

The Viable Alternative:

Conflict, Human Rights, and Immigration Policy toward Latin America

Foreign Policy Brief

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Executive Summary

The past 7 years have been characterized by a crisis in immigration policy and practice. Contrary to popular belief, the challenges of immigration and national security have permeated both the Obama and Trump administration's dealings. There have been strong responses to immigration throughout these 7 years through policies that are more complex than the simple pro-immigration or anti-immigration during the Obama administration. The Obama administration heralded the harsh policies of the Bush administration (Buxton 2011, Committee on Foreign Affairs 2014) and a clear anti-immigration policy toward Latin American countries in the Trump administration. It is important that policy makers and other citizens remember the vitality of our immigration policy as it will shape the lives of people we may never meet, or the people who live next door, and our own.

The movement of people from Latin American countries are not just people migrating north because they want to enter the country illegally. Rather, international criminal organizations, domestic terrorism, abject poverty and the lack of enjoyment of basic human freedoms are major factors leading to this phenomenon. Children have shown up to our borders alone. Mothers and fathers have sent their children through the wilderness to reach a place that would be more safe for their children than remaining home. At any given time during these seven years, humans have been warehoused like tools or caged like animals (Committee on Foreign Affairs 2014).

In light of these facts, I outline here why the best plan forward is an immigration policy that favors an open border, humanitarian aid in the form of food and clothing, and strong strides

toward peacekeeping missions backed by the United States as the principal elements of a long-term solution to Latin American Immigration challenges.

Significance to the United States

Latin American immigration plays an important role in U.S. international affairs largely due to the economic benefits. Latin American immigration has become one of the most vibrant contributors to the U.S. economy. Several factors are germane. Many immigrants from Mexico and Central America come to the United States seeking freedom from violence. Of these immigrants, the majority are low-skilled workers who seek lower-skilled jobs for lower wages (Cerovic and Beaton 2017; Clontz 2018). Latin American immigrants bring a higher quantity of workers into the workforce with good quality work following them. They are also among the youngest group of minorities, bringing with them an entrepreneurial spirit (Huertas and Kirkegaard 2019).

This population also adds to the stability of our neighbors in Latin America. It is not unusual for immigrants to send money back to their families in their home country. This practice stimulates economies in Latin American countries which helps make them viable trade partners in chemicals, raw materials, and other goods (World Integrated Trade Solution 2017).

Latin American immigration is important for the U.S. for at least two other important reasons. We are landlocked with Mexico, and we prefer to maintain peaceful relations between our North American neighbors. Additionally, a common route to the U.S. for Latin American immigrants to the U.S. is through the U.S.--Mexico border. Any solution to the immigration challenge will involve strong, positive bilateral communication with Mexico.

Foreign Policy Options

Remain in Mexico Program The available solutions to the ongoing problem of illegal immigration are as numerous the arguments that are made for and against them. The current policy is the Migrant Protection Protocols, also known as the *Remain in Mexico* Program, which returns asylum seekers at the U.S. Border or in the U.S. to Mexico (International Crisis Group 2018; Human Rights Watch 2019). This policy has included family separation at the border where children and parents were separated by several different states in different detention centers. The process for legally seeking asylum became stringent and ignored due process, and the amount of applications processed daily was shortened (Human Rights Watch 2019)¹.

This policy is not a viable alternative to our immigration challenges, since the acts in both principle and practice show a strong disregard for human wellbeing and human rights to which the United States has prior commitments under the Universal Declaration of Human Rights. Presently, the United States is not in compliance with Article 5, Article 7, Article 9, and Article 14. Article 5 precludes torture or degrading treatment or punishment. Article 7 states that all are entitled to the protection of the law. Article 9 states that people shall be free from arbitrary detention. Moreover, Article 14 expresses the right of everyone to seek asylum in other countries given that they are not wanted in their home countries for legitimate crimes (United Nations 1948). As demonstrated further in this section, each of these articles is violated. The United States does well to fulfill its international obligations to human rights and international law, especially in an organization it helped found. Finally, the MPP does not address the push factors

¹ This information comes from the second Human Rights Watch 2019 article on the Migration Policy Project rather than the first Human Rights Watch article listed.

causing many to make the dangerous voyage to our border, which is crucial for any feasible solution.

