



The Current Humanitarian Crisis: Children From Central America, Unaccompanied and Undocumented

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The Current Humanitarian Crisis: Children from Central America,
Unaccompanied and Undocumented

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A Thesis in the Field of International Relations
for the Degree of Master of Liberal Arts in Extension Studies

Harvard University

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Abstract

This research project explores the reasons for the influx into the United States by unaccompanied minors from the Northern Triangle countries in Central America. Research indicates that the people are coming because of high rates of violence in Honduras, Guatemala, and El Salvador. This research also explores the historic, political, and economic conditions that have contributed to the influx; including how United States foreign policy in Central America may have unintentionally contributed to the current refugee crisis at the U.S.-Mexico border.

Refugee crisis are affecting the globe as refugees from Syria, Afghanistan, Iraq, and the Northern countries of Africa are fleeing to Europe for protection and safety. This global refugee crisis cannot be addressed through the incarceration of refugees as is currently taking place in the United States. Rather it requires a global humanitarian and sustainable approach to provide the necessary protection and care that vulnerable refugees require. In particular, special protection must be given to children who are fleeing their home countries due to extreme violence. Therefore, children from the Northern Triangle who are seeking refuge should be given protection rather than incarceration.

Biographical Sketch

Originally from Quito, Ecuador, Carla moved to the United States at the age of seventeen to pursue training in competitive gymnastics. Her dedication, endurance, and passion for gymnastics provided her with many opportunities for traveling, public performances, and personal growth. Carla graduated Summa Cum Laude with a Bachelor of Arts degree from Northeastern University in 1999. She is currently completing her Master of Liberal Arts Degree in the Field of International Relations at Harvard University, Extension School.

An avid hiker, she also enjoys painting, reading, and attending live concerts. Carla currently lives in Arizona with her daughter Cosette, her son Jonah, and her Staffordshire Terrier dog Meche.

Dedication

I dedicate this thesis to my children Cosette and Jonah. I pray that the work, time, and commitment I have spent these past three years in the completion of my graduate program will provide inspiration and be a reminder to them that we can do all things in Jesus Christ who strengthens us.

Acknowledgments

I am grateful to my thesis advisor, Professor Doug Bond, and my thesis director, Professor Mary Waters for their expert advice and guidance. I am also very grateful for the excellent proofreading and editing skills of Ellen Fitelson and for the excellent critical thinking skills of my friend Dr. Christopher Gillespie.

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Chapter I

Introduction

The idea that the United States is a land of great opportunity and freedom has encouraged millions of people to come to this beautiful nation. The fact that people have been entering the United States in pursuit of a better life is not a new occurrence, but rather one that spans centuries. However, a massive influx of 67,339 unaccompanied undocumented children from Central America (27% Honduras, 25% Guatemala, 24% El Salvador, and 23% Mexico) between October 1, 2013, and September 30, 2014, created a major humanitarian crisis in the United States. The immigrant children from the three countries of the Northern Triangle in Central America are fleeing to the United States not in the pursuit of the American dream, but rather they are seeking protection from extreme violence in their home countries. They are pleading with the United States and other neighboring countries for protection to meet their basic human need for survival. Table 1 indicates the rates of unaccompanied minors from the Northern Triangle who have been encountered by border patrol in the United States since 2009.

Table 1. U.S. Customs and Border Protection Report – Unaccompanied

Undocumented Children Encountered by Fiscal Year. *FY 2016 (Oct 1 – Nov 30, 2015)

Country	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
El Salvador	1,221	1,910	1,394	3,314	5,990	16,404	9,389	3,192
Guatemala	1,115	1,517	1,565	3,835	8,068	17,057	13,589	3,614
Honduras	968	1,017	974	2,997	6,747	18,244	5,409	1,674
Mexico	16,114	13,724	11,724	13,974	17,240	15,634	11,012	1,965

Source: <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children>

The United States is not the only nation that has seen an increase in numbers of asylum petitioners from Central America. According to the United Nations High Commissioner for Refugees (UNHCR) there was a 435% increase of asylum petitions in Mexico, Panama, Nicaragua, Costa Rica, and Belize.¹ The United States has seen a considerable increase in 2014, which was almost twice the number for the 2013 fiscal year of 38,045 children.² Even though the number of children entering the United States for 2015 was lower, the number of children fleeing the Northern Triangle did not decrease. This is because the children who are fleeing are now being detained in Mexico as a result of increased pressure from the United States government on the

¹ Children on the Run. Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection. UNHCR Report March 2014: 4.

² U.S. Department of Homeland Security/U.S. Customs and Border Protection, “Southwest Border Unaccompanied Alien Children.” January 6, 2015.

Mexican government to increase border control to reduce the number of immigrants reaching the United States.

According to 1987 Nobel Peace Prize recipient and Ex-President of Costa Rica Oscar Arias, the situation that children from Central America are experiencing in their home countries is devastating. He says they “are willing to risk their lives atop the infamous train through Mexico known as La Bestia (“the beast”), face the rape and abuse that many children experience during the journey, sell their possessions and their bodies, and give their life savings to unscrupulous smugglers.”³ It is important to mention that my proposal does not advocate or justify entrance into a country without legal and required authorization. Nevertheless, the situation of these children as Oscar Arias describes above is unique and it requires further analysis.

This thesis aims to understand the influx of undocumented unaccompanied minors from Central America to the U.S.-Mexico border. Specifically, this study explores the following:

Chapter II explores the factors that have contributed to the immigration influx from Central America including violence, poverty, lack of economic development and access to education and employment, and in general lack of rule of law. This chapter identifies the leading factors that have influenced thousands of children to leave their home countries to risk their lives to cross the U.S.-Mexico border. Of considerable importance to this research is the fact that in 2009 Honduras represented only a 5% (968) of the total (19,418) influx in comparison to 2014 where it was 27% (18,244) of

³ Oscar Arias, “To Stem the Child Migrant Crisis, First Stop Poverty and Violence,” *Washington Post*. July 18, 2014.

the total influx (67,339). The substantial increase of immigrants from Honduras in a period of five years presents a fascinating case to understanding the influx of undocumented unaccompanied children; in particular, because Honduras is currently one of the nations with the highest homicide rates in the world. To summarize, this chapter provides evidence that there is a clear problem that needs attention and that the refugees from the Northern Triangle have a valid claim for humanitarian protection.

Chapter III explores how U.S. foreign policy unintentionally contributed to the influx. This chapter includes the political and financial intervention of the United States in Central America divided into several time periods. It begins with the overthrow of the democratically elected president of Guatemala, Jacobo Arbenz, in 1954. Also, the financial and political support the United States provided to the Contras (anti-socialist group in Nicaragua, which exacerbated the conflict in Central America and fueled bloody civil wars in those countries of the Northern Triangle). This chapter also includes the passage of the U.S. Illegal Reform and Immigrant Responsibility Act of 1996 which caused thousands of gang members to be deported to the Northern Triangle countries, thus furthering increasing civil insecurity and violence in that area; and it further explores the United States Drug War (Plan Colombia) which resulted in Colombian drug cartels relocating and settling their illegal enterprises in Mexico and Central America furthering violence and crime in the countries of the Northern Triangle. This chapter concludes with the period that took place during a military coup that overthrew the democratically elected president of Honduras, Manuel Zelaya in 2009, during which the United States decided to discontinue aid to that country including counter narcotics assistance. This exacerbated the crime and drug problem in that country and the rest of

the Northern Triangle countries. Actions taken by the United States government have had a deep impact in the current conditions of the countries of the Northern Triangle, from where the greater majority of refugees are coming.

Chapter IV identifies the groups who are financially benefiting from the current crisis at the U.S.-Mexico border. Prior to this research, I considered human smuggling enterprises and businesses hiring illegal immigrants as the two main groups who were benefitting from undocumented immigrants. However, upon further research I have found that there is yet another group with greater political and financial power than the first two, which not only benefits financially but determines how undocumented immigrants are to be treated. That group is the private prison industry which is led by the three major corporations: Corrections Corporation of America (CCA), the GEO Group, and the Management and Training Corporation (MTC). These three private prison corporations are financially benefiting by criminalizing undocumented immigrants. This chapter explores how human smuggling enterprises, businesses hiring undocumented immigrants, and private prison corporations are the three main groups who are benefiting from current immigration regulations in the United States.

Chapter V describes the current global refugee crisis. It analyses the differences and similarities between the refugees arriving in Europe and the refugees arriving in the United States. This chapter also explores how the refugees from the Northern Triangle do not differ in the violent environments they are fleeing from, yet the treatment they are receiving is very different. The refugees in Europe are being welcomed with open arms (for the most part) but the refugees in the United States are being incarcerated in prisons like criminals. In summation, this chapter explains how incarceration of refugees is not

the solution to the current global refugee crisis.

Chapter VI provides the analysis and summary of this research project.

Chapter II

Factors Involved in the Influx of Unaccompanied Children from Central America

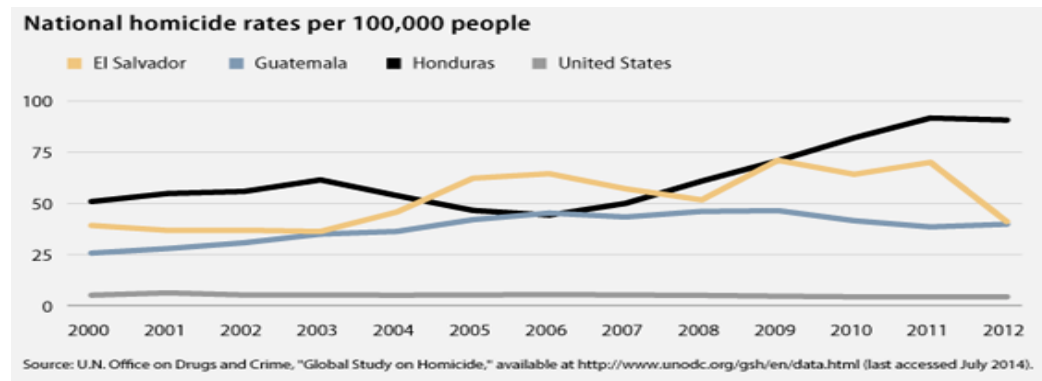
There are several factors that have contributed to the current humanitarian crisis at the U.S.-Mexico border. Research indicates that violence, poverty, family reunification, and lack of access to employment and education opportunities are contributing factors. Politicians in Congress have suggested that it was the Obama Administration's Deferred Action for Childhood Arrivals Program, which grants work permits and a two-year deportation deferment to eligible undocumented youth who entered the United States before their sixteenth birthday and before January 1, 2007, that fueled the influx. To qualify for DACA the youth must fulfill all of the requirements previously mentioned including the arrival date. However, as the children currently arriving from Central America do not qualify under DACA, the accusations that this program is contributing to the influx are questionable.⁴

A study performed by the United Nations High Commissioner for Refugees (UHNCR) indicates that poverty, family reunification, and lack of access to education and employment are all contributing factors, yet the main decisive factor of the influx is the high level of violence, particularly in the Northern Triangle countries of Honduras,

⁴ American Immigration Council. *A Guide to Children Arriving at the Border: Laws, Policies and Responses*. (2015): 3.

