



Disorder by Design:

A Manufactured U.S. Emergency and
the Real Crisis in Central America

[Rescue.org/Disorder](https://rescue.org/disorder)



“The hardest thing was when we had to flee our home and move to another district,” Valentina¹, a Salvadoran refugee, told the International Rescue Committee (IRC) through an interpreter. “One day my mom arrived at our home and just said, ‘We need to get out of here.’”

She continued: “You have two options at that point: You flee your home...or you live with the consequences that one of us or a close family relative will be murdered. And they will murder you, just like that. We made the choice to flee, and it completely changed our lives. We had to leave with only the clothes on our back.”

Valentina, like many from the Northern Triangle countries of Central America—El Salvador, Honduras and Guatemala—lived in fear, and in constant movement, as gangs used terror to control local populations. Valentina’s father, a temporary protected status (TPS) holder in Dallas, reached out to IRC for help for his daughter. The IRC worked with him to petition for refugee status through the Central American Minors (CAM) program. CAM was a program that allowed children in need of safety to be identified in El Salvador and reunited, through safe pathways, with their relatives legally residing in the United States.

Flash forward to 2019. Although Valentina was reunited with her father in Dallas, the program that very likely saved her life was terminated by the Trump Administration and [no longer exists](#) for others in dire need. Furthermore, her father’s safety now hangs in a perilous state of uncertainty with the [subsequent termination](#) of TPS for El Salvador.

Since January 2017, the current administration has consistently undermined programs that provided a safe and legal path to refuge for the most vulnerable in Central America. Moreover, other actions by the administration—such as the attorney general’s decision to break with legal precedent, by denying asylum on the basis of gang-based violence – and its “Zero Tolerance” policy criminalizing asylum-seekers (and breaking apart families as a deterrent)—have further limited viable ways for people to seek asylum. Threats to reduce U.S. aid to the Northern Triangle may further exacerbate the already significant challenges in the region.

In response to the deteriorating humanitarian situation in the region, The IRC resumed operations in El Salvador, providing information through the global SignPost project as part of integrated protection programming and humanitarian assistance. At the same time, through its extensive U.S. network, The IRC launched a humanitarian response in American communities along the Mexico border deploying a unique combination of international crisis response tools and vetted social work expertise.

An IRC needs assessment highlighted the impact mounting violence and general insecurity has had on Salvadorans. People forced to flee their homes often cannot meet their



basic needs or rely on the government to protect them from violence and abuse. The assessment also indicated that the priority needs for Salvadorans include resources for shelter, food and clothing, legal support, and specialized protective and social services. IRC staff have observed that Salvadoran asylum seekers who have reached the U.S. arrive with severe levels of intergenerational toxic stress that had compounded through generations as families endured decades of ethnic cleansing, civil war, natural disaster and, most recently, pervasive and indiscriminate gang violence in the Northern Triangle. The protracted and ongoing nature of these conditions has left families carrying the immense weight of their home country's

challenges and forces them to rely on negative coping strategies in the face of ongoing and new dangers.

This report outlines The IRC's innovative and contextualized emergency response work on the ground in El Salvador, describes the rapid scale up of The IRC's U.S.-based programming to care for Central American families seeking asylum, and shares U.S. policy recommendations based on the combined lessons learned. The IRC reaffirms its position that the geopolitical and humanitarian crisis facing Central and North America must be addressed inside the Northern Triangle and not at its symptoms seen at the U.S.-Mexico border, and calls upon leaders to assert the political will and courage to take this on immediately.



EL SALVADOR

Drivers of Forced Displacement

El Salvador has been consistently categorized—and reported on—as one of the [world's most violent](#) and deadly countries in the world over the last decade, outside of an active war zone. Nearly [20,000 Salvadorans](#) were killed from 2014 to 2017—more violent deaths than in countries such as Libya, Somalia and Ukraine which were at war.

High levels of violence are attributed largely to organized crime and gang activity. Among a population of 6.5 million people (about the size of Massachusetts), there are approximately [65,000 active gang members](#) and another 400,000 to 500,000 individuals associated with gangs. Gangs operate with impunity throughout the country: Kidnapping, extortion and homicide are widespread. In 2017, [one woman was murdered every 18 hours](#), or almost 10 per week. In 2018, there were more than [9.2 homicides](#) per day, a conservative figure that does not account for disappearances, [which also were approximately 10 per day](#). The result is a high level of forced displacement, with some Salvadorans left with no alternative but to flee across borders in search of safety.

While the government of El Salvador does not keep official statistics on internal displacement and has yet to officially recognize the phenomena, [estimates](#) put new annual internal displacements due to conflict and violence between 200,000 and 300,000 persons each year; [296,000 Salvadorans](#) (nearly 5 percent of the population) were newly-displaced internally in 2017 alone. Families who refuse to comply with gang demands are told to “get out, or get out,” meaning they either must leave or be killed. Having exhausted all options to stay close to home, many are forced to flee across international borders and take the dangerous journey north to seek asylum. In 2017, for example, the U.S. received [12,155 asylum requests](#) from Salvadorans seeking protection, a record high over the past decade where the affirmative asylum request rate has averaged under 4,000 applications annually.

