



Jesuit Conference

Office of Justice and Ecology



## Advocacy Backgrounder – May 2018

The root causes that fuel migration and impede safe return and reintegration and the marginalization of migrants in the U.S.

### **Introduction and Context**

Throughout the region, the Jesuit network serves migrants directly, researches the causes that drive displacement as well as its effects, and advocates for policies that honor their dignity. Through its presence across the region, the network witnesses the inequitable economic, social, and political conditions that drive migrants out of their home communities and make it extremely challenging for them to safely return and reintegrate; the adversity they face on their journey in search of survival and well-being; and the exclusion caused by the lack of legal status and policies that safeguard human dignity and family unity. Despite the interconnectedness of conditions in sending countries and migration flows, U.S. foreign policy and domestic immigration policy fails to adequately respond to the individuals and families that our network serves.

### **What We See**

**Root Causes: The systemic injustice that drives migration.** We believe that people have the right to live, work, and reach their full potential in their country of origin, and that when that is not possible, that they also have the right to migrate. Catholic social teaching calls us to examine the systemic injustices that drive people to leave their home communities and countries.

- A complex mix of failed economic models, armed conflict and other forms of violence, and corrupt governance have led to the situations many in the Northern Triangle and Mexico face today.
- Rates of poverty and violence remain high in the region, and violence at the home, community and state levels is now listed as one of the primary driving factors for migration.
  - In 2016, the three Northern Triangle countries had a combined total of 14,870 homicides, and individually were significantly higher than the number that constitutes an epidemic of violence, as defined by the World Health Organization - with El Salvador at 81 murders, Honduras at 58, and Guatemala at 27 per every 100,000 inhabitants. Individuals, families, and small businesses are frequently targeted for extortion. In El Salvador, 70% of small businesses pay extortion and in Honduras, approximately \$200 million per year are extorted.
  - Mexico similarly faces high levels of violence that drive individuals to seek safety in other countries. In 2017, there were 25,340 homicides, which was a 23% increase from 2016, and a 50% increase from 2015.
  - Domestic violence and other sexual and gender-based violence against women and children are pervasive.
- Governments have failed to provide protection in the midst of violence and insecurity. High impunity rates—at or over 95 percent for such crimes in El Salvador, Guatemala, and Honduras— and the complicity of state agencies in crime foster widespread distrust in government.
- The repression of Honduran citizens by security forces following contested elections last year, which the United States ended up backing, has likely fueled forced displacement and migration of its citizens as exemplified by the high number of Hondurans in recent flows and a reported spike of people leaving Honduras immediately after the election. Until these violations are investigated and prosecuted and

assistance to the Honduran military is withheld, among other steps to address the repression, the emergency situation in Honduras will continue fueling displacement and migration.

- U.S. assistance to the Northern Triangle countries has been tied to human rights-related conditions, in an effort to incentivize institutional advances. While we support these conditions in principle, we have been disappointed to see that the Department of State has certified these conditions despite grave human rights concerns; for example, assistance to Honduras was certified two days after its highly contested elections. Other conditions on U.S. assistance that incentivize governments to constrain migration flows out of their countries are inconsistent with our faith's teaching on an individual's right to migrate when his or her conditions for well-being are not being met.

**Suffering Ignored and Legal Rights Denied:** As people of faith we believe we must treat all people with dignity and respect, yet immigration policy is increasingly sacrificing the due process of immigrants and asylum seekers. Rather than offering protection and compassion for those who have been forced to flee from their countries of origin, our system treats them as potential terrorists, and seeks to deter them from seeking protection through subjecting them to lengthy delays in having their cases decided, sacrifices to due process, punitive enforcement measures, and the separation of families.

- The drastic expansion of expedited removal allows low-level immigration officers to deport individuals without appearing before an immigration judge, sacrificing due process which has resulted in wrongful deportations, including of individuals eligible for consideration of international protection.
- Fasttrack prosecution programs, known as Operation Streamline, charge people caught crossing the border with either unauthorized entry (a misdemeanor) or unauthorized re-entry (a felony). This practice has swelled the ranks of our federal prisons so that in border districts, half of those incarcerated are there for immigration-related offenses alone. These policies are not new, but their implementation has increased under the current administration.
- Under international law, individuals who have fear of returning to their home country are eligible to apply for asylum. However, some individuals seeking international protection have been turned away from ports of entry and if admitted have been subjected to detention and criminal prosecution.