Guatemala, and El Salvador.⁵ UHNCR research indicates that the unaccompanied and undocumented children from these three Central American countries are fleeing violent environments plagued by crime where gangs and drug cartels have taken a strong hold of civil society causing widespread lack of rule of law in the area.⁶

Figure 1. Global Study on Homicide by the U.N. Office on Drugs and Crime.⁷



According to the 2013 U.N. Office on Drugs and Crime (UNODC) report on global homicides, Honduras had a rate of 90.4 homicides per 100,000 people in 2012, which placed this country as the nation with the highest homicide rate per capita in the world. The same report indicated that El Salvador had a rate of 41.2 homicides per 100,000 people and Guatemala had a rate of 39.9 homicides per 100,000 people, ranking these two countries fourth and fifth respectively. Reynolds (2015) indicates that a gang truce that took place in March of 2012 initially reduced the rate of homicides but

⁵ U.N. High Commissioner for Refugees, "Children on the Run," *UNHCR*. March 2014: 6.

⁶ U.N. High Commissioner for Refugees, "Children on the Run," *UNHCR*. March 2014: 6.

⁷ Dan Restrepo and Ann Garcia, "The Surge of Unaccompanied Children from Central America," *Center for American Progress*. July 24, 2014.

eventually collapsed, and by January of 2014 El Salvador experienced increased violence compared to the levels it had during its Civil War.⁸

Rocheleau in a July 2015 *Boston Globe* article, sustains that according to new data from The World Bank, El Salvador has surpassed Honduras and is now the leading country on the planet for homicides at a rate of 96.8 homicides per 100,000 people.⁹ Figure 2, below, is the data that was published in that same article, which clearly demonstrates the disparity of rates between El Salvador at 96.8 homicides per 100,000 people and Massachusetts at 2.0 homicides per 100,000 people. The article also mentions that even at the “deadliest year of Mexico’s recent bloody drug wars” the rate in 2011 was twenty-three homicides per 100,000 people. These rates show a considerable contrast between El Salvador’s rates of violence and the rates in neighboring countries, which could provide an explanation for the increased rates of migration from this country and in particular of young males who are escaping the relentless recruitment efforts and acts of retaliation of gangs and criminal enterprises.¹⁰

⁸ Sarnata Reynolds, “It’s a Suicide Act to Leave or Stay: Internal Displacement in El Salvador,” Refugees International. July 30, 2015.

⁹ Matt Rocheleau, “This is how bad El Salvador’s murder rate is,” *Boston Globe*. July 09, 2015

¹⁰ Matt Rocheleau, “This is how bad El Salvador’s murder rate is.”

Table 2. Murder rates in places with similar populations as Massachusetts

Location	Rate (per 100,000)	Year rate recorded
El Salvador	96.8	pace for 2015
Papau New Guinea	10.4	2010
Paraguay	9.7	2012
Eritrea	7.1	2012
Arizona	5.4	2013
Indiana	5.4	2013
Tennessee	5.0	2013
Massachusetts	2.0	2013
Bulgaria	1.9	2012
Libya	1.7	2012

Source: <https://www.bostonglobe.com/metro/2015/07/09/salvador-murder-rate-skyrockets/RnCTlaZILn10qLJuIvZ9pL/story.html>

Further evidence of violence as a central factor of the influx is found in a U.N. Office on Drugs and Crime, “Global Study on Homicide 2013” report, which provides violence rates of the Northern Triangle countries and the rest of the countries in Central America. For example, Costa Rica has a rate of 8.5 homicides per 100,000 people, Nicaragua has a rate of 11.3 homicides per 100,000 people, and Panama a rate of 17.2 homicides per 100,000 people. This data is important because it could assist in understanding why there is an increasing number of people from the Northern Triangle migrating to these three neighboring countries with lower homicide rates.¹¹ Table 3 also

¹¹ Matt Rocheleau, “This is how bad El Salvador’s murder rate is.”

shows that from the countries of Central America the lowest number of immigrants in the United States are from Belize, Costa Rica, and Panama.

Table 3. Distribution of Central American Immigrants by Country of Origin, 2013¹²

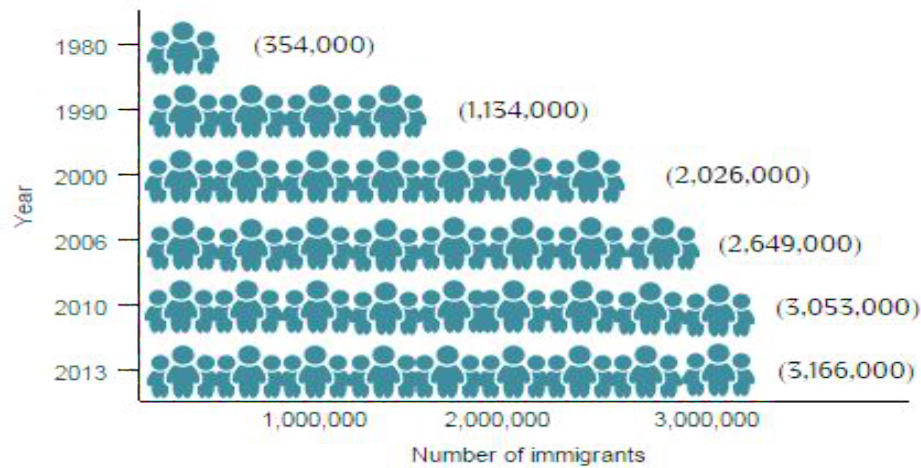
Country and Region	Number of Immigrants	Percent (%)
El Salvador	1,252,000	39.5
Guatemala	902,000	28.5
Honduras	534,000	16.9
Nicaragua	241,000	7.6
Panama	101,000	3.2
Costa Rica	79,000	2.5
Belize	50,000	1.6
Other Central America	8,000	0.2
Central American Total	3,166,000	100.0

Source: Migration Policy Institute (MPI) tabulation of data from the U.S. Census Bureau, 2013 ACS.

Figure 2 shows the increase of immigrants from Central America covering a period from 1980 to 2013. From this data it can be evaluated that in a period of ten years, from 1980 to 1990 (during the civil wars in Central America) the rate of immigration more than tripled; from 1990 to 2000 it almost doubled; and from 2000 to 2013 it has increased by 156% percent.

¹² Jie Zong and Jeanne Batalova. "Central American Immigrants in the United States." *Migration Policy Institute*. September 2, 2015.

Figure 2. Central American Immigrant Population in the United States, 1980-2013¹³



Sources: Data from U.S. Census Bureau 2006, 2010, and 2013 American Community Surveys (ACS), and Campbell J. Gibson and Kay Jung, "Historical Census Statistics on the Foreign-born Population of the United States: 1850-2000" (Working Paper no. 81, U.S. Census Bureau, Washington, DC, February 2006)

Although there are currently fewer children arriving into the United States from Central America than in past years, the number of children fleeing Central America has not decreased. Central American children are still abandoning their home countries, but what has changed is the surveillance and border protection efforts by the Mexican government as a result of increased pressure from United States officials to reduce the number of children that enter the United States. Because of new border control strategies there is a higher number of children now being detained in Mexico and deported back to their countries of origin.¹⁴ Therefore, increased efforts in Mexico have contributed to a decrease in numbers of children arriving to the U.S.-Mexico border.

¹³ Jie Zong and Jeanne Batalova. "Central American Immigrants in the United States."

¹⁴ Sonia Nazario, "The Refugees at Our Door," *New York Times*. October 10, 2015.

This reduction may appear benign and even successful. However, it should trigger great concern for the safety and protection of the children as they are not being properly screened to assess their need for human rights protection. Instead they are being sent back to the violent environments they had risked their lives to escape.¹⁵ Figure 3 shows the reduction of apprehensions in the United States and the increase of apprehensions in Mexico.

A UNHCR published a report on March 12, 2014, based on a study that included interviews with 404 Central American undocumented and unaccompanied children who had been apprehended in the United States since October 2011, found that 58% of children interviewed had experienced or feared harms that indicated a potential or actual need for international protection.¹⁶

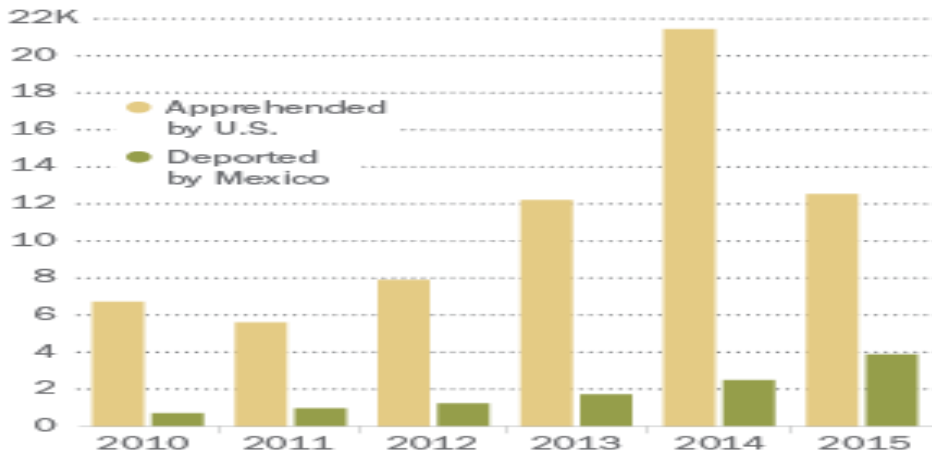
¹⁵ Sonia Nazario, “The Refugees at Our Door.”

¹⁶ U.N. High Commissioner for Refugees, “Children on the Run. Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection,” *UNHCR*. March 2014: 6.

Figure 3. Apprehensions of Unaccompanied Minors, FY 2010-15*¹⁷

Mexico Deportations Trim Flow of Child Migrants to U.S.

Number of unaccompanied minors ... in first five months of fiscal year (Oct.-Feb.)



Note: U.S. apprehensions are at U.S.- Mexico border and include unaccompanied Mexican children. Mexico deportations refer to apprehensions anywhere in Mexico that result in children being reunited with family in country of origin. Source: Pew Research Center analysis of Mexican Ministry of the Interior (SEGOB) data. U.S. Customs and Border Protection.

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The types of harms identified in the study that would qualify the potential or actual need for protection were violence in society, abuse in the home, deprivation of basic survival necessities, and human smuggling and trafficking (particularly in the case of the children from Mexico). The report indicated that 48% of the participants reported to have experienced violence in society, which would include violence by criminal elements such as drug cartels and gangs, or by the state, which would include federal

¹⁷ Ana Gonzalez-Barrera. "With help from Mexico, number of child migrants crossing U.S. border falls." *Pew Research Center*. April 28, 2015.

and state police. Unfortunately, these children had experienced violence at the hands of either the drug cartels and gangs for refusing to join their groups and to participate in criminal activity. Or, they had faced violence at the hands of the police for being presumed members of a gang or drug cartel. In other words, youth in these three countries were exposed to violence merely as a result of simply living in such violent environments. An example comes from an interview with Kevin, a seventeen-year-old boy from Honduras, who described the reasons why he had left his home: “My grandmother wanted me to leave.” She told me: ‘If you don’t join, the gang will shoot you. If you do join, the rival gang will shoot you-or the cops will shoot you. But if you leave, no one will shoot you.’¹⁸

In the same report 21% of the participants reported having experienced violence in the home by their caretakers and overall 11% of the children reported having suffered violence or feared violence in the home as well as in society.¹⁹ This study concluded that of the 404 children interviewed, 72% of the children from El Salvador, 38% of the children from Guatemala, 57% of the children from Honduras, and 64% of children from Mexico had been displaced because of severe harm and had potential international protection needs. The report indicated that “international protection” is first the responsibility of the nation states. However, in the case of these children, their home countries have failed to protect them and, as a result, there arose the need of the international community to intervene on their behalf.