TIMELINE

Transgenerational Violence, Conflict, & Natural Disasters in El Salvador

- 1930**
Ethnic cleansing of the indigenous population
- 1931-1979**
Military dictatorships
- 1980-1992**
Civil War Salvadoran population in the US grows nearly fivefold
- 1990s**
US begins deporting Central Americans in large numbers
- 1998**
Hurricane Mitch
- 2001**
Series of earthquakes kill nearly 1,000 and leave tens of thousands homeless; US designates Temporary Protected Status (TPS) for El Salvador
- 2014**
More than [52,000 unaccompanied minors](#) flee to the United States from the Northern Triangle
- 2015**
[El Salvador ranked](#) the world's most dangerous country outside warzone
- 2018**
Highest numbers of [homicides](#) and [disappearances](#) combined outside of war

Levels of Violence Compel the IRC to Return

In response to the situation in El Salvador, The IRC resumed work in the country in January 2018, after previously providing humanitarian aid from 1984-1992 during the Salvadoran civil war. During the war, an estimated [75,000 Salvadorans](#) were killed by massacres, summary executions, land mines and indiscriminate bombings. The IRC responded then by providing emergency relief, preventative health care, maternal and child health programs, supplementary feeding, environmental sanitation and agricultural projects.

Today, The IRC serves persons on the move, including internally displaced individuals, returned asylum seekers and others who have been victimized by targeted and indiscriminate violence in the country. This includes highly vulnerable groups such as women, adolescents, children and the LGBTQ community.

As part of a needs assessment conducted in August 2017, The IRC found that families and individuals on the move were often unable to access protection services and meet their basic needs. The assessment indicated that the priority needs for Salvadorans included resources for shelter, food and clothing, legal support, and specialized protective and social services. These needs were especially acute among those most vulnerable, including women, girls and the LGBTQ community.

Even where services were available, the fear of seeking help was widespread. In fact, many people were not seeking services at all. The IRC attributes this to a variety of factors, including a lack of information about the availability of assistance, confusion around mode of access and, importantly, fears of revealing identifying information which could lead to retribution. At the same time, those providing the services were doing so at their own peril, often unsure of how to maintain both their own and their clients' safety from threats and retributive violence.

THE IRC'S PROGRAMMING CURRENTLY INCLUDES:

- Technical expertise for women's and children's protection services
- Cash-based humanitarian assistance
- Capacity building for protection services
- Access to protection services through through interactive platform CuentaNos
- Crisis case management
- Integration and protection services for the possibility

In response, The IRC developed the following interventions:

- **Protection services for vulnerable groups:**
Drawing on long-standing international expertise, The IRC is developing programming and working with key partners to provide technical assistance to government, civil society and international organizations to better identify and address the needs of vulnerable women, girls and members of the LGBTQ community.

For women and members of the LGBTQ community, El Salvador is one of the most dangerous countries in the world. The country has one of the [highest rates of femicide](#) (the intentional killing of women and girls on account of gender). In 2017, 468 women were victims of femicide, according to the [Institute for Legal Medicine](#).

Gender-Based Violence (GBV) is widespread, with reports of sexual crimes against both men and women increasing [300 percent since 2015](#), according to the National Police.



Women and girls are at particular risk both within the household and from external actors such as gangs. Intimate partner violence is common and normalized. Adolescent girls are especially vulnerable to sexual violence by civilian and criminal entities as well as forced sexual relationships with gang members.

Sexual violence is used as an initiation ritual by gangs. The threat of sexual violence is used to control families and communities, minimizing the ability to report human-rights abuses.

In short, for women and girls, the threat or experience of gender-based violence personally or against their female children is a significant driver of displacement.

The LGBTQ community faces structural and social barriers as well as targeted violence. IRC partner [COMCAVIS TRANS](#) has reported that sexual and gender identity is often the basis for targeted violence against an already vulnerable population. COMCAVIS and other human-rights defenders are themselves frequently targeted.

The life expectancy of a transgender woman is [33 years](#), according to COMCAVIS—decades shorter than the average

74 years for Salvadorans. Transgender women are often unable to obtain work in the formal sector, resorting to sex work in which they are subject to even greater risks. It is estimated that [52.5 percent of transgender women](#) living in El Salvador have received death threats due to transphobia or extortion by gang members.

While there are national efforts to support LGBTQ survivors of violence, official government data does not take into account gender identity or sexual orientation. As a result, hate crimes or bias-motivated violence against LGBTQ people are underreported, and even reported crimes are often [ignored](#). To date, not one case has been processed under the [hate crime presidential decree](#). In addition to barriers to services, when survivors do access services, they are often re-victimized in the process of seeking out medical care, or in pursuing legal protections.

