KEYS TO A PROTECTION-FOCUSED APPROACH TO CENTRAL AMERICA
IN THE BIDEN ADMINISTRATION

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A Honduran migrant looks out of a bus window as he voluntarily returns to his country after remaining for several days on the Guatemala-Mexico border (Photo by JOHAN ORDONEZ/AFP via Getty Images)
Joe Biden’s presidency will provide fresh opportunities to engage in Central America and Mexico and to usher in a new era of relations between the United States and Latin America. While Biden’s current plan focuses on improving conditions for northern Central Americans in their home countries, these efforts will take years to yield the intended results. In the interim, the situation in these countries is likely to worsen before it improves. As a result, Central Americans will continue to flee their homes in search of refuge in the years to come. Indeed, trends indicate that the number of Central Americans moving north to Mexico and the United States will likely rise in the near term for at least three main reasons.

First, persistent and long-standing issues of corruption, poverty, insecurity, and violence have forced hundreds of thousands of northern Central Americans to flee for decades. Guatemala, Honduras, and El Salvador all experience extraordinarily high rates of violence, largely attributed to the substantial gang presence in the region from the MS-13 and Barrio 18 gangs. These three countries also are some of the poorest in the region, with high rates of inequality. Corruption has long exacerbated endemic problems of violence and poverty. While initiatives like the International Commission Against Impunity (CICIG for its name in Spanish) and the Mission to Support the Fight against Corruption and Impunity in Honduras (known as MACCIH for its Spanish name) were notable efforts to address this challenge, both were recently dissolved.

Second, COVID-19 has decimated economies throughout the region. Lockdown measures implemented during the pandemic have thrust people deeper into poverty, food insecurity, and precarity. The pandemic has also provided opportunities for gangs to tighten their control. According to International Crisis Group, gangs were able to tighten or expand their control over people and territory using the lockdowns as a way to consolidate power. This tightening of control will put many at risk of extortion and violence, leading to greater need for protection.

Finally, climate change and its impact on natural hazards and displacement is a growing concern that influences the livelihoods and wellbeing of millions in the region. After Hurricane Eta made landfall in Honduras and Guatemala, more than 3.6 million people were affected, causing massive devastation, home loss, and at least 200 deaths. Within days of Eta, another hurricane hit northern Central America (NCA), causing even more devastation in its wake. These kinds of storms are coupled with extended periods of drought and crop failure in the dry corridor of Central America, which the World Bank
projects could displace up to 3.9 million people in the region in the next 30 years. Of course, in the midst of all this devastation are human smugglers who can profit from people’s desire to escape these circumstance and head north for a better life.

The Biden Plan

President-elect Biden’s plan aims to provide important, lifesaving assistance through a comprehensive four-year, $4 billion regional strategy to address factors driving migration from Central America. The plan will seek to mobilize private investment in the region, improve security and rule of law, address endemic corruption, and prioritize poverty reduction and economic development. While Biden’s strategy calls for significant investments that could indeed promote a more prosperous and safer Central America, there are no quick fixes to the drivers of displacement mentioned above. Development takes time, and if done well, can even lead to more migration (under more favorable conditions). But it is likely that in the short-term, many people will still be forced to leave home to seek international protection.

It is therefore noteworthy that the Biden plan for Central America does not explicitly include a dedicated protection component—one that honors people’s right to seek refuge. Nor does it work to build alternative ways for people to access protection, starting in Central America. The incoming administration must move towards more responsible and holistic policies focusing on improving the lives of people in their home countries, but also recognizing that staying home is not an option for all. Of course, respecting people’s right to seek international protection must include a humane system of asylum that includes appropriate management at the U.S.-Mexico border. But it must also include a broadened regional protection approach for northern Central Americans. Such an approach would enable a greater number of Central Americans in fear of persecution to avoid the risks of migration north and would also diminish pressures at the U.S.-Mexico border.

INCORPORATING A REGIONAL PROTECTION COMPONENT INTO BIDEN’S PLAN FOR NORTHERN CENTRAL AMERICA

A Biden plan can and should include creative solutions to manage the challenge facing northern Central American people. These include working with regional actors to provide
international protection options outside the United States, building a framework for internally displaced people in the three northern Central American countries, and ensuring returned migrants have access to protection. A Biden protection plan could do the following:

Work with Central American nations and Mexico to strengthen a responsibility sharing framework and end burden shifting.