¹⁸ U.N. High Commissioner for Refugees, “Children on the Run.” 36.

¹⁹ U.N. High Commissioner for Refugees, “Children on the Run.” 6.

In the case of the children from Mexico there was an additional factor to consider because of the increased presence of human trafficking and smuggling industries in that country. Out of the 102 children from Mexico, 38% reported having been recruited to serve as guides in the human smuggling industry. Because of their youth, vulnerability, and increased poverty they felt trapped into criminal activity that placed them in very dangerous and harmful situations. Children from Mexico present a unique situation because of the regulations established in the Trafficking Victims Protection Reauthorization Act (TVPRA). This act indicates that individuals from a contiguous country such as Mexico or Canada are immediately returned to their country of origin without further assessment of potential international protection needs. Therefore, children from Mexico are returned without the proper evaluation and the opportunity to seek protection.²⁰

The UNHCR report concludes that there are considerable differences between the children who arrive from Mexico and those from the Northern Triangle. All the same, as concluded in the UNHCR report the “common denominator is that all four countries are producing high numbers of unaccompanied and separated children seeking protection at the southern border of the United States.” The report recommends that all unaccompanied and separated children from the Northern Triangle and Mexico must be carefully screened for international protection needs.²¹ I will further develop in Chapter

²⁰ U.N. High Commissioner for Refugees, “Children on the Run.” 38.

²¹ U.N. High Commissioner for Refugees, “Children on the Run.” 17.

V the recommendations provided by the UNHCR, which aim to ensure that “all girls and boys are safeguarded from all forms of violence, abuse, neglect and exploitation,”²² in accordance with the policies provided in the 1951 Convention of Status of Refugees and the 1967 Protocol.

In addition to singling out violence as the main contributing factor to the influx of unaccompanied children from Central America, UNHCR also indicates that poverty/deprivation, family reunification and opportunity are contributing factors. For example, 84% of the children from Guatemala indicated family reunification, better opportunities for work/study, or helping their families were their major reasons for leaving their country. This was also true of the participants from Honduras (80%), Mexico (82%), and El Salvador (83%) all which indicated similar reasons for leaving as those from Guatemala. The report provides the story of a twelve-year-old boy from Honduras named Oscar, who said: “I left because I wanted to be with my mother. I miss her a lot. My grandmother mistreated me. She was mean to me. She told me to leave the house, but where was I supposed to go? The only place I could go was here. She forced me and my siblings to work. I couldn’t stand to be there anymore.”²³

Elizabeth Kennedy, a Fulbright Fellow carried out a study in El Salvador where she interviewed 322 Salvadoran children with the goal of finding answers to the following questions: What drives these children to flee their homes? What causes their

²² Antonio Guterres, “Children on the Run,” United Nations High Commissioner for Refugees opening remarks. March 12, 2014.

²³ U.N. High Commissioner for Refugees, “Children on the Run.” 26.

parents to put them and their life's savings in the hands of smugglers? And what happens if they fail to reach the United States?²⁴ She indicated based on the evidence she collected that, violence, extreme poverty, and family reunification were the main factors that pushed the children to leave their homes. Children interviewed reported (60%) violence; (35%) family reunification; (32%) education; (27%) employment; (3%) travel; and (3%) refused to answer, as their reasons for fleeing their home countries.²⁵ Kennedy concluded that unless there is a “shift from militaristic solutions to those that invest in economic and social development” there will continue to be many more children fleeing the Northern Triangle.²⁶ She said that as such opportunities become available to these children the influence of the gangs would likely reduce, thus decreasing the need to emigrate to escape violence.

A study conducted by the Department of Homeland Security (DHS) indicates that violence in conjunction with poverty is what is causing the influx of children from the Northern Triangle.²⁷ The majority of children from Central America are from one of these four impoverished towns in Honduras (San Pedro Sula, Tegucigalpa, and Juticalpa) or from San Salvador in El Salvador. San Pedro Sula, Honduras had a 2013

²⁴ Elizabeth Kennedy, “No Childhood Here: Why Central American Children are Fleeing Their Homes,” *American Immigration Council*. July 2014.

²⁵ Elizabeth Kennedy, “The Ongoing Exodus of Children from the Northern Triangle,” *NALACC Webinar*. July 7, 2015.

²⁶ Kennedy, “No Childhood Here: Why Central American Children Are Fleeing Their Homes.” 5

²⁷ Dan Restrepo and Ann Garcia, “The Surge of Unaccompanied Children from Central America,” *Center for American Progress*. July 24, 2014.

homicide rate of 187 homicides per 100,000 people, and had 2,000 children flee to the United States from January to May of 2014.²⁸ Children from those four towns in the Northern Triangle are certainly fleeing violent environments, but they are also leaving environments that are lacking access to education, employment, health, and in general the most basic aspects of healthy and safe human development.

Table 4 and Figure 4 show several interesting points. First, that the increased rate of violence in El Salvador is associated with increased rates of migration, in spite of El Salvador having a lower rate of poverty in comparison to other countries in Central America. Second, Nicaragua has a higher rate of poverty, but lower rates of migration. Honduras on the other hand has high rates of violence, and poverty, as well as high rates of migration. Costa Rica contrasts with Honduras as its rates of violence, poverty, and migration are lower in comparison to the Northern Triangle countries. Costa Rica represents a 2.5% of the migrant population in the United States and it has a rate of violence of 8.5 homicides per 100,000 people and only about 12.2 % of the population are living under poverty (\$4 PPP). The data from Costa Rica is particularly striking in comparison to the rates in the countries of Honduras, Guatemala, and El Salvador, perhaps due to reduced levels of U.S. foreign policy involvement in that country in relation to the significant levels experienced by the Northern Triangle countries.

²⁸ Restrepo and Garcia, “The Surge of Unaccompanied Children from Central America.”

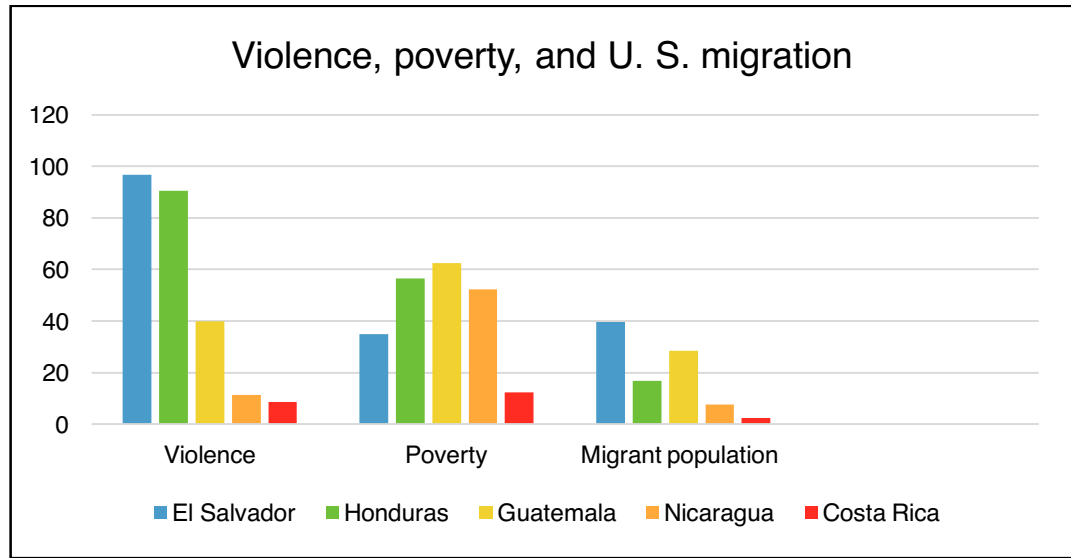
Table 4. Rates of migration, violence, and poverty for the Northern Triangle countries

Country	Migrant population in the U.S. (2014 influx not included)	Violence (homicides per 100,000 people)	Poverty (percentage of population living in poverty \$4 PPP)
Honduras	534,000	90.4	56.4%
Guatemala	902,000	39.9	62.4%
El Salvador	1,252,000	96.8	34.8%
Nicaragua	241,000	11.3	52.2%
Costa Rica	79,000	8.5	12.2%

Sources: The World Bank, U. N. Office on Drugs and Crime (UNODC), and the Migration Policy Institute (MPI)

The research presented here has explored the factors of violence and poverty to assist in understanding why Central American children are fleeing their home countries. In the next chapter I will explore what may have unintentionally contributed to such high rates of violence and poverty in the Northern Triangle countries. Specifically, I will examine whether U.S. foreign policy unintentionally contributed to the influx of unaccompanied minors from Central America. It is true that if we can understand why and how this humanitarian crisis developed in the first place then we can be better equipped to find the best solutions to this problem.

Figure 4. Rates of violence, poverty, and U.S. migration for the countries of the Northern Triangle and Costa Rica.



Sources: The World Bank, U. N. Office on Drugs and Crime (UNODC), and the Migration Policy Institute (MPI).

Chapter III

U.S. Foreign Policy in Central America: Unintentional Contribution to the Influx

This chapter reviews research to the extent in which U.S. foreign policy unintentionally contributed to high rates of violence and poverty, thus increasing migration from the countries of the Northern Triangle. Roque Planas, editor for the *Huffington Post*, and Ryan Grim, author and senior Congressional Correspondent for the *Huffington Post*, argue that this crisis is the result of decades of U.S. intervention in Central America.²⁹ Their research is divided into eight periods of U.S. foreign policy:

In the first period the United States overthrows Jacobo Arbenz in 1954. A U.S.-backed overthrow of the democratically elected president of Guatemala in 1954 began a sixty-year intervention in the area that has contributed to violence in Central America. The authors provide a quote in their article from U.S. Representative Beto O'Rourke regarding the coup that ousted the president of Guatemala. The article said, "You can go back to the coup that overthrew Jacobo Arbenz in 1954, fully backed by the Eisenhower administration and the Dulles brothers, who had an interest in the United Fruit Company, whose fight with the government really precipitated the crisis that led to the coup."³⁰

²⁹ Roque Planas and Ryan Grim, "Here's How the U.S. Sparked a Refugee Crisis on the Border, in 8 Simple Steps," *Huffington Post*. July 18, 2014.

³⁰ Planas and Grim, "Here's How the U.S. Sparked a Refugee Crisis."

