triangle countries in signing and ratifying the "[Arms Trade Treaty](#)" the U.N. General Assembly adopted April 2, 2013, to better regulate the small arms flow into the countries.

4. Help Mexico improve its refugee and asylum systems.

- a. The secretaries of state and homeland security should work together to provide international aid to Mexico's law enforcement agencies in an effort to address gang and drug violence and to investigate and curtail the activities of local cartels that participate in smuggling drugs and people from Mexico into the U.S. Such an effort would make Mexico a more acceptable place to apply for asylum.
- b. Assist the Mexican government with the development of a more effective asylum system so that it can take in more asylees as the country addresses its safety concerns. Improvements would include increasing the number of asylum offices around the country, streamlining entry, addressing backlogs, establishing an appeals process, and creating special visas and temporary authorization for migrants from the Northern Triangle to stay in Mexico.

c. Assist the Mexican government with the creation of a public/private refugee program such as the one in the U.S. by establishing a “twinning” arrangement between the U.S. and Mexico. This arrangement would require countries to share information about design and execution of refugee programs. Mexican government officials and potential private partner organizations should be able to visit the U.S. resettlement agencies, affiliate offices, and other relevant institutions to observe and learn about the U.S. resettlement program.

5. Increase U.S. refugee admissions from Northern Triangle countries.

a. Assemble and deploy refugee rapid response teams to the Northern Triangle and Mexico to evaluate refugee claims and operate as a mobile Resettlement Support Center to expedite consideration of refugee claims for U.S. resettlement. The State Department would undertake this deployment through the Bureau of Population, Refugees, and Migration.

b. Increase U.S. refugee admissions, and in the annual “Presidential Determination,” increase the number of refugees allocated to the “Latin American and the Caribbean” region, which includes the Northern Triangle. ★

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