President Trump’s approach to the region largely focused on rejecting the United States’ international obligations and unloading these responsibilities onto poorer countries with less capacities. The Migrant Protection Protocols and the Asylum Cooperative Agreements are prime examples of this flawed strategy. A Biden administration must work to show that the United States is a cooperating partner to governments in the region, and that it will work to uphold its own responsibilities while supporting regional governments to assume responsibilities in strengthening their protection capacities. To promote more regional responsibility sharing, the Biden administration should:

- **Cancel the Asylum Cooperative Agreements with Honduras, El Salvador, and Guatemala**: Refugees International and Human Rights Watch have documented egregious problems with these agreements, which have resulted in indirect refoulement. In general, these agreements are based on the notion that an asylum seeker may be returned to the country to which they initially fled, if that country has a functional asylum system that provides meaningful protection. But these particular agreements were reached without regard to best practices and shifted the burden to countries that do not have the capacity to provide real protection to asylum seekers. They have placed unrealistic burdens on civil society organizations in these countries to provide care. The Biden administration must end these agreements in coordination with northern Central American governments to demonstrate to them a change in policy priorities away from burden shifting to burden sharing.

- **Expand resettlement of Central Americans through the U.S. Refugee Admissions Program, as well as through other legal pathways for forced migrants from Central America**: President-elect Biden has announced a commitment to a worldwide U.S. Refugee Admissions annual ceiling of 125,000. This measure, which Refugees International strongly supports, would represent an substantial increase beyond the 15,000 worldwide ceiling announced by President Trump for 2021. The Trump administration announcement includes a
figure of 1,000 refugees who are nationals or habitual residents of El Salvador, Guatemala, or Honduras. That number should be increased as significantly as possible, and the new administration should authorize both in-country processing (from countries of origin) as well as processing from within Mexico and other countries where Central Americans may be receiving temporary refuge. Moreover, the U.S. Congress should take legislative action to ease the evidentiary burden for categories of applicants likely to be at particular risk of persecution, as it has done in the past.

Other experts and advocates have urged the establishment of broader pathways—beyond the U.S. Refugee Admissions program—for enabling Central American migrants at risk to come to the United States, an idea that Refugees International also strongly endorses. Through this combination of approaches, the goal should be a five-year program that could annually provide protection in the United States, on average, to 50,000 or more Central Americans who would otherwise be at risk within or outside their countries of origin.

• **Support Mexico to strengthen its asylum system:** As more people turn to Mexico to seek international protection, it is increasingly important for Mexico to provide a more holistic and human-rights-centered approach to migration management, and in particular to focus its attention on improving its international protection system. The Biden administration should work closely with Mexico to improve its asylum system, which would serve the dual purpose of providing a more fair and transparent process for asylum seekers and enabling Mexico to better manage the increasing number of asylum applications it receives. There are several changes the National Migration Institute (INM) and the Mexican Commission for Refugee Assistance (COMAR) can undertake promptly to improve the asylum process, including ensuring that people with international protection concerns can access the asylum system, receive a comprehensive interview, and are protected while waiting for claims to be resolved. This will help alleviate some of the pressure at the U.S.-Mexico border while still providing those with international protection concerns a meaningful opportunity to seek asylum. In its report entitled *A New Way Forward*, Refugees International provides a detailed roadmap of how Mexico can strengthen its asylum system.

• **Scale up the Protection Transfer Arrangement (PTA) for high-risk cases:** The Protection Transfer Arrangement is a protection mechanism set up by the UN Refugee Agency (UNHCR) in September 2016 to respond to the increasing
number of people fleeing northern Central American countries. The PTA aims to provide up to 200 individuals at heightened risk with safe access to international protection and solutions; prevent individuals at heightened risk from taking dangerous routes out of the NCA and undercutting human trafficking; and foster regional responsibility-sharing. While the arrangement is not a full-scale resettlement program, it can provide some relief to high-risk individuals. However, it needs to be scaled up. A Biden administration should contribute financially to support the UNHCR and the government of Costa Rica to make improvements in the PTA, including addressing inefficiencies that slow down admittance of individuals into the program. The United States should also support efforts to expand the number of Central Americans at risk who are admitted into the PTA.

Prior deportation from the United States should not preclude participation in the PTA, as our research has indicated that many who were deported in recent years returned to Central America with serious protection concerns. The PTA should allow for anyone who cites international protection concerns to be considered, given the gaps in the asylum system in previous years, as well as the changes in conditions in NCA countries that may place returned or deported individuals into new high-risk situations where resettlement is necessary.

Work with NCA governments to provide support to internally displaced people (IDPs).