In the second period the United States fuels civil wars in Central America. The U.S. government launched attacks against socialist guerrilla movements (such as the Farabundo Marti National Liberation Front or FMLN in El Salvador and the Sandinistas in Nicaragua) in Central America. Furthermore, Planas and Grim argue that the Cold War also had a direct effect on the ability of Central America to maintain stability as it was placed in the middle of the United States and the Soviet Union's conflict for power and domination of the area. The United States funded and fully supported authoritarian regimes that aimed at reducing the influence of socialist ideologies and left-wing guerrilla groups. Planas and Grim indicate that, "civil society collapsed" in Central America during the civil wars of the 1980s as the United States contributed to the conflict by providing military aid and economic funding to the repressive and authoritative regimes in the area.³¹

Walter Ewing, a Senior Researcher at the Immigration Policy Center asserts that U.S. involvement in Central America has had crucial effects on the current rates of violence in the area. He explains: "In the case of the Reagan administration the federal government – under the guise of fighting communism – backed regimes in El Salvador and Guatemala that implemented brutal counter-insurgency programs against their own people, featuring tactics such as disappearances and death squads."³² He further explains that, during Reagan's presidency thousands of people from Guatemala and El Salvador

³¹ Planas and Grim, "Here's How the U.S. Sparked a Refugee Crisis."

³² Walter Ewing, "America's Past Treatment of Central Americans Serves as Cautionary Tale," *Immigration Impact*. July 8, 2014.

fled from increased violence in their countries due to U.S. backed civil wars.

Unfortunately, many of those seeking refuge in the United States during the 1980s were denied asylum and were sent back to the destructive violence they were hoping to escape.³³

Refugees flee Central America for the United States in the third period. Central Americans begin to flee violent civil wars during the late 1970s and 1980s, thus creating a large wave of refugees that arrive in the United States from the countries in the Northern Triangle.

In period four, the United States launches the Drug War as cities are hollowed out because of civil wars in Central America, leading to period five when the Drug War and mass incarceration leads to a rise of gang violence. This can be clearly seen in El Salvador today as the Mara Salvatrucha and the 18th Street gangs have greatly increased in numbers and power. This development of gang violence and increased mass incarcerations will be discussed to some extent in numeral six and in greater detail in Chapter IV as it relates to immigrant detention.

During period six the United States sends a wave of gang members to Central America (Illegal Reform and Immigrant Responsibility Act of 1996). According to Planas and Grim U.S. policy on drugs did two things that directly destabilized and affected Central America and gave rise to gang violence in the region. First, it increased the prison population in the United States from 330,000 in 1980 to 1.57 million in 2012.³⁴

³³ Walter Ewing, “America’s Past Treatment of Central Americans Serves as Cautionary Tale.”

³⁴ Planas and Grim, “Here’s How the U.S. Sparked a Refugee Crisis.”

Second, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 dictated that all non-U.S. citizens serving a year or more felony sentence in prison be repatriated to their home countries. Furthermore, that all U.S. legal residents who had committed a felony be stripped of their legal immigration status and be deported to the country of their birth upon the completion of their prison sentence.³⁵ As a result of the reform approximately 46,000 convicts and 160,000 illegal immigrants were sent to Honduras, Guatemala, and El Salvador.³⁶ Some of those that served sentences were gang members arrested for committing petty crimes but now became exposed to “very sophisticated criminal networks” in the prison. When those individuals completed their prison sentences they were deported to those three countries of Central America taking with them dangerous criminal and violent tactics learned in prison.

Dennis Rodgers argues that there is an important link between the violence and crime currently occurring in these Central American countries and the events that took place decades ago due to U.S policy. In 1996 as a result of the Illegal Immigration Reform and Immigrant Responsibility Act 90% of the deportations were of people from Honduras, El Salvador, and Guatemala.³⁷

Rodgers in the same article explains the situation of the Central Americans that were deported in 1996. He writes about the two most powerful and dangerous gangs

³⁵ Dennis Rodgers, “Slum Wars of the 21st Century: Gangs, Mano Dura and the New Urban Geography of Conflict in Central America,” *Development and Change* 40, no.5 (2009): 956.

³⁶ Rodgers, “Slum Wars of the 21st Century.” 956.

³⁷ Rodgers, “Slum Wars of the 21st Century.”

that established themselves in the Los Angeles area: “Many of these deportees were members of the 18th Street and Salvatrucha gangs who had arrived in the United States as toddlers but had never secured legal residency or citizenship, and had joined the gang as a way to feel included in a receiving country frequently actively impeded their integration.”³⁸ What Rodgers says here provides a good example of how waves of deportation of individuals like the ones mentioned above—who arrived in the United States and settled in the Los Angeles area during the 1980s and 1990s seeking to escape civil war related violence created by U.S. sponsored dictatorships—perpetuated further cycles of violence in Central America. Brian Resnick noted that “recently there was a very public massacre and dismemberment of children as young as seven who had refused to join the gang. So it was a message to show who is in power, who is in control.”³⁹ Precisely because the refugee situation was not addressed in a humanitarian manner thirty years ago, the United States is currently facing a new refugee crisis with thousands of children fleeing extreme violence in Central America.

In period six the United States escalates the Drug War (Plan Colombia: Cali and Medellin Cartels). U.S. policy called “Plan Colombia” reduced drug trafficking in the Colombian cities of Cali and Medellin, but it increased trafficking in Mexico. Furthermore, as the U.S. enforced drug regulation in Mexico the Mexican drug cartels moved their criminal activity to Central America with a particular hold in the area of

³⁸ Rodgers, “Slum Wars of the 21st Century.”

³⁹ Brian Resnick, “Why 90,000 Children Flooding our Border is Not an Immigration Story.” *National Journal*. June 16, 2014:1.

Honduras.⁴⁰ The 2009 coup in Honduras marked the beginning of period seven. A military coup ousted democratically elected president Manuel Zelaya of Honduras. The United States cut all non-humanitarian funding to Honduras including counter-narcotic assistance.⁴¹ Planas and Grim assert that drug trafficking took a strong hold in 2009 when a military coup overthrew the democratically elected president of Honduras, Manuel Zelaya. Also, because the “U.S. was concerned about providing assistance to an unaccountable and illegitimate regime, it suspended non-humanitarian aid, including counter-narcotics assistance. The result of this was a ‘cocaine gold rush,’ as traffickers hurried to secure routes through the Central American region.”⁴² They note that the “Honduran homicide rate spiked from an already high 61 per 100,000 in 2008 to 90 per 100,000 in 2012 – the world’s highest murder rate, according to the U.N. Office on Drugs and Crime.”⁴³

Sonia Nazario states that the economic power drug traffickers have in Central America is overwhelming. Nazario sustains that, “The drugs that pass through Honduras each year are worth more than the country’s entire gross domestic product.”⁴⁴

Amy Grenier notes that the “2014 Annual Report, Human Rights Watch described the justice system in Honduras as ‘perpetrators of killings and other violent crimes are

⁴⁰ Planas and Grim, “Here’s How the U.S. Sparked a Refugee Crisis.”

⁴¹ Planas and Grim, “Here’s How the U.S. Sparked a Refugee Crisis.”

⁴² Planas and Grim, “Here’s How the U.S. Sparked a Refugee Crisis.”

⁴³ Planas and Grim, “Here’s How the U.S. Sparked a Refugee Crisis.”

⁴⁴ Sonia Nazario, “The Children of the Drug Wars,” *New York Times*. July 11, 2014.

rarely brought to justice. The institutions responsible for providing public security continue to prove largely ineffective and remain marred by corruption and abuse.”⁴⁵

Grenier further asserts that the situation in the other two Central American countries of El Salvador and Guatemala are not any better than in Honduras – in fact she says these countries are afflicted by “widespread corruption” and “weaknesses in the judiciary.”⁴⁶

Prakash Adhikari suggests that violence is a determining factor of forced migration. Adhikari focused primarily on push (place of origin) factors rather on pull factors to establish the impact of conflict, economic conditions, social networks, and physical conditions on displacement and forced migration, presenting data that included the number of people “displaced” in Nepal between 1996 and 2004 as the dependent variable.⁴⁷ Adhikari concluded that “The empirical results show that physical threat to life, even when combined with all other causes, remains the strongest factor in explaining internal displacement.”⁴⁸ However, he concludes that “the findings suggest that in addition to mitigating violence, there is a strong need to sustain economic development and empower local social organization in order to mitigate the problem of forced migration.”⁴⁹ This study supports the argument that forced migration is the direct result of increased levels of violence. Nonetheless, a sustainable solution to the overall

⁴⁵ Amy Grenier, “Migrant Children Flee Violence in Home Countries,” *American Council Immigrant Impact*. June 12, 2014.

⁴⁶ Grenier, “Migrant Children.”

⁴⁷ Prakash Adhikari, “The Plight of the Forgotten Ones: Civil War and Forced Migration,” *International Studies Quarterly* 56 (2012): 590.

⁴⁸ Adhikari, “The Plight of the Forgotten Ones.” 602.

⁴⁹ Adhikari, “The Plight of the Forgotten Ones.” 603.

problem of forced migration must include strategies that improve both levels of safety and economic well-being.

The American Immigration Council indicates that the children who are arriving at the U.S. southern border are victims of forced migration. They face brutal beatings, rape, and even death if they refuse to join the local gang. Nonetheless, if they join the gang then they face violence in the hands of the police for possibly being suspects of gang membership. These children live in fear and feel trapped because their safety and wellbeing are at risk daily. Fleeing their homes to a neighboring country (with equal or worse poverty levels) is the only solution to surviving such violence.⁵⁰ Their motivation is primarily to find safety.

To summarize, this chapter explores U.S. foreign policy and reviews the historical events that gave rise to the conditions that led to increased levels of migration in the United States from the countries of the Northern Triangle. Historical events such as the overthrow of the democratically elected government of Arbenz in Guatemala in 1954 by the U.S. government, United States' strategies during the Reagan Administration against the guerrilla groups in El Salvador and Nicaragua fueled the 1980s civil wars in Central America, the 1996 U.S. Illegal Reform and Immigrant Responsibility Act increased the presence of gangs and drug cartel related violence in Central America, and the suspension of U.S. funding during the 2009 coup in Honduras further destabilized that country. Each of these events further fueled violence in the area

⁵⁰ American Immigration Council. *A Guide to Children Arriving at the Border: Laws, Policies and Responses*. (2015): 3.

to the incomprehensible rates that are currently ravaging Honduras, El Salvador, and Guatemala.

It is evident that U.S. foreign policy has deeply impacted the countries of the Northern Triangle in recent decades and it continues still today. Nazario said that at the request of the Obama Administration the Mexican government has undertaken a “ferocious crackdown” on unaccompanied minors from Central America.⁵¹ During the fiscal year 2014-2015 the United States has given the Mexican government tens of millions of dollars to detain and deport undocumented immigrants to prevent them from reaching the United States.

Sibylla Brodzinsky said an investigation led by *The Guardian* indicates that as a result of President Obama’s recent immigration crackdown eighty-three undocumented immigrants (since January 2014) who were deported to their home countries of Honduras, El Salvador, and Guatemala were murdered soon after their return.⁵² Brodzinsky stated that, “Human rights groups warn that deterrent measures taken by the Obama Administration after last year’s “surge” in arrivals at the border of unaccompanied children from Central America have triggered a series of powerful unintended consequences across the region.”⁵³ One of those consequences is that those people who fled violence in their home countries to find safety in the United States --

⁵¹ Sonia Nazario, “The Refugees at Our Door,” *New York Times*. October 10, 2015.