- **Cash-based humanitarian assistance:** Across the globe, The IRC has set a goal of delivering [25 percent](#) of its international humanitarian assistance in the form of cash by 2020. Humanitarian assistance through cash transfers is a rapid, safe and effective means of helping

individuals in accordance with their personal needs and preferences while maintaining their dignity and autonomy. This type of unconditional cash assistance – delivered without requirements related to its recipient or use – allows displaced and other vulnerable individuals to attain greater security by empowering them to address their most pressing needs.

To date, The IRC in El Salvador has allocated approximately 19 percent of its budget toward cash assistance and has provided cash-based humanitarian assistance to over 440 families representing 1,427 clients. In direct response to the recent refugee caravans, The IRC has also provided immediate cash-based humanitarian assistance to 99 returned individuals and their families.

- **Promoting protection through capacity building:**

The IRC works with a range of civil-society and governmental actors to strengthen their capacity to provide quality protection services for people on the move. Through an IRC-developed and internationally validated training, *Protection in Practice*, The IRC enhances local actors' abilities to provide tailored assistance to at-risk populations in line with international protocols. The IRC has worked with over 900 professionals across government and civil-society organizations.

- **Access to life-saving information through**

CuentaNos: CuentaNos.org (“tell us” in Spanish) is an [interactive platform](#) that provides critical and trustworthy information to those in vulnerable situations. Users are empowered to seek services based on their needs, location or future destination in-country through a dynamic map of El Salvador that offers information on a range of services such as protection, shelter, health, education and legal assistance. CuentaNos serves multiple audiences, promoting communication, coordination and case referrals between civil society, government and international actors operating in and out of the country. It also serves as a tool for developing case management plans. CuentaNos has 100 service



I've heard parents say they recognize the dangers of migration and feel great shame for putting their children in a perilous situation. But their decision to do so is a desperate one because where they live is already so perilous, so terrifying, so hopeless, that the treacherous journey is the only choice as they seek safety for their children.”

- Meghan Lopez, Head of Mission,
IRC El Salvador

providers on the platform, representing over 1,000 individual service sites. To date, CuentaNos.org has nearly 65,000 page views.

CuentaNos is part of SignPost, The IRC's joint initiative with MercyCorps to deliver lifesaving information to people in crisis. Launched in Greece in 2015, SignPost is now expanded to four separate crisis contexts worldwide.

- **Crisis case management:** For extreme and complicated cases, The IRC steps in to assist local organizations with developing a holistic and tailored protection plan for an individual or family. After identifying their needs, The IRC utilizes CuentaNos to locate appropriate assistance and refer individuals to a variety of services to address their multifaceted situation, and attends to the case until it is resolved. The IRC has managed 43 specific crisis cases, in addition to 33 refugee caravan crisis cases also addressed under Cash Programming.

Programming for returnees: The IRC is the only international organization that has been invited to operate directly in DAMI, the government-run mandatory reception site for returnees. There, The IRC attends to returnees and refugee caravan members as one of their first points of contact upon return to El Salvador, providing cash-based humanitarian assistance and protection support through direct service referrals.

From 2016 to 2017, 79,316 Salvadorans were deported from the U.S. and Mexico to El Salvador—including 11,509 children—where they face increased risks of violence, retribution and even [death](#). Individuals who are apprehended by authorities along the route north and sent back to El Salvador often return to the same threats and violence they fled. Others return to financial ruin, having spent their life savings to pay coyotes to take them north. Returnees who have been out of the country for many years face increased risk of gang recruitment due to perceptions of increased wealth and exploitable assets. Still others are [returned to their deaths](#).

The IRC is also preparing to support a new wave of returnees should the courts uphold the Administration's decision to terminate TPS for El Salvador. [More than one-half](#) of Salvadoran TPS holders have lived in the U.S. for more than two decades and are unfamiliar with the current context of their native country. They will have acute needs upon return. Though the government of El Salvador is undertaking efforts to prepare for significant returns, it still does not have the capacity to accept them at such a large scale. The effect would be immense destabilization for a country already facing tremendous levels of violence. [Even State Department officials](#), including former Secretary of State Rex Tillerson, warned that ending TPS could impede efforts to combat gang violence.

Through its protection programming, The IRC is developing the capacity of local organizations, facilitating referral channels and networks between service providers through the use of CuentaNos, ensuring that individuals and families have their needs met, and establishing a widespread network for humanitarian cash assistance. These efforts, beyond the immediate benefits of assisting returnees and other vulnerable populations, are laying the groundwork for a humanitarian safety net in the future, if a mass return were to occur.

The Last Resort: Seeking Asylum

For some Salvadorans, the only possibility for safety is to flee across international borders and seek asylum in another country. The decision to leave one's home country, anticipating never to return, is not an easy one. The IRC's needs assessment in September 2017 revealed that the more often families were internally displaced, the more likely they would flee the country entirely. Gangs and security forces operate within a system of retributive violence and use family members and friends as tools for manipulation. They have infiltrated almost all levels of society, making it impossible to completely escape their reach.