**An Increasingly Militarized Border:** Catholic Social Teaching calls us to promote peace and disarmament, which includes respect and cooperation between nations as well as an absence of war.

- Instead of fixing our broken immigration system, since 2004, the United States has spent over \$100 billion on border and interior enforcement and doubled the size of U.S. Customs and Border Protection (CBP). CBP's growth led to rampant levels of abuse, corruption, and human rights violations by our nation's largest law enforcement agency.
- A report published by the Jesuit Conference and Kino Border Initiative in 2015 found that more than one-third of deported migrants experienced some type of abuse or mistreatment at the hands of U.S. immigration authorities. The range of abuses included theft, physical abuse, verbal abuse and inhumane detention conditions in federal holding facilities. In response to these findings, KBI began helping migrants use the Department of Homeland Security complaints process. From late October 2015 to early March 2017, KBI filed complaints on behalf of 49 individuals in response to a variety of abuses, from excessive use of force to lack of medical attention and denial of the right to seek asylum. According to a subsequent report, as of July 2017, KBI received a substantive response on only 25%. [Jesuit Conference/Kino Border Initiative]

**Families and Communities Torn Apart:** Our faith recognizes family as the cornerstone of community, but we see hundreds of thousands of families being separated by our broken immigration system.

- 16.6 million people are in "mixed-status" families, with at least one member who is undocumented. Nine million mixed-status families have at least one U.S.-born child. [Pew Research Hispanic Center]
- Shortages of family-based visas, which are financially out of reach for many, and backlogs at U.S. Customs and Immigration Service (USCIS) of up to 22 years force family members to choose between

being separated for extended periods of time or entering the country without documentation. [Bread for the World]

- Parents who are fleeing violence and intend to seek asylum in the United States also are often separated from their children by our detention system. Even husbands and wives and brothers and sisters are systematically deported separately, which puts them at great danger in unknown border cities. [Lutheran Immigrant and Refugee Service and Kino Border Initiative]
- Increased enforcement actions, combined with significantly broadened priorities for enforcement and the termination or weakening of temporary protections, have been detrimental to families and communities.

**Talent Wasted:** Catholic Social Teaching tells us that everyone has a right and a duty to participate in society. We are called to work for the common good and to provide avenues by which all can participate. Many immigrants want to participate in their community through the workforce, higher education, or military service, but their lack of legal status often limits that participation.

DACA has allowed nearly 800,000 young people to contribute their talents more fully. They live in limbo, awaiting court decisions and legislative action to sustain their ability to engage more fully. Over 300,000 individuals with Temporary Protected Status, who have integrated into our schools, workplaces, parishes, and communities will lose work authorizations and temporary legal status in the coming year to two years. These decisions are contrary to our faith's teaching and hurt our communities by limiting the ability of immigrants to contribute.

**Value of Work Denied and Workers Exploited:** Migrant men and women are an integral part of the U.S. economy, yet there is a general failure to recognize their value. Because many migrants live in the shadows of society with no pathway to obtaining citizenship, they are often subject to exploitation (e.g., not paid, wage theft) that is inconsistent with Catholic Social Teaching that work provides dignity and that all have the right to work that is dignified.

**Immigrants Unjustly Detained:** Our current detention system incentivizes the unjust detention of many immigrants who are contributing members of their communities and pose no threat to society. People placed in these jail-like facilities with horrible living conditions have no access to free court-appointed attorneys. Too often, people seeking asylum, immigrants who might have a right to stay in the U.S. through family or other unknown connections, and others who are in need of legal help are forced to face our broken immigration system without the legal representation or support needed to navigate the complicated immigration system.

- Almost half a million immigrants are placed into immigration detention annually in a network of over 250 county and state jails, for-profit prisons, and federally administered facilities. This year, Congress has increased funding for detention from 34,000 beds to over 40,000 and the Administration seeks further increases. [National Immigration Forum]
- Family detention facilities, where mothers and children, including infants and toddlers, are detained in jail-like facilities has surged since 2014. In efforts to deter Central American refugees and migrants from coming to the U.S., both the Obama and Trump Administrations have placed thousands in these prison camps even though the vast majority of the women and children are seeking asylum. Though an appeals court has ordered the release of these children, it did not require that the parents also be released from detention, which puts even more families at risk of separation. [U.S. Conference of Catholic Bishops]