⁵² Sibylla Brodzinsky and Ed Pilkington, “U.S. government deporting Central American migrants to their deaths.” *Guardian*. October 12, 2015.

⁵³ Sibylla Brodzinsky and Ed Pilkington, “U.S. government deporting.”

many of whom are children and women -- are being returned to a situation that results in their death.

The way in which the United States has decided to diffuse the refugee crisis from Central America is not sustainable because it is not addressing the factors of the current migration influx. Sonia Nazario said, "The U.S. doesn't want to recognize this as a refugee situation. They want Mexico to be the buffer, to stop arrivals before they get to our border."⁵⁴ Nazario further states that instead of closing our doors and pretending that a refugee crisis is not taking place at our doorstep, "we should fund fair efforts by Mexico to evaluate which Central Americans are refugees."⁵⁵

Chapter V will discuss the current global migration crisis and several proposals that aim to address the problem in a more humane and sustainable manner. The next chapter identifies the groups and industries that are benefiting from current U.S. immigration laws and how they are gaining benefit from the humanitarian crisis at the U.S.-Mexico border.

⁵⁴ Sibylla Brodzinsky and Ed Pilkington, "U.S. government deporting."

⁵⁵ Sibylla Brodzinsky and Ed Pilkington, "U.S. government deporting."

Chapter IV

Beneficiaries of the Current Migration Crisis at the U.S.-Mexico Border

It is difficult to comprehend someone benefitting from a refugee crisis like the one currently taking place at the U.S.-Mexico border. Unfortunately, the way current United States immigration regulations are established and the complexities of the factors that cause migrants to flee their home countries (violence, poverty, lack of access to employment and education, and the desire to reunite with family members in the United States) creates a flawed system where individuals, groups, and businesses benefit from the crisis at the border. Research indicates that there may be other groups and individuals who either directly or indirectly benefit, yet the following four are clearly gaining the most profit:

The first group is human smugglers known as “Coyotes”: Families desperate to protect their children from high levels of violence in their home countries will sacrifice all they own or can borrow from friends and family to obtain the amount smugglers require as payment. That amount may vary anywhere from \$5,000-\$10,000 per child. It is difficult for a poor peasant family in the Northern Triangle to come up with that amount of money. To make matters worse, after going through such an ordeal to obtain the funds to make the payment, there is no guarantee that the child will arrive safely in the United States. In spite of that, the family places everything they have at risk with the hopes of providing a safer future for their child. Unfortunately, because the smugglers’ sole concern is to secure their own safety from border security detention, many children

end up abandoned on desert and remote locations.⁵⁶

Smuggler enterprises have become very powerful in Central America and Mexico. A 2013 report of the Committee on Migration of the United States Conference of Catholic Bishops indicated that the rise of a large criminal enterprise such as Los Zetas -- which has a strong hold on drug and human smuggling and trafficking -- has negatively affected the Northern Triangle area. Los Zetas “was formed in the late 1990s by an elite band of Mexican anti-drug commandos from the Air-Mobile Special Forces who defected and evolved into a well-financed and heavily armed drug-smuggling force.”⁵⁷ This group has increased in power and size as it has expanded its illegal activities from Mexico to the countries of the Northern Triangle. One reason for their expansion and influence is due to the recent alliance with gangs, such as the MS-13 in El Salvador. The alliances of transnational crime, drug trafficking, and local gangs have directly contributed to increased violence in the region directly affecting the youth the most. Young males experience particular danger because of the unrelenting and violent recruitment efforts by gang and drug cartel groups. If a youth refuses to join these groups the only option left is to escape to a place of safety far from the criminality and violence fostered by the gang and drug cartel enterprises.⁵⁸ For all that, if the undocumented migrants were fortunate enough to escape the violence they left back home and were also able to survive the dangers of crossing the border, their struggles are

⁵⁶ United States Conference of Catholic Bishops. “Mission to Central America: The Flights of Unaccompanied Children to the United States,” *United States Conference of Catholic Bishops/Migration and Refugee Services*. November 2013.

⁵⁷ United States Conference of Catholic Bishops. “Mission to Central America.”

⁵⁸ United States Conference of Catholic Bishops. “Mission to Central America.”

far from over as they may become victims of a different kind of exploitation upon their arrival into the United States.

Corrupt Central American governments represent the second group as they benefit from *remesas*, the money that is earned and sent by immigrants to support their family members back in their home countries. *Remesas* represent a large portion of the GDP of Central American countries. Governments in the Northern Triangle benefit from the considerable flow of money that enters their local economies. In 2004 for example, the amount sent in *remesas* to Guatemala was almost \$2.7 billion USD, El Salvador \$2.5 billion USD, Honduras and Nicaragua at around \$1 billion USD.⁵⁹

The third group comprises unscrupulous businesses: Those businesses who employ undocumented immigrants for below minimum wage, provide no worker benefits (such as health care, vacation, or retirement), and foster very inhumane working environments are still another group benefitting from the migration crisis at the border. Businesses in the agricultural, fast food, landscaping, construction, and cleaning industries are benefiting from undocumented immigrants as they cannot legally claim worker rights because of their undocumented status. Their fear of becoming apprehended by immigration authorities keeps them from reporting any labor right irregularities. They feel they have no right to demand a fair wage and employee benefits, so they allow businesses to gain increasingly larger profits at their expense. And, undocumented immigrants settle on a path of living in the shadows and exploitation in order to survive. This characterizes several generations of undocumented immigrants

⁵⁹ Dovelyn Agunias, "Remittance Trends in Central America," Migration Policy. April 1, 2006.

who have worked in the fields of the southwestern part of the United States picking strawberries, lettuce, tomatoes, and other produce. The labor exploitation fostered by such farming businesses only furthers the economic gain of a few corporations.

Similar cases can be found of undocumented immigrants who have labored in the construction and landscaping industries furthering greater corporate profit. And although these undocumented workers have spent their lives working in farm fields, construction sites, cleaning hospitals and hotels, landscaping yards, and laboring in meatpacking factories, when they reach the age of retirement because of their undocumented status they have worked with either no social security number or with a fake one from someone who is deceased, they legally cannot claim any social security benefit. Even worse if they are unlucky enough to be spotted by immigration authorities they could be deported to the home country they left many years ago, even perhaps as a child. And after having spent a lifetime in the United States, having contributed greatly with their labor to the prosperity and economic growth of the country, and having raised a family in the United States they may still be sent back to their country of birth. This is the current tragedy facing as many as eleven million undocumented immigrants who after living in the United States for decades fear not knowing when they will be apprehended and deported.

If undocumented immigrants are apprehended they still do not escape labor exploitation as they then become prison laborers. An article in *Global Research* indicates “At least 37 states have legalized the contracting of prison labor by private

corporations that mount their operations inside state prisons.”⁶⁰ Some of the companies contracting prison labor include: IBM, Boeing, Motorola, Microsoft, AT&T, Wireless, Texas Instrument, Dell, Compaq, Honeywell, Hewlett-Packard, Nortel, Revlon, Macy’s, Pierre Cardin, and Target Stores. Prison labor has become a source of profit for these corporations. For example, in 2010 the revenues in sales from inmate labor was \$2.6 billion USD.⁶¹ In order to maximize profit a corporation closed their *maquiladora* (assembly plant) in Mexico and relocated it to the San Quentin State Prison in California. A factory in Texas fired 150 workers and contracted with the Lockhart Texas Prison to get circuit boards assembled at a cheaper rate.⁶² Workers in private prisons are paid as low as 17 cents per hour to a maximum of \$20 per month.⁶³

Unfortunately, undocumented immigrants are exploited by unscrupulous businesses outside and inside of prisons and detention centers. For example, undocumented immigrants at family and detention centers receive \$1 to \$3 a day for their work to clean, cook, launder, landscape, and other jobs through the Detainee Voluntary Work Program.⁶⁴ “It’s ironic — it’s illegal for them to work, but they’re working for the immigration service in a sense,” said Mark Krikorian, executive director

⁶⁰ Vicky Pelaez, “The Prison Industry in the United States: Big Business or a New Form of Slavery?” Global Research. March 31, 2014.

⁶¹ CNBC. “Billions Behind Bars – Inside America’s Prison Industry,” April 26, 2012.

⁶² Vicky Pelaez, “The Prison Industry in the United States.”

⁶³ Vicky Pelaez, “The Prison Industry in the United States.”

⁶⁴ Molly Hennessy-Fiske, “Paid \$1 to \$3 a Day, Unauthorized Immigrants Keep Family Detention Centers Running,” *Los Angeles Times*. August 3, 2015.

of the Center for Immigration Studies.⁶⁵ Undocumented immigrants who are apprehended face a future of uncertainty and exploitation. They face a flawed immigration system which instead of assessing their need for asylum, places them directly in jail for months and even years and into forced labor. There is a link between immigration policy and the nation's labor policy, since the one directly affects the other.

The industry to be discussed next may well be the one gaining the most economic benefit from undocumented immigrants as immigration detention has become the new money making source for private prison investors and corporations.

The fourth group is the private prison industry in the United States. This group has increased by 1,600 percent from 1990 to 2010 (a period of only two decades).⁶⁶ Private Prison Corporations (PPCs) currently earn an annual profit of \$3 billion USD and about half of this gain is from facilities which have undocumented immigrants incarcerated.⁶⁷ The three major PPCs in the United States are the Corrections Corporation of America (CCA), the GEO Group, and the Management and Training Corporation (MTC). One of the reasons why prison population has increased is "bed quota" established in the contracts with the government, demanding a daily minimum of 34,000 detainees. This requirement ensures economic gain for PPCs at the expense of incarcerating those who have crossed the border seeking protection and could qualify for refugee status if they were properly screened at the time of detention. Instead, thousands

⁶⁵ Molly Hennessy-Fiske, "Paid \$1 to \$3 a Day, Unauthorized Immigrants."

⁶⁶ Melanie Diaz and Timothy Keen, "How US Private Prisons Profit from Immigrant Detention," *Council on Hemispheric Affairs*. May 12, 2015.

⁶⁷ Diaz and Keen, "How US Private Prisons Profit."

of women and children are currently being placed in jails without access to legal representation that would allow them to seek refugee status. An example of this situation is the Artesia Detention Center in New Mexico where 603 immigrant women and children (no men) are incarcerated. Melanie Diaz and Timothy Keen state that “Not only an international abnormality for children immigrants to face detention, but it is also extremely difficult for these women and children to receive separate hearings to determine their refugee status.”⁶⁸

Another reason why the number of private prisons has increased is the fact that the government has experienced high deficits, and proceeding with budget cuts have been the approach to remedy this problem. PPCs have been very successful in securing contracts with the government as they have marketed privatization as the solution of reducing costs while making facilities more efficient. However, the opposite has been the case as many irregularities have been found and lawsuits have been launched against PPCs for human rights violations.⁶⁹

The lack of accountability of the PPCs in managing the prisons has led to an increase of human rights violations. Because of the private status of PPCs they are not legally required to provide a complete account in the management of the facilities. Corporate status exemption has provided a barrier for monitoring human rights violations in private prisons. PPCs aggressive efforts to maximize profits have increased cost-cutting practices which have reduced fair wages and benefits for the

⁶⁸ Diaz and Keen, “How US Private Prisons Profit.”