Streamline and Simplify Access One foreign policy option is to revise the current system for those seeking refugee status or asylum (Selee et. al 2019). This policy option has two components. The first is decreasing the wait time that applicants have before they know whether and for how long they have been approved to venture to the United States under protected status. The 45 day wait is often too long, especially for people who live in areas where conflict, violence, and human rights violations are frequent. By the time an official notification reaches their doorstep, it might be safer to have begun the travel to the U.S. border for the sake of their lives (Selee et. al 2019, pp. 21).

The second is softening requirements for legal papers or documentation. Stringent adherence to the current requirements for documentation represent an unethical practice of placing the burden of proof on the victims of conflict and human rights abuse. It is not uncommon for victims to have trouble getting official documents to prove their identity or trouble in their home country. While this policy is favorable, it does not provide a full picture of what U.S. foreign policy needs to do. Instead, it provides only a state-level solution when immigration is an international phenomenon.

International Cooperation Yet another policy option places the onus for the influx of illegal immigration on Latin American countries themselves. It involves Mexico taking full responsibility for the issue, providing a bigger budget to its internal ministries like the Refugee Assistance Commission. The goal is for Mexico to begin negotiations with Honduras, El Salvador, and Guatemala and move forward with making well-known the process for seeking asylum in

another country. Additionally, the United States and European Union can contribute by providing technical oversight to structures erected to promote legal migration (International Crisis Group 2018).

While this approach helps provide more safety for migrants and asylum seekers than currently is the case, it only serves as a band aid solution to the real problem and ignores there are several critical issues with this kind of policy. This policy advocates pouring financial and technical resources into Latin American countries, but it does not acknowledge or address the reality of crime and violence in Latin American countries. If there is no plan for effectively building up the institutions themselves beyond pouring money and technical assistance into these countries, the chances of the plan failing are higher.

More importantly, this policy assumes both that states are willing and that states are able to build up these institutions beyond the assistance they are currently receiving. Already the United States contributes to anti-terrorism efforts in the region. The Revolutionary Armed Forces of Colombia (FARC), The National Liberation Army (ELN), and the Shining Path (SL) have all been diminished because of local militias and U.S. support (Sullivan and Beittel 2016). The violence and human rights abuses being counteracted do not include that of the state itself. People remain fearful in their countries because they lack the basic freedoms and safety upheld in the Universal Declaration of Human Rights and in our own U.S. constitution.

International Cooperation and *Peacekeeping* The *viable alternative* is one that gets to the heart of what the U.S. government has been aiming for keeping illegal immigration and tragedy numbers, as well as overall immigration numbers at bay. This solution goes a step beyond the international cooperation model to incorporate peacekeeping. Rather than peace enforcement

which authorizes the use of force, peacekeeping will stage officers in the target countries to monitor threats of violence to the civilian population. The United States should begin negotiating agreements with Latin American countries and the United Nations, stating that the U.S. will support peacekeeping missions for a set number of years; that peacekeeping will be a temporary tool to reduce conflict and human rights violations in those countries until a long-term plan has been constructed by all the states involved. The peacekeeping missions will improve several issues within the Latin American countries. In Honduras, human rights defenders and those wishing to migrate are constantly in grave danger. Members of the LGBTQIA+ community are also threatened because of their sexual orientation. The local police are militarized and pose a threat to civilians (Haugaard and Kinonian 2015).

External peacekeeping missions will help assist with these issues, especially because of the United Nations peacekeeping forces' already familiar presence. The forces have been deployed in Guatemala, El Salvador, Ecuador, Chile, Peru, and nearly every other Latin American country and several of those peacekeeping missions have been successful (Karim; United Nations Peacekeeping). The last stage of this policy will be to delegate the missions and all other tasks to the Latin American Association of Training Centers for Peace.

Conclusion

When considering the plethora of factors involved in choosing immigration policy toward Latin America, it is in the United State's best interest to abolish the Remain in Mexico Program and move forward with a plan of international cooperation and peacekeeping. The Remain in Mexico plan only serves to exacerbate human rights concerns at the border and inside the country. The plan to combine international cooperation and peacekeeping is the safest way to

lower levels of the immigration crisis. It also improves helps safeguard Latin American civilians from violence and abuse, which are the major push factors contributing to the migration. In the end, this policy will be safest for all the parties involved, whether in Latin American countries or on our border.