People make difficult choices every day to protect their loved ones: The mental toll and level of stress these constant calculations require are toxic, based on IRC's observations in-country. On a daily basis, families have no choice but to weigh the levels of risk and imminent harm between staying or fleeing.

When all options are exhausted, families mortgage their homes, sell cars and crops, or commit to exorbitant interest rates on borrowed money to pay coyotes who offer the promise of protection and safe passage. If asylum seekers fail to reach their destination, often the U.S., they have put their families at risk financially, and ultimately must return to the situation of violence from which they fled.



LA TRATA DE PERSONAS ES UN DELITO

LA EXPLOTACIÓN SEXUAL
ES UNA DE SUS FORMAS

LA EXPLOTACIÓN SEXUAL es cualquier acción que obligue a una persona a realizar actos de tipo sexual o erótico con fines de lucro o beneficio económico para una tercera persona. Esto incluye actos de prostitución y pornografía.

denuncia
AL 911

NUESTRA DIRECCIÓN:
Colonia O... levard
Venezuela... PKC, a
caadra y m... riente.

GUARDAR
SILENCIO

B23 VENTANILLA 7
B24 VENTANILLA 6
B22 VENTANILLA 1
B21 VENTANILLA 8

THE UNITED STATES

As the humanitarian crisis gripping the Northern Triangle escalates, unprecedented numbers of families are on the move, fleeing persecution, violence and seeking protection in the United States. In Fiscal Year 2018 (FY18), U.S. Customs and Border Protection (CBP) registered a record 161,113 individuals entering the country at the southwest border as “family units,” meaning at least one parent and at least one minor child was present. This represents a 53 percent increase over the 104,997 parents and children who arrived in [FY17](#) and includes families who entered the United States between official ports of entry as well as those who presented at a port of entry.

Based on CBP data in the first trimester of FY19, the total number of asylum seeking families entering on the border is likely to double last year’s high and exceed 300,000. Meanwhile, arrivals of unaccompanied children seeking protection at the U.S. southern border are also on the rise, reaching 59,000 in FY18.

While the number of people seeking protection has been increasing, this figure is dwarfed by the more economic-focused migration seen in decades prior.

Disorder by Design: Two Years of Attacks on Vulnerable Populations

For two years, the Trump Administration has systematically rolled back protections for those in need of safe haven in ways that have disproportionately impacted Central American asylum seekers. The Administration terminated the CAM program, a safe pathway to protection for qualifying children and their parents, rescinded TPS for nationals from El Salvador, Honduras and other countries in crisis, and created extreme and unprecedented barriers to asylum at the southern border.

While the President has declared a national emergency at the border, the facts on the ground point to a manufactured crisis—disorder by design. In 2017 and 2018, the Administration launched a series of systemic attacks that have crippled another protection system, the U.S. Refugee

A SAMPLING OF HARMFUL POLICIES AFFECTING CENTRAL AMERICANS IN NEED OF PROTECTION UNDER THE TRUMP ADMINISTRATION

January 2017

[First travel ban](#) halts the refugee resettlement program & lowers refugee admissions ceiling from 110,000 to 50,000 refugees

August 2017

[Termination of parole](#) component of Central American Minors (CAM) Program and revocation of conditional parole for approximately 3,000 children (*litigation pending*)

September 2017

[Termination of Deferred Action for Childhood Arrivals \(DACA\)](#) leaves nearly 800,000 young people in limbo, including Salvadorans

September 2017

Refugee admissions ceiling set at historic low of [45,000 refugees](#)

November 2017

[Abrupt end to refugee component](#) of CAM program, leaving nearly 4,000 children who had already applied for refugee status stranded in Central America

January 2018

[Termination of TPS for El Salvador](#) leaves 195,000 Salvadoran TPS holders and their nearly [193,000 U.S.-citizen children](#) in limbo (*litigation pending*)

April 2018

Announcement of the **Zero Tolerance policy and introduction of family separation** results in the separation of [thousands of children](#) from their parents (*litigation pending to define scope of separations and required government response*)

Admissions Program. By setting historically low admissions ceilings and instituting bureaucratic impediments, the Administration has slowed the system to a crawl, leaving tens of thousands of refugees out in the cold. Similar bureaucratic disorder has been at work in the U.S. asylum program, with key protections undermined by multiple obstructions: limitations on the number of people who can claim asylum (metering); the strategic undermining of grounds for asylum ([Matter of A-B](#)); the criminalization of asylum generally ([Zero Tolerance](#)); and forced returns of vulnerable families who have sought out asylum claims (Remain in Mexico).

The Gutted U.S. Asylum System

Since 1980, the U.S. asylum system, which was designed to identify people who truly need international protection, has become extraordinarily complex. Asylum seekers who arrive via the southern border are held in detention centers near the border for several days-- CBP policy says no longer than 72 hours, though some are held longer. Officers conduct interviews and background checks, and then refer people to deportation proceedings. Some undergo a "credible fear" interview, conducted by an asylum officer from U.S. Citizenship and Immigration Services, to determine whether they face expedited deportation or have an opportunity to petition for asylum before an immigration judge.