⁶⁹ ACLU. “Banking on Bondage: Private Prisons and Mass Incarceration,” *American Civil Liberties Union*. November 2011.

private prison workers (causing high turn around of prison employees), and reduced health and safety services for the detainees.

In fact, in August of this year the National Immigrant Justice Center (NIJC) obtained (after a four-year legal battle) government documents which “provide an unprecedented look into a failed system that lacks accountability, shields DHS from public scrutiny, and allows local governments and private prison companies to brazenly maximize profits at the expense of basic human rights.”⁷⁰ These documents include ninety U.S. immigration and Customs Enforcement (ICE) contracts from which the NIJC evaluated that only twelve of the total contracts “required facilities to abide by the most recent detention standards, which are themselves insufficient.”⁷¹ The NIJC also found that forty-five facilities operate with indefinite contracts (meaning there is no date to evaluate the cost, the condition standards, and most importantly the need for continuing funding the facility itself).⁷²

Another aspect that has fundamentally contributed to the increase of private prisons is the focus that the U.S. government placed on the corrections system after September 11, 2001. The government set an agenda to increase border security to protect the nation from terrorists, and since then it has allocated billions of dollars into the correctional system. While many social services programs have been affected by budget cuts the funding for private prisons has increased. The CCA and the GEO group

⁷⁰ Tory Johnson, “Newly-Released Government Docs Reveal Dangerous Flaws in Immigration Detention Contracting,” *Immigration Impact*. August 26, 2015.

⁷¹ Tory Johnson, “Newly-Released Government Docs.”

⁷² Tory Johnson, “Newly-Released Government Docs.”

identified a potential for gain within this new framework, so they pursued contracts to manage federal and state prisons. They have ferociously lobbied Congress through campaign contributions and other payments. For example, in 2012 and 2013 these two corporations spent \$2.95 million in lobbying members of Congress. Two of the major recipients of such funds were senators Charles Schumer and Marco Rubio.⁷³ These two senators were members of the “Gang of 8” whose job was to draft a Comprehensive Immigration Reform bill. Unfortunately, consensus was not reached on legislation that would have provided the path for citizenship to eleven million undocumented immigrants who were willing to pay a fine for crossing illegally, and who were anxious to fully integrate into society by paying taxes, and completing the necessary legal documentation that would have allowed them to step away from the shadows of illegal immigration status. Their illegal status continues to prevent them from receiving a fair wage compensation and worker benefits for their labor, having access to medical care and higher education, as well as the right to vote and to obtain a driver’s license. A true sustainable comprehensive immigration reform has not taken place, because the private prison industry has fought against it by spending billions of dollars lobbying members of Congress so that their business model which relies on high rates of incarceration can remain and even continue to increase.

Despite that, there are some members of the U.S. Congress who are working to bring reforms to the current incarceration system. In an effort to accomplish this Senator Bernard Sanders and Congressman Raul Grijalva on September 17, 2015 introduced, the

⁷³ Peter Cervantes-Gautschi, “How the For-Profit Corporate Prison Lobby Killed Immigration Reform,” Alternet. July 14, 2014.

Justice is Not for Sale Act of 2015. Some of the reforms presented include: 1) Bar the federal government and state/local governments from contracting with private entities to provide and/or operate prisons and detention facilities within two years; 2) Reinstate the federal parole system; 3) End the requirement that ICE detain 34,000 immigrants to maintain a daily bed quota; 4) Require ICE to improve the monitoring of detention facilities; 5) End immigrant family detention through alternatives to detention. Senator Sanders declared that, “It is a national tragedy that the United States of America has more people living in jail than any other country on earth, including China, a communist authoritarian country with a population over four times our size.”⁷⁴

Christopher Ingram in an article published in the *Washington Post* said, “To put these figures in context, we have slightly more jails and prisons in the U.S. – 5,000 plus – than we do degree-granting colleges and universities. In many parts of America, particularly the South, there are more people living in prisons than on college campuses.”⁷⁵ The fact that currently there are more jails in the United States than colleges and universities should be of great concern. Particularly, considering that its costing tax payers \$80 billion a year to detain and maintain people incarcerated.

A documentary film “Florence, Arizona” by Andrea Scott provides a wonderful view of the stories of four of the town’s residents and how the prison industry has deeply influenced their lives.⁷⁶ The city of Florence in the state of Arizona is a perfect example

⁷⁴ Bernard Sanders, “Justice is Not for Sale Act of 2015,” *U.S. Senate*. September 17, 2015.

⁷⁵ Christopher Ingraham, “The U.S. has more jails than colleges. Here’s a map of where those prisoners live,” *Washington Post*. January 6, 2015.

⁷⁶ Andrea Scott, “Florence, Arizona.” Documentary film. November 2014.

of the prison problem that exists in the United States. The small town of Florence with about 8,000 people more than tripled its population to 25,500 when private prisons were built there to house 17,000 inmates. There are nine prisons in Florence, yet not a single institution of higher education is found there.

In addition to the financial cost to tax payers of maintaining 2.3 million people incarcerated there is a more important cost that needs to be considered, and that is the cost to humanity. Incarceration is restricting individual freedoms, separating family units, and perpetuating a socially and mentally fractured society. Incarceration adds to the trauma and suffering of human beings. Most notably a vulnerable population of unaccompanied children and women from the Northern Triangle who have escaped their home countries due to extreme violence, have also suffered great amounts of pain as they have become victims of rape, assault, human trafficking, and other abuses in their journey to cross the U.S.-Mexico border. After having experienced all of the struggles mentioned above, they find themselves held in prisons designed for criminals rather than for refugees. The immigrant detention centers are erroneously called “family” detention centers as they are the same jails designed to hold criminals, but have been slightly modified to fit children. Adding a room with a small television with cartoon videos and some toys does not take away the metal bars on the windows, the barb wire fence that surrounds the facility, and the sterile and dark environment of prisons. A May 2015 Human Rights Report indicates that there are more than 1,000 immigrant mothers and children being held in these types of prison facilities in Texas and Pennsylvania who are suffering from signs of depression. Such emotional and mental conditions can be attributed to being detained without knowing when they will be released or if they will

be forced to return to the countries they fled.⁷⁷

That same report includes specific cases of immigrant women and their children being detained in these types of facilities. One of those is Ana, a thirty-two-year-old mother and her fourteen-year-old daughter from the Northern Triangle who have been detained for eight months in a southern Texas facility. The mother is very concerned for the emotional well-being of her daughter because her daughter has told her she wants to take her life.⁷⁸ There is another case of a woman named Carolina who has been detained together with her daughter for three months. Her daughter is now fifteen-years-old, but had been the victim of rape in Honduras when she was only nine. Carolina said “My daughter tells me she can’t bear being locked up anymore. And that she wants to take her own life.”⁷⁹

The lack of legal representation is also a problem for children facing deportation as the government does not provide them with government-appointed counsel. The reality is that the majority of these children do not have the financial resources to hire legal representation and unless they can find *pro bono* counsel many are forced to face the immigration court system on their own. The Department of Homeland Security on the other hand always has a professional legal prosecutor that will argue in favor of the child being deported. It is estimated that as of April 2015 there were about 38,000

⁷⁷ Human Rights Watch. “US: Trauma in Family Immigration Detention,” May 15, 2015.

⁷⁸ Human Rights Watch. “US: Trauma in Family Immigration Detention,” May 15, 2015.

⁷⁹ Human Rights Watch. “US: Trauma in Family Immigration Detention,” May 15, 2015.

children facing immigration court who remain unrepresented.⁸⁰

In cases where the child and the mother have been apprehended they may be released shortly after their detention if they can present a preliminary legitimate asylum claim and they can afford to pay bond, which can range between \$7,500 and \$15,000.⁸¹ As previously mentioned the majority of these individuals are fleeing their home countries and do not have funds of this kind at their disposal. If they cannot afford to pay bond they must remain detained in some cases for nearly a year. Other cases are not even considered for release or bond because the individuals had previously entered the United States unauthorized and had been deported, and by entering the second time the initial order of deportation is reinstated. Lawyers working on cases of reinstatement told Human Rights Watch that the majority of detainees are held for longer than six months.⁸² That is a very long time for women and children -- who have already suffered so much pain and trauma fleeing their countries and surviving the journey to cross the border -- to have to also endure long term detention. Perhaps if the first time these children and women entered the United States had been properly screened for asylum protection by Customs and Border Protection officers they would have been provided the needed assistance then, and would not have to go through such a painful ordeal the

⁸⁰ American Immigration Council. *A Guide to Children Arriving at the Border: Laws, Policies and Responses*. (2015): 8.

⁸¹ Human Rights Watch. "US: Trauma in Family Immigration Detention," May 15, 2015.

⁸² Human Rights Watch. "US: Trauma in Family Immigration Detention," May 15, 2015.

second time around. Human Rights Watch said, “When the government uses prior border deportations as a justification for denying families release, it punishes the victims – and their children – of abusive border screenings.”⁸³

According to international law the detention of asylum seekers is prohibited, except in cases where there is a serious threat to national security or considerable danger to the public. The way in which children and women seeking asylum are currently being detained in the United States is not consistent with international standards. In the cases of children seeking asylum, the international guiding principle states, that the “best interest of the child” must govern all actions. There is a clear need for reform of the immigration detention system as well as the overall criminal justice system, because the current systems are failing to protect children and women who have legitimate asylum claims.

U.S. Supreme Court Justice Anthony Kennedy in a recent talk given at the Harvard Law School declared that the current American criminal justice system which includes long sentences, solitary confinement, and overcrowding represent “an ongoing injustice of great proportions.”⁸⁴ Kennedy indicated that long sentences have “appalling effects” on people’s lives and solitary confinement “drives men mad.” Furthermore, he maintains that even though the United States has the world’s largest prison population “nobody pays attention to this wrong, not even lawyers.” Still, “It’s everybody’s job to

⁸³ Human Rights Watch. “US: Trauma in Family Immigration Detention,” May 15, 2015.

⁸⁴ Liz Mineo, “Kennedy Assails Prison Shortcomings,” Harvard Gazette. October 22, 2015.

look into it.”⁸⁵

So how can a situation like this currently be happening in this day and age in a country like the United States where human rights protection is valued? “Because people don’t know about it,” said Will Potter, a journalist who recently gave a talk at a Ted Fellows Retreat regarding the prison system in the United States.⁸⁶ We know there is a problem when there is a large portion of the population being exploited while a small group continues to gain great profits from their suffering. Human smuggler enterprises, corrupt governments, big unscrupulous businesses, and in particular private prison corporations are the ones benefiting in the current crisis at the U.S.-Mexico border. A major shift is needed to return to valuing human life as priceless and important.

We must remember what Supreme Court Justice Thurgood Marshall said, “When the prison gates slam shut, prisoners do not lose their human quality.”⁸⁷ Therefore, it is important to remember that prisoners regardless whether the charge for the crime they were convicted for is legitimate or not – they are not commodities to be exploited for economic gain, but rather human beings and as such should be afforded dignity; in particular, when those being incarcerated are children escaping high levels of violence and poverty in their home countries. Children from the Northern Triangle must be extended human rights protection, instead of incarceration.

⁸⁵ Liz Mineo, “Kennedy Assails Prison Shortcomings.”