References

- Committee on Foreign Affairs. 2014. *Children Migrating from Central America: Solving a Humanitarian Crisis: Hearing before the Subcommittee on the Western Hemisphere of the Committee on Foreign Affairs, House of Representatives, One Hundred Thirteenth Congress, Second Session.*
- Clontz, Carley. 2018. "Immigration: Friend or Foe of the Latin American Economy?" Panoramas. November 29, 2018.
<https://www.panoramas.pitt.edu/economy-and-development/immigration-friend-or-foe-latin-american-economy>.
- Haugaard, Lisa and Sarah Kinosian. 2015. "Honduras: A Government Failing to Protect Its People". Latin America Working Group and Education Fund; Center for International Policy.
<https://www.lawg.org/directory/honduras-a-government-failing-to-protect-its-people/>.
- Huertas, Gonzalo and Jacob Funk Kirkegaard. 2019. "The Economic Benefits of Latino Immigration: How the Migrant Hispanic Population's Demographic Characteristics Contribute to US Growth". Peterson Institute for International Economics.
- Human Rights Watch. 2019. "US Move Puts More Asylum Seekers at Risk." Human Rights Watch. September 25, 2019.
<https://www.hrw.org/news/2019/09/25/us-move-puts-more-asylum-seekers-risk>.
- Human Rights Watch. 2019. "'We Can't Help You Here' | US Returns of Asylum Seekers to Mexico." Human Rights Watch. July 2, 2019.
<https://www.hrw.org/report/2019/07/02/we-cant-help-you-here/us-returns-asylum-seekers-mexico>.
- International Crisis Group. 2018. "La frontera sur de México: seguridad, violencia y migración en la era Trump." Crisis Group. May 9, 2018.
<https://www.crisisgroup.org/es/latin-america-caribbean/mexico/66-mexicos-southern-border-security-violence-and-migration-trump-era>.
- International Crisis Group. 2018. "Mexico's Southern Border: Security, Violence and Migration in the Trump Era." Crisis Group. May 9, 2018.
<https://www.crisisgroup.org/latin-america-caribbean/mexico/66-mexicos-southern-border-security-violence-and-migration-trump-era>.
- Karim, Sabrina. n.d. "Latin America and UN Peacekeeping." Accessed November 6, 2019.
<https://www.americasquarterly.org/latin-america-and-UN-peacekeeping>.

Martin, Phillip. March 2008. "Paper No. 7 Global and U.S. Immigration: Patterns, Issues, and Outlook." Center for Latin American Studies of California, Berkely.

Meissner, Doris. 2019. "Rethinking U.S. Immigration Policy: New Realities Call for New Answers." Migration Policy Institute.

Selee, Andrew, Silvia E. Giorguli-Saucedo, Ariel G. Ruiz Soto, Claudia Masferrer. 2019. "Invertir en el Vecindario: Cambios en los patrones de migración entre México y Estados Unidos y oportunidades para una cooperación sostenible." El Colegio de México Migration Policy Institute.

Sullivan, Mark P. and June S. Beittel. 2016. Latin America: Terrorism Issues. Congressional Research Service. December 15, 2016. <https://fas.org/sgp/crs/terror/RS21049.pdf>.

Svetlana Cerovic, Kimberly Beaton. (June 29, 2017). "Migration and Remittances in Latin America and the Caribbean: Brain Drain Versus Economic Stabilization". *IMF Blog*.

United Nations. 1948. "Universal Declaration of Human Rights." October 6, 2015. <http://www.un.org/en/universal-declaration-human-rights/index.html>.

United Nations Peacekeeping. n.d. "Our Successes." United Nations Peacekeeping. Accessed November 6, 2019. <https://peacekeeping.un.org/en/our-successes>.

World Integrated Trade System. "Data on Latin America, Caribbean, and U.S. Imports and Exports." <https://wits.worldbank.org/CountryProfile/en/Country/LCN/Year/2017/TradeFlow/EXPI/MP/Partner/USA/Product/all-groups>.