The reality is that asylum seekers find themselves up against an incomprehensible system, and many get lost long before they even file asylum applications, often receiving in absentia removal orders. The IRC's U.S. Programs offices in Southern California and Arizona provide humanitarian assistance to asylum-seeking families released from CBP custody along the southern border, but most are left to face immense challenges. After spending days in CBP custody, families who have a U.S.-based relative sponsor are often released with nothing more than the clothes on their backs and a handful of legal papers. The papers, which describe requirements to report at an ICE office and/or appear in immigration court, are in English, often contain information

April/May 2018

Metering, or the systematic slowdown of CBP reception of asylum claims by imposition of daily caps at ports of entry, is enhanced by the Trump Administration. While the metering system began in November 2016 under the Obama Administration, the Trump Administration has expanded this practice and in [April/May of 2018](#), severely restricted the number of families given access to seek protection at ports of entry (*litigation pending*)

May 2018

[Termination of TPS for Honduras](#) leaves 57,000 Hondurans and their nearly [54,000 U.S. citizen-children](#) in limbo (*litigation pending*)

June 2018

[Targeted Erosion of asylum protections](#) in **Matter of A-B** for victims of gender-based violence, gang violence, and others where persecution was perpetrated by non-state actors puts the most vulnerable at increased risk

June/ July 2018

Trump Administration fails to fully comply with a [federal court order](#) to reunite children separated from their parents under Zero Tolerance

September 2018

- Only 22,491 refugees admitted in FY18, just half of the 45,000 ceiling. Just 826 refugees resettled from the Northern Triangle
- [Refugee admissions ceiling](#) for FY19 set at another historic low of 30,000 refugees

November 2018

- [Asylum ban](#) denies safe haven to families seeking asylum who do not cross at designated ports of entry (*litigation pending*)
- Over 5,000 active-duty military troops deployed to the border Federal agents use tear gas to push back asylum seekers

January 2019

- [Remain in Mexico](#) policy returns individuals and families seeking U.S. protection to Mexico while they await adjudication of claims (*litigation pending*)



that is incomplete or incorrect due to inefficiencies and inadequacies in communication between the Department of Homeland Security (DHS) and the Department of Justice (DOJ). This causes further confusion and additional expense (when asylum seekers show up to court and learn that their hearing is not on the calendar) and increases vulnerability for asylum seekers.

Asylum seekers waiting hearings generally are ineligible for public benefits, including essentials like health coverage for their children or emergency shelter support. Many are warmly received by relatives or friends already living in the U.S. but living conditions may be tight, and the hosting relatives may find themselves struggling to feed another family. Asylum seekers are not eligible for employment authorization until six months after they've filed an asylum application, leaving them desperate for resources and sometimes vulnerable to exploitation or trafficking in the meantime.

Experts, including the U.N. High Commissioner for Refugees (UNHCR), have long urged governments to implement processes and [proven community-based models](#) that provide asylum seekers with adequate information about the process and community support. Some of these recommendations have been implemented for unaccompanied children who receive “know your rights” orientations and legal screenings while in government custody, as well as legal orientations and other services following their release to help them and their sponsors understand the immigration court process and connect to available community resources. [Research](#) has shown that these programs help people to understand the process and increase the rate of immigration court appearances. However, no such infrastructure exists for children and parents arriving to the U.S. The Family Case Management Program (FCMP), launched in 2016, contributed to a [99 percent compliance rate](#) for immigration court hearings, but was terminated by the Trump Administration in 2017. Now, families are left entirely on their own.

Moreover, immigration courts and DHS backlogs have left asylum seekers and their legal representatives, if they have one, waiting years for their cases to be resolved. This backlog makes it even more difficult to obtain evidence, call witnesses and provide other necessary evidence to substantiate claims. For nearly a decade, experts – including current and former immigration judges and other federal officials – have [urged the U.S. to increase funding](#) for immigration judges and asylum officers and develop sensible prioritization policies based on immigration enforcement and humanitarian needs. But a recent analysis by the American Immigration Lawyers Association found that the immigration court backlog has grown by 25 percent in just one year, despite the Administration's claim it had developed a plan to reduce case processing times.

Ensuring asylum seekers have adequate information in line with basic due process standards and that their claims will be adjudicated in timely fashion upholds the integrity of the immigration system. Indeed, not all claims will be meritorious – but if fairly and timely decided, those who need protection will have it and those who do not can more quickly move on or seek alternative options. The U.S. has the tools to process asylum seekers in an orderly and timely fashion, and in a manner that provides basic support to those in the most vulnerable situations.

Emergency Humanitarian Assistance and Regional Responses

Leveraging decades of experience supporting refugees and displaced persons in the U.S., its global capacity for emergency response, case management expertise, and strong [outcomes and evidence framework](#) - The IRC launched an emergency humanitarian response at the U.S. southern border focused on two key components: assistance at the border and case-management services in destination locations.



We often talk about children on the move “slipping through the cracks” of the system. But for families seeking asylum in the US, there’s nothing to crack. There’s no foundation whatsoever and they’re falling into an abyss.