⁸⁶ Will Potter, “The Secret US Prisons You’ve Never Heard of Before,” Ted Fellows Retreat. August 2015.

⁸⁷ Will Potter, “The Secret US Prisons You’ve Never Heard of Before.”

Chapter V

Current Global Refugee Crisis

The following story is one of thousands of stories of Syrian refugees, similar to those experienced by Central American refugees who have risked their lives in search of protection and safety. “Soaked with cold seawater and weary from a long and grueling journey, a man climbs out of the tiny dinghy he has shared with 45 fellow refugees – some of them only infants. As he falls to his knees on the rocky shore of the Greek island of Lesbos, he sheds tears of anguish and relief. Like hundreds of thousands of people from his war-torn country, he has risked his life to reach safety in Europe.”⁸⁸ The images of scared and tired young children reaching the shores of Greece are heartbreaking. The fact that four million Syrians have fled since the conflicts started and 300,000 have died as a result of the ongoing civil war is of great concern. It is estimated that there are 2.1 million Syrian refugees in Egypt, Iraq, Jordan, and Lebanon, and about 1.9 million in Turkey.⁸⁹ The situation in Syria is dire, just as it is for thousands of refugees from Iraq, Afghanistan, Northern Africa, and the Northern Triangle in Central America who are also fleeing their home countries due to violence and poverty.

⁸⁸ International Rescue Committee - Email Update. “Refugees Welcome,” October 8, 2015.

⁸⁹ Christina Pazzanese, “Europe’s Crisis of Conscience. Syrian Refugees Spark Deep Questions About the Union of Europe.” *Harvard Gazette*. September 24, 2015.

The refugee crises taking place around the world are of great concern. Karl Kaiser, Director of Programs on Transatlantic Relations of the Weatherhead Center for International Affairs said the Syrian crisis in Europe is a “crisis of historic proportions.”⁹⁰ Regarding the sudden influx of children from Central America, last year President Obama said that it constituted “an urgent humanitarian situation.”⁹¹ The refugee crises we are currently seeing throughout the globe is truly historic, particularly as children and women constitute a large portion of the refugee population. Due to the magnitude of the refugee crises and because of the links between globalized markets, technologies, industries, and transportation, the crisis in Europe, as well as the one in Central America have worldwide effects in regards to the needs and the services that are available to provide for the safety and well-being of the refugees. The current refugee crises in Europe as well as the one in Central America must be analyzed and addressed with a global perspective similar to what Secretary of State John Kerry stated recently at a press conference in Greece: “I want to emphasize this is not solely a Greek crisis, it is not solely a European Crisis, nor even a Middle East crisis. It is a global crisis for which we must all share responsibility.”⁹² This same belief should be applied to the Central American crisis. The crises in Honduras, Guatemala, and El Salvador are part of that same global refugee crisis needing global support.

⁹⁰ The Forum - Harvard T.H. Chan School of Public Health, “The European Refugee Crisis,” Live webcast. October 6, 2015.”

⁹¹ American Immigration Council. *Children in Danger – A Guide to the Humanitarian Challenge at the Border*. (2014): 10.

⁹² The Forum - Harvard T.H. Chan School of Public Health, “The European Refugee Crisis.”

In Europe there are several nations working to help solve the Syrian crisis. Nations such as Germany, Sweden, Denmark, France, the United Kingdom, and Austria have agreed to welcome and provide for the well-being and protection of thousands of Syrian refugees. Germany is currently seeing approximately 10,000 refugees arrive at their borders every day. The German government is taking the lead in the humanitarian efforts that are so desperately needed at this time. Regretfully, there are other nations such as Hungary who have disregarded the refugees' plea for protection and have closed their doors to refugees, and even built border walls to prevent or at least minimize the entrance to their territory.

The United States has shown some humanitarian relief efforts in welcoming Syrian refugees, but not to the level of cooperation that it can and that it should provide. While Germany is permitting entry to 10,000 refugees each day, the United States announced that it will increase its refugee limit for Syrian refugees to a maximum of 10,000 per year. The Refugee Council USA (RCUSA) which is a coalition of U.S. based organizations that support re-settlement programs in the United States proposes that a better solution would include: increasing the number of Syrian refugees from 10,000 to 100,000 per year and the current total refugee quota of 70,000 to 100,000 non-Syrian refugees per year.⁹³ Therefore, their proposal would create a total of 200,000 refugees per year between Syrian and non-Syrian refugees. This increase would not solve the refugee crisis in Central America because most of the children would not qualify under

⁹³ Wendy Feliz, "How Should the U.S. Respond to the Syrian Refugee Crisis?" American Immigration Council - Immigration Impact. September 10, 2015.

the current definition of refugee, but it would assist in providing relief to the Syrian refugees.

There is significant controversy in the United States regarding whether the United States should allow entrance of Muslim refugees into the country. Democratic and Republican governors and senators, and even presidential candidates are debating whether to ban or to support refugee resettlement programs in the United States. Republican presidential candidate Donald Trump, for example, has presented an extremely harsh anti-refugee proposal banning all Syrian refugees who are Muslim from entering the United States. This proposal emerged as a result of the recent terrorist attacks in Paris. There is an increased fear that Syrian refugees could be agents of ISIS, and that by allowing them to enter the country as refugees they could become the instruments of terrorist attacks because of extremist indoctrination. However, the fear that small refugee children or women could launch a terrorist attack in the United States is not well founded. Refugees are the victims of terror and not the perpetrators of it. The fact is that refugees, regardless of country of origin are very carefully scrutinized through a process that includes multiple intense background checks, medical screenings, and interviews, a lengthy process which can take well over 1,000 days for processing before refugee applicants can enter the United States.⁹⁴

Despite the recent debate, on December 4th, Secretary of State John Kerry stated that the United States is committed to helping end the crisis in Syria and announced that

⁹⁴ American Immigration Council, "Refugees Should Not Pay the Price for Paris Attack." November 16, 2015.

it will pledge twenty-four million dollars to support the work of the UN High Commissioner for Refugees of building refugee reception facilities; and providing food, water, temporary shelter, and healthcare.⁹⁵ At the conclusion of his speech, John Kerry reiterated once again that “the refugee crisis in Europe is not only a Syrian or a Greek or a European, but rather a global problem to solve.”⁹⁶

All of the recent financial, political, and humanitarian support given to alleviate the crisis in Europe is very commendable and much needed. However, what about the refugee crisis here in the Western Hemisphere? What about providing protection to the thousands of children from the countries of the Northern Triangle in Central America who are fleeing their homes daily? The Central American refugees are no different than the Syrian refugees who are fleeing their homes because of high levels of violence and poverty. Sonia Nazario proposes that: “The United States should develop a system for these refugees, much like Europe is now doing for Syrians, to equitably allocate people who are fleeing harm throughout this continent – including sending them to safer countries in Latin America, to Canada and to the United States.”⁹⁷ The children from Central America cannot be disregarded. After all, the refugees from Syria, Central America, North Africa, Iraq, and Afghanistan all share one thing in common. And that one thing is that all of these refugees are fleeing high rates of violence and poverty ravaging their homes as a result of horrific civil wars.

⁹⁵ U.S. Department of State, “Population, Refugees, and Migration: Joint Press Availability with Greek Foreign Minister Nikos Kotzias.” December 4, 2015.

⁹⁶ U.S. Department of State, “Population, Refugees, and Migration.”

⁹⁷ Sonia Nazario. “The Refugees at our Door.” *New York Times*. October 10, 2015.

There are many similar factors involved in the Syrian refugee crisis and the Central American crisis. Both regions have high rates of violence due to current or previous civil wars. Also, citizens of both regions lack trust in the state's ability to provide civil security. Both regions have seen a tremendous increase of human trafficking and the growth of powerful smuggling enterprises as people are trying to flee at any cost. Furthermore, refugees from both regions have encountered border walls in Hungary, Bulgaria, and the U.S.-Mexico borders to prevent their entrance. Also, both Syrian and Central American refugees face high rates of poverty; and a lack of access to healthcare, education, and employment in their home countries. All of these factors have contributed to the increased rates of emigration from Syria and from Central America.

However, even though there are many similarities in the environments in Syria and Central America, the treatment that these two groups are receiving is very different. For example, Syrian refugees are being welcomed by their hosting communities with open arms, with some exceptions of several Eastern European nations who have shown hostility towards refugees. Still for the most part they are being welcomed -- mainly because Syria is a country identified as a nation in need of Temporary Protected Status. Thousands of Syrian refugees are being welcomed in Germany, Sweden, Denmark, France, the United Kingdom, and Austria. There are exceptions where some of the hosting communities have shown negative reactions and discrimination against Syrians, in particular if they are Muslims, as previously discussed. Nevertheless, once Syrian refugees arrive at the refugee camps they are provided with food, healthcare,

transportation, clothing, and protection while they wait for the authorization and documentation required for legal entrance and residence in the host country.

In contrast, refugees from the Northern Triangle venture in a surreptitious manner either riding on top of cargo train platforms running the risk of falling off and being mutilated or sudden death. Or they travel by walking across the treacherous desert border lands exposed to climate conditions, dehydration, and becoming the victims of physical and sexual assaults by robbers and criminals preying on vulnerable immigrants. Although refugees from the Northern Triangle are fleeing circumstances similar to those faced by the Syrian refugees, the refugees from Central America have no refugee camps welcoming them. Instead, the refugees are being detained without providing the proper screening process for humanitarian protection status. They are incarcerated in prisons and treated as criminals, where many are serving long-term detentions without legal representation (causing them to face deportation without the opportunity to demonstrate their humanitarian claim). And lastly they are returned back to the violent environments they had initially fled, where a large majority of them find themselves facing death at the hands of powerful gangs or criminal enterprises shortly after their deportations.

The refugee crisis in the Western Hemisphere is of no less importance than the one in Europe. Both Syrian and Central American refugees are human beings fleeing violent environments seeking protection. So why are the refugees from Central America experiencing very different treatment than Syrian refugees? I have identified two important factors that explain why these refugees are treated differently. One, because immigration has been criminalized in the United States (as was explained in Chapter IV); and two, because the private prison industry in the United States has tremendous

economic and political power in determining how immigrants entering the United States are to be treated. There are structural incentives to criminalize Northern Triangle refugees that maintain immigrants detained in large numbers (minimum of 34,000 immigrants per every day as established by the required bed quota in the funding contracts) and for long periods of time in private prison facilities.

In contrast, there are no structural incentives to criminalizing Syrian refugees. In Europe there is currently not a single private prison corporation financially benefitting from the Syrian refugee crisis. Or at least not yet. It will be interesting to see whether the criminalization of refugees will occur in European countries in the coming years. Corporations could influence lawmakers into adopting a similar structural incentive system of private prisons like the one in the United States for the purpose of addressing issues that could arise as the numbers of Syrian refugees continues to escalate. Issues such as hosting communities becoming overwhelmed with increased demand of public services; discrimination becoming acute as cultural, religious, and ideological differences become more prominent; and ISIS/terrorist related fear increases. All of these factors could influence how Syrian refugees are treated in the future. But for now the Syrian refugees arriving in Europe are not being detained in prisons and they are not being treated as criminals the way that Central American refugees are being treated in the United States.