- *Olga Byrne, US Programs,
Director, Immigration*

In **Phoenix and Tucson**, The IRC's staff rapidly responded to assist children and parents separated under “Zero Tolerance,” then released from detention and reunited in Phoenix in July 2018. IRC staff accompanied reunited families through airports and TSA security checks and provided them with prepaid debit cards, cell phones and donated items such as toys and hygiene kits. Since then, The IRC's Arizona offices continued to support networks of churches and community groups that host asylum-seeking families for the 24- to 48-hour period before they move on to their final destinations, providing extensive in-kind and volunteer support, while assessing needs for a more robust intervention.

In February 2019, when a record-breaking number of asylum-seeking families arrived to the U.S., the lack of systematic support for this high number of vulnerable families created an urgent humanitarian crisis in the Phoenix area. Up to 200 parents and children, often babies and toddlers, were dropped off daily by immigration authorities at the bus station, or sometimes on the side of the road, without tickets, information or belongings. Authorities are failing to provide families with basic information including how to contact their relatives in the U.S., how to purchase tickets to reunite with them, and what legal processes await them. In response, The IRC worked with partners to rapidly set up a temporary transitional shelter,

IRC IN THE UNITED STATES

We work to support people who have been uprooted by conflict or disaster, as well as the communities who welcome them, in rebuilding their lives, gaining control of their futures and achieving positive outcomes in 5 areas: health, safety, education, economic empowerment, and power.

providing a safe and secure space for asylum-seeking families to receive short-term humanitarian assistance, travel assistance and vital information about what to expect in their immigration proceedings. The IRC now provides 300-400 children and parents per week with legal orientation, meals, medical supplies and referrals, support to reunify families, and more.

Our intervention maximizes this short window of aid to improve longer-term outcomes by providing parents with legal orientation and connecting them with providers in their destination locations.

In **San Diego**, The IRC similarly worked to set up an emergency shelter to provide families with services during the short period of time before they continue their journey to join their host relatives. From November 2018 to March 2019, The IRC's case workers were deployed seven days per week to conduct intake and basic needs assessment with families when they first arrived to the shelter from federal custody, and to reach out to relatives to coordinate travel arrangements. During that time, the shelter, which is operated by the San Diego Rapid Response Network, served more than 11,000 clients.

The IRC has observed that some families arriving to the San Diego shelter are being victimized by criminal

networks that control areas of Tijuana. Some families arriving at the shelter have waited in Tijuana under the "metering" system² to have their "numbers" called. Desperate to reach safety, and unable to present themselves at official ports of entry due to these policies, they undertake treacherous journeys to enter the U.S. between ports of entry without inspection and quickly seek out or encounter a border agent to present themselves and claim asylum. One Honduran mother, who arrived with her preschool-aged son, recounted to The IRC that her husband had been kidnapped in Oaxaca days before their arrival. When staff asked if she considered waiting in Tijuana with her son to present at the port of entry, she said no—she didn't know if her husband was dead or alive, and she simply needed to get to safety.

IRC staff have noted that families are arriving to the shelter hungry, frightened and disoriented, as the lights are always on at the detention facilities. Once IRC staff recounted an experience supporting a mother who needed medical attention for her 8-year-old child; a CBP official had indicated that if the child saw a doctor while in custody, their time in detention would be prolonged. Scared to spend more time incarcerated, she did not seek medical attention for her child until she had arrived at the shelter.

As a second critical component of the humanitarian response in the U.S., The IRC has developed comprehensive, responsive programming and partnerships to assist Central American children and families as they await the outcome of their protection claims in the U.S. Central American families settle all over the country, with common destinations including the East Coast, the Midwest, Texas and California. The IRC has been developing capacity to offer comprehensive case management and legal orientations to asylum-seeking families throughout its network of U.S. offices, with a focus on helping families achieve stability as they await the outcome of their immigration and asylum proceedings. With the Trump Administration's termination of the community-based Family Case Management Program (FCMP), there are currently no federally supported services or infrastructure for asylum seekers. However, The IRC has leveraged private

² Metering is the systematic slowdown of CBP reception of asylum claims by imposition of daily caps at ports of entry.



resources and partnerships to launch comprehensive case management for asylum-seeking families in their new communities, working with partners to develop evidence-based models that maximize opportunities to improve longer-term outcomes. Services offered in these destination sites include:

- **Individualized service planning:** Helping asylum seekers to overcome barriers to services related to food security, housing, health care, child care and preschool, English-language studies, job readiness, and financial counseling.
- **In-home psychological support:** Providing asylum seekers psychoeducation, conducting psychosocial screenings, and identifying appropriate therapeutic support services.
- **Temporary housing support:** Helping asylum-seeking families to secure temporary housing in response to the increasing trend of relatives with uncertain immigration status declining to host asylum seekers due to check-in appointments with immigration enforcement agents.