The children and women refugees from Central America should be protected rather than incarcerated. Imprisonment is not the proper solution to addressing the refugee crisis. The United States is currently not providing the necessary protection for unaccompanied children as established under international law, which indicates that all

action must be guided and in accordance to the “best interest” of the child. Incarcerating children is going against international law statutes, and the rights to freedom and equality that are valued in the United States. Many supporters of increased border protection spending argue that detention of immigrants provides increased national security and civilian protection. Whether detention has been a successful tool or not in deterring further undocumented immigration could be debated. However, the only thing that is clear is that incarceration of Central American immigrants is furthering the economic gain of private prison corporations in the United States.

The refugee crisis in Europe is being handled in a more humane manner than in the United States. Perhaps Germany has a greater understanding than the United States of what it is like for people who are suffering violence and poverty caused by an oppressive regime to flee seeking refuge and protection. Such was the case for the Eastern Germans after World War II when the communist authoritarian regime took over their territory, and they were confined to remain within the borders of the Berlin Wall where they were deprived of freedom, and access to education and development. Many risked their lives to cross the wall and flee to the West part of Germany where living conditions were remarkably better. The situation for those in East Germany was extremely difficult until the regime collapsed and the Berlin Wall -- which had divided families and entire communities -- was torn down in 1989 and East and West was united once again. The United States has been a blessed nation. In all of its history it has never experienced a situation where thousands of its citizens have had to flee for refuge and protection. The United States is a country from its very origins as a nation, where many people including the European pilgrims, have found the refuge and freedom they were

seeking. The United States can and must remain a nation where human rights and freedoms are valued and respected.

The Obama Administration recognized that the influx during the Summer 2014 of children from Central America constitute “an urgent humanitarian situation”⁹⁸ Thus, on July 8, 2014, the Administration told Congress that a total of \$3.7 billion was needed to properly address this crisis.⁹⁹ Unfortunately, the increase of funding was channeled to building and maintaining family immigration detention centers rather than providing protection. This, further increased the economic gain and power of private prisons while furthering the suffering and trauma of Central American refugees. This was not the right approach to solving the problem.

On July 11, 2014, Nazario published an article in the *New York Times* recommending immediate action in evaluating the children who can possibly qualify as refugees. She recommends: “The United States should immediately create emergency refugee centers inside our borders, tent cities – operated by the United Nations and other relief groups like the International Rescue Committee – where immigrant children could be held for 60 to 90 days instead of being released. The government would post immigration judges at these centers and adjudicate children’s cases there.”¹⁰⁰ On an interview in early July 2014 with CNN Anchor Anderson Cooper, she said that

⁹⁸ American Immigration Council. *Children in Danger – A Guide to the Humanitarian Challenge at the Border*. (2014): 10.

⁹⁹ American Immigration Council. *Children in Danger*. 11.

¹⁰⁰ Sonia Nazario. “The Children of the Drug Wars.” *New York Times*. July 11, 2014.

establishing emergency centers would facilitate the prompt evaluation of the legal status of the children if judges and lawyers who are trained in child trauma interviewing techniques are involved and can properly establish legal status. Emergency centers should have been established to protect and provide for the refugee children from the Northern Triangle, but instead private prison facilities were built. The detention and incarceration strategy has represented a considerable increase of public funds spent to keep vulnerable immigrant children incarcerated, rather than facilitate the process of providing humanitarian protection.

Many of the children reaching the United States borders are victims of human trafficking and smuggling, thus they should qualify under the TVPRA (Trafficking Victims Protection Reauthorization Act). This law was signed by both George W. Bush and reauthorized by the Barack Obama Administration. In 2008 there was a provision requiring that all unaccompanied alien children from any non-contiguous country (which includes Honduras, Guatemala, and El Salvador) be screened as potential victims of human trafficking.¹⁰¹ Children from the Northern Triangle are protected under this law and must be properly screened to see if they qualify for protection. However, if these children are not properly screened and allowed the opportunity to even present a claim for humanitarian protection then the TVPRA is having little or no effect in protecting victims of trafficking.

¹⁰¹ American Immigration Council. *Children in Danger*. 7

The main current global migration challenge is how to provide protection for genuinely vulnerable migrants (particularly children and women) while restricting the admission of unauthorized immigrants who do not have a valid humanitarian claim.

The detention of unaccompanied minors goes against international law and the standards of human rights protection. Therefore, the detention of unaccompanied children and women must end. We must remember that refugees are victims and not criminals. The following alternatives to detention can monitor the admission of immigrants thus reducing the concern for national security and civil protection, while providing safety and proper care of refugees.

One alternative to detention is to provide in-country processing. There is a program currently in place called the Central American Minors Refugee/Parole Program (CAM), which requires that the child petitioning refugee/parole status have a parent who has legal status as a resident or as a citizen in the United States. The problem with CAM is that “To be admitted, children must meet the statutory definition of a refugee, or if found ineligible for refugee status, be granted humanitarian parole on a case-by-case basis.”¹⁰² According to the United Nations 1951 Convention and 1967 Protocols—a refugee is someone who “is unable or unwilling to return to their country of origin due to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.”¹⁰³ Unfortunately, it is very unlikely for the unaccompanied minors from the Northern Triangle in Central

¹⁰² Faye Hipsman and Doris Meissner, “In-Country Refugee Processing in Central America,” *Migration Policy Institute*. August 2015.

¹⁰³ United Nations High Commissioner for Refugees, United Nations 1951 Convention and 1967 Protocols. (1951): 3.

America to qualify under this definition since they are fleeing violence, but not racial, religious, nationality, social group or political group related persecution. Since the creation of the program in January until November of 2015 a total of 5,400 applications have been submitted and only six children have been admitted into the United States through CAM.¹⁰⁴ This program does not offer a sustainable solution to reducing the crisis of that of unaccompanied children from the Northern Triangle, but it can assist in providing some relief.

Another alternative to detention proposed by lawmakers is the use of monitoring devices (ankle monitoring bracelets).¹⁰⁵ This tool is definitely not the most ideal due to the mental, emotional, social, and physical harm that it can have on a young child. However, when compared to the detrimental effects of incarceration the use of monitoring devices is a better option, particularly in cases where there is a concern that the child may not appear for case processing in immigration court. However, these type of cases should be rather rare.

The best alternative to detention is the adoption of a Temporary Protected Status (TPS) for minors from the Northern Triangle. The Secretary of Homeland Security has the authority to designate a foreign country to TPS due to ongoing armed conflict (civil war), natural disaster (hurricane or earthquake), an epidemic, or any other temporary situation that is preventing the country's nationals from returning to that country or for

¹⁰⁴ Victoria Rietig, "Top Ten Migration Issues of 2015," *Migration Policy Institute*. December 9, 2015.

¹⁰⁵ Elise Foley, "Backlash Against Mass Family Immigrant Detention Grows as Senate Democrats Pile On," *Huffington Post*. June 02, 2015.

the country to be able to provide a safe return.¹⁰⁶ In 2001 people from El Salvador were granted TPS because of two devastating earthquakes that caused great damage. Due to the current levels of violence in Honduras, Guatemala, and El Salvador TPS should be reinstated to provide temporary protection to those children risking their lives seeking safety. Syrians are currently protected under TPS due to the civil war conflict in their country.¹⁰⁷ Again, refugees from Syria and the Northern Triangle even though they share similar qualifying conditions for humanitarian protection are currently not granted the same protected status.

The United States must stand to defend and protect children seeking refuge and safety regardless of their nationality. “If the United States does not change course with respect to accepting refugees, the country might as well ‘take the Statute of Liberty and tear it down,’” said Senator Lindsay Graham in regards to the current global refugee crisis.¹⁰⁸ In summation, all efforts to address the current unaccompanied children refugee crisis from the Northern Triangle in Central America must include strategies that place the best interest of the child as the top priority, rather than hindering the protection of vulnerable youth by incarcerating them. The refugee children from Central America are not criminals; they are victims of violence and therefore deserve to be protected.

¹⁰⁶ Sarnata Reynolds, “It’s a Suicide Act to Leave or Stay: Internal Displacement in El Salvador,” *Refugees International*. July 30, 2015.

¹⁰⁷ Sarnata Reynolds, “It’s a Suicide Act to Leave or Stay: Internal Displacement in El Salvador.”

¹⁰⁸ American Immigration Council, “Refugees Should Not Pay the Price for Paris Attack.” November 16, 2015.

Chapter VI

Summary and Conclusions

The refugees from the Northern Triangle in Central America, as well as the refugees from Syria, Afghanistan, North Africa, and Iraq are fleeing violence in their home countries. They are desperately pleading for refuge and protection. Many are seeking to enter the United States not to fulfill the “American dream” of living a luxurious and fancy life, but rather they are simply seeking safety. Within each human being there is the hope of living without the constant fear of sudden annihilation, wide spread poverty and starvation, and the fear of a civil society in chaos unable to provide its citizens with the most basic needs of human survival.

For this research project I set the goal to explore the factors involved in the influx of refugees from the Northern Triangle. What I have found is that violence is the main contributing factor of the influx of unaccompanied and undocumented minors from Central America. However, poverty also plays a crucial role in the influx. On the other hand, what I did not expect to find is that there is a group in the United States that financially benefits from the influx of undocumented immigrants, including unaccompanied minors. The private prison industry in the United States has tremendous political and economic power, which determines the immigration process and treatment of immigrants. The private prison industry led by the Corrections Corporation of America, The GEO group, and the Management and Training Corporation spends large

amounts of money lobbying members of Congress to increase immigrant detention, thus furthering their economic gain.

The economic and political power that private prison corporations have in the United States is unique to the U.S. immigration system, as other countries do not have the same large segments of an incarcerated population. U.S. Supreme Court Justice Anthony Kennedy has declared that there is a serious problem in the current American criminal justice system because of long sentences, solitary confinement, and the large number of incarcerated people. There is an urgent need for reform in the criminal justice system beginning with the elimination of the incarceration of refugees, particularly children escaping high levels of violence and poverty in their home countries. Children from the Northern Triangle countries of Central America are in desperate need of protection and thus they must be extended human rights protection, instead of incarceration.

Children from the Northern Triangle in Central America must be extended similar protection to what refugees from Syria, Afghanistan, Iraq, and the Northern countries of Africa are receiving in Europe. After all, refugees arriving in the United States and in Europe share similar circumstances which forced them to flee their homes. The current global migration influx is expected to continue in the years to come. "It can maybe from time to time be somewhat less intensive, we simply have to prepare. The global north must be prepared that the global south is on the move, the entire global south. This is

not just a problem for Europe but for the whole world,” said Sonja Licht of the International Center for Democratic Transition.¹⁰⁹

In conclusion, the current refugee crisis in the United States is a problem that can no longer be ignored and it cannot be addressed through incarceration. This is a problem that requires immediate action to lessen human suffering through sustainable reforms in the criminal system as well as in the immigration system, to ensure that vulnerable populations, most importantly unaccompanied minors are protected. Therefore, the incarceration of unaccompanied minors seeking refuge in the United States from environments of extreme violence and poverty in their home countries must end.

¹⁰⁹ Rod Nordland. “A Mass Migration Crisis, and It May Yet Get Worse.” *New York Times*. October 31, 2015.

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