IRC IN THE UNITED STATES

Over an eight-month period, The IRC in Arizona distributed over 8,000 donated in-kind items, such as coats, backpacks, cell phones, diapers, first-aid kits, and other items, and through corporate and community partners provided emergency short-term shelter to families experiencing a housing crisis.

- **Legal and social services:** In Dallas, partnering with [RAICES](#), Texas' largest immigration legal service provider, to provide holistic legal and social services to children and their parents separated by Zero Tolerance. Other offices have developed networks of legal partnerships, and all offices orient families to the complex immigration legal system.



**US POLICY
RECOMMENDATIONS**

U.S. Policy Recommendations

#1 ACCESS TO THE ASYLUM SYSTEM

The Trump Administration should rescind its executive actions that have made accessing the U.S. asylum system more difficult, and in the process subjecting vulnerable people to more harm.

A. Rescind Remain in Mexico

The U.S. Administration should rescind its policy requiring families to return to Mexico to await their immigration hearings. In the meantime, the Administration should uphold the right to seek asylum and take special care to uphold the rights of unaccompanied children, families and other particularly vulnerable populations.

Contrary to its name, the Remain in Mexico (RIM) program rolled out by the Trump Administration actually entails the forced return of asylum seekers to Mexico to await their immigration hearings (the Trump Administration has called the program Migrant Protection Protocols, or MPP). Given the enormous backlog in the asylum process, the lack of infrastructure or programs in Mexico to support returned asylum seekers, and the very real risks that many asylum seekers will face there, The IRC has strongly condemned this policy and worked to highlight its likely impact on vulnerable people, specifically the undermining of their due process rights and exposure to potential harm.

Until recently, individuals seeking asylum at the southern border were subjected to one of two processes. Expedited Removal allowed for the immediate removal of noncitizens who lack valid entry documents without first going before an immigration judge (unless they expressed a fear of returning to their home country or intention to claim asylum). Full immigration proceedings, on the other hand, enabled individuals to make a claim before an immigration judge. Regardless of the proceeding, the process almost always took place inside

of the U.S. without an order of removal duly issued by either an immigration judge or, for those asylum seekers who failed to pass a credible fear screening, by an immigration adjudicator in expedited removal proceedings. The “Remain in Mexico” policy, however, completely upends this established process.

B. Stop the use of “metering” at the Southern Border

The U.S. Administration should cease the use of metering and process asylum seekers at ports of entry where they present themselves to authorities in order to seek asylum. It is the humane and legal approach that is also consistent with U.S. and international law.

Prior to the Trump Administration’s institution of its RIM policy, the government was already limiting access to the U.S. asylum system by requiring “metering.” Metering is the term given to efforts that required asylum seekers to wait in Mexico until their “numbers” have been called. Asylum seekers self-manage a list on the Mexico side of the port of entry and U.S. border patrol agents communicate the number of asylum seekers they will process each day. The blanket use of RIM is new under the Trump Administration.

The U.S. has the resources to process asylum seekers fairly and effectively without resorting to metering. The effect of the administration’s policies are to make it all the more difficult to claim asylum, and to force more families to attempt to cross between ports of entry. This in turn not only leads to greater risks to their own well-being, but helps to reinforce the Administration’s narrative about a ‘crisis’ of irregular entry at the border

U.S. Policy Recommendations

#2 Programs that Ensure the Safety and Protection of Children and Families

Despite proclamations of concern about the safety of children traveling from Central America to the United States, the Administration has demanded children remain in detention for indefinite periods and eliminated, or publicly attacked, programs that ensure that children can travel safely.

A. Central American Minors (CAM) program

The U.S. Administration should reinstate the CAM program so that children have a safe and legal pathway to escape danger and reunite with their parents in the U.S.

In November 2014, the Obama Administration announced the creation of the CAM program. The program permitted parents legally present in the U.S. to apply to bring their children from Central America to the U.S. The rationale for the program was meant to create a legal way for children to reunite with their parents without undergoing the dangerous journey north, often in company of human smugglers. There were two elements to the program: One permitted children to apply for refugee status and, if granted, receive refugee benefits (including a pathway to citizenship); the other permitted children to enter the U.S. through a provision known as “parole.” Parole, authorized under domestic immigration law, allows individuals to enter the U.S. in legal but temporary status. In 2017, President Trump terminated both components of the CAM program.

§ Note: Advocacy groups have been alarmed by the Trump Administration’s push to lower the standards for unaccompanied children, particularly in light of the fact that the government’s own data suggests that it is not currently meeting the screening requirements for Mexican children. For instance, in 2015, the Government Accountability Office (GAO) determined that CBP agents “made inconsistent screening decisions [for Mexican children], had varying levels of awareness about how they were to assess certain screening criteria, and did not consistently document the rationales for their decisions.” The report further found that 94 percent of Mexican children were returned to Mexico without CBP documenting the basis for the return, including whether the minimal screenings for these children even took place. In summary, the administration is seeking to subject all children to an inadequate lower standard that will place many more children at risk of harm and violate the principle of non-refoulement.

B. Unaccompanied Children (UACs)

The U.S. should refrain from rolling back safeguards for children. The Administration is seeking means to detain children indefinitely. It must cease these efforts to erode protections for children or Congress must act.

The U.S. immigration system includes provisions intended to ensure unaccompanied children (UACs) receive special attention and care. The primary laws protecting UACs were enacted by Congress in 2002 and 2008 and prevent subjecting UACs to inhumane conditions, including strip searches, forced wearing of uniforms or shackles, detention for prolonged periods or with juvenile criminal offenders.

- **Elimination of “contiguous/noncontiguous.”** The Trump Administration repeatedly has demanded that Congress revise a law that provides special protection for unaccompanied children by ensuring they are not subject to either prolonged or indefinite detention or expedited deportation without a fair chance to seek protection in the U.S. This provision requires that the Department of Homeland Security (DHS) transfer custody of the child from Customs and Border Protection (CBP) to Health and Human Services (HHS), where HHS then places the child in the “least restrictive setting” and the child has an opportunity to have their case for protection heard by an asylum officer or immigration judge. However, the transfer requirements do not apply to children from a “contiguous” country (Mexico or Canada). Children from Mexico or Canada are generally subject to immediate return unless they

meet some threshold screening requirements, whereas all other children are automatically transferred to HHS custody and afforded a hearing. In other words, children from the Northern Triangle countries receive a special processing that attempts to ensure they are not subject to prolonged detention or rapid return, but children from Mexico and Canada do not. The Trump Administration would like to treat all children by the lower standard by which they treat Mexican and Canadian children.

C. Bring back the Family Case Management

Program. The Family Case Management Program (FCMP) was a formal alternative to detention (ATD) program that operated from January 2016 through June 2017, when the Trump Administration terminated it. FCMP's primary principle was that individualized case management services lead to a greater understanding of the immigration process and compliance with court appearance and reporting requirements. The program focused on community-based support for families and rule of law without the use of detention, which is expensive and subjects families and children to unnecessary trauma.

D. Pilot a legal orientation program for families at the border.

Families released from federal custody along the border need information about their rights and obligations to attend immigration court hearings and immigration appointments. Congress should appropriate funds to pilot an expansion of the existing Legal Orientation Program, which has been proven effective and efficient, and respects due process for unaccompanied children as well as for individuals detained in ICE custody and families released along the border.

#3 REFUGEE RESETTLEMENT

The U.S. Administration should ensure that it meets this year's Presidential Determination (PD) of 30,000 refugee admissions and sets a ceiling of no less than 75,000 in the next fiscal year. Further, the Administration should dedicate resources to processing asylum claims at the border and internally, and move away from aggressive enforcement actions that contribute to the growing immigration court backlog. Members of Congress should support Sen. Edward Markey's GRACE Act, which would set a refugee admissions floor of 95,000.

The Trump Administration continues to lower refugee admissions with the lowest PD on record since the start of the U.S. Refugee Admissions Program. To make matters worse, halfway through the fiscal year the administration is nowhere near on track to meet even its 30,000 ceiling. Since 1980, the average PD has been 95,000, while the average actual admissions has been 80,000 per year. President Trump's low PD is far outside the norm.

#4 TEMPORARY PROTECTED STATUS

The Trump Administration should continue to protect the nearly 200,000 Salvadorans already in the U.S. who hold TPS and provide them and other TPS holders a permanent solution.

TPS is a critical protection tool used to safeguard foreign nationals residing in the U.S. from deportation when conditions in their home countries make it unsafe for return. Nearly 500,000 people have benefited from TPS since it was established. Yet the Administration is systematically stripping away this protection, potentially putting lives in danger.

If the Administration continues its attacks on TPS holders, Congress must act to provide permanent immigration status for TPS recipients. A bill, the American Dream and Promise Act of 2019 (HR6), was recently introduced which does just that. With more than 200 co-sponsors, the bill provides a pathway to citizenship for TPS holders.

#5 FOREIGN ASSISTANCE

The Trump Administration should reverse its decision to cut foreign aid to El Salvador, Guatemala and Honduras, and Congress should ensure that funds that it has appropriated are spent by the Administration. Cuts in aid, coupled with the Administration's intention to return thousands of Central Americans with TPS, will increase the violence and instability that have caused vulnerable populations to flee.

The IRC calls on the Administration to restore its aid to the region and in the U.S., in concert with reversing course on critical protection programs including TPS, the Central American Minors (CAM) program and other programming outlined in this report. Cuts could exacerbate violence and

forced displacement, reduce help for those fleeing, and undermine hard-fought progress for vulnerable populations in the region. **Now is the time to do more, not less.**

The Center for Global Development ([CGD](#)) has noted that the USAID-funded crime prevention programming, under USAID's Central America Regional Security Initiative (CARS), was shown to reduce reports of homicide and extortion by half. Violence is a primary driver of individuals and families fleeing their homes. For less than 2 percent of the U.S. foreign aid budget, these programs are saving lives and helping to reduce the root causes of displacement and migration.

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