Northern Central American countries are estimated to have over 1 million IDPs displaced by violence or natural disasters. Gang violence and climate related events like Hurricanes Eta and Iota are major drivers of forced internal displacement in the region. Despite the large number of people who are internally displaced in northern Central America, only El Salvador has passed legislation recognizing and addressing the needs of the estimated 455,900 IDPs in the country. This law provides legal rights to IDPs, including the right to access humanitarian assistance, and includes provisions to prevent future internal displacement. In Honduras, there have been several attempts to pass IDP legislation, yet these efforts have stalled to date, and Honduras does not have a law that recognizes IDPs and seeks to address their needs. In Guatemala, civil society organizations have pushed to have IDPs recognized, but the government of Guatemala to date has not passed any legislation designed to recognize or provide protection and services for IDPs.

The lack of legislation for IDPs in Honduras and Guatemala and the nascent nature of the framework in El Salvador mean that IDPs generally are not provided enough services or
given adequate support to relocate internally or receive humanitarian assistance. Many who are internally displaced eventually choose to migrate internationally as they exhaust their limited options at home. If there were a more robust system to identify and assist internally displaced people, it is likely that some could safely relocate and avoid taking a perilous journey north. Building an IDP framework is, of course, not a short-term solution to providing protection to northern Central Americans. However, as the drivers of migration are long term problems, they require long term solutions. A Biden administration should:

- **Support Honduras and Guatemala to pass legislation recognizing IDPs:**
  Guatemala and Honduras first need legislation that recognizes IDPs in order to begin to provide legal protections to these groups. They must also craft policies that will provide real protection, relocation services, and general care to internally displaced people. The United States should encourage the governments of these two countries to pass this type of legislation and provide technical support along with UNCHR, which would provide an important first step in recognizing a neglected problem that desperately needs attention.

- **Fund efforts for IDP identification and support in El Salvador:** The government of El Salvador and local NGOs, church groups, and other civil society organizations will need a great deal of support to assess the scale of the IDP population in El Salvador and to begin to provide services. The United States should allocate funding to support organizations that assist IDPs. The United States should support the establishment of a secure databases for IDPs that protect the identity of the displaced and are managed with the proper oversight to ensure IDPs information is secure. These efforts should be coordinated with the UNCHR through the Comprehensive Regional Protection and Solutions Framework for the Americas (known as MIRPS in Spanish). Finally, the United States should support funding local organizations, particularly church-based groups and local NGOs, in providing support to identify IDPs and provide humanitarian care.

- **For IDPs deemed high risk, provide support for resettlement elsewhere:** Not all IDPs will be able to successfully relocate within their given country. IDPs with high-risk cases should be placed into the Protection Transfer Arrangement or should be assisted in gaining access to asylum in Mexico or the United States. If NCA governments and civil society organization can work to identify IDPs in the three NCA countries, they can place high risk cases into programs where they can
receive the appropriate support to receive international protection and avoid the risks of fleeing through irregular routes or using smugglers.

**Support governments and civil society to scale up protection and reintegration services to returnees.**

Returnees face several challenges reintegrating back into their home countries. Lack of job opportunities and difficulty adapting back to home cultural norms are common amongst returnees in all three northern Central American countries. Refugees International has also reported on the serious protection issues many returnees in Guatemala face when attempting to reintegrate into their home country. In all three northern Central American countries, returnees may be targeted for having spent time in the United States or may be victims of crimes following their return, as was noted by Human Rights Watch and the Latin American Working Group. While state efforts in all three northern Central American countries provide reception and reintegration services, governments focus heavily on reception. Much of the reintegration support comes from civil society organizations, which are limited in their capacity to provide large-scale reintegration services. Many returnees have a high likelihood of re-migrating if they do not have the proper reintegration support, especially with regards to protection.

- **Place a Protection Officer in reception centers:** There is an undocumented but likely large number of returnees with protection concerns who did not gain access to asylum in the United States or Mexico and who are sent back to their home countries. Even with fairer asylum procedures in the United States, there are still likely to be returnees with some protection concerns who will not gain access international protection. These individuals will need access to protection and may need to be relocated. During the reception process, returnees should be screened by a UNHCR protection officer, who can flag if the returnee faces a danger in returning to their hometown and can provide guidance on the proper support the returnee may need either to be relocated (within the country of origin or outside) or provided additional protection support.

- **Support organizations in providing follow up for returnees:** Currently, reintegration services lack longevity and continuity in all three northern Central American nations. Without the proper support, many returnees make the decision to re-migrate because they face protection concerns or lack job opportunities months to years after returning home. The United States should support both government- and civil-society-run returnee organizations to provide reintegration
services that extend for up to one year upon return. Organizations can carry out follow up phone calls and visits to returnees to better understand reintegration needs six months to one year following their return, and to provide support if a protection concern arises.

- **Leverage more private sector engagement to provide opportunities to returnees:** Due to limited job opportunities and a lack of reintegration services, returnees may struggle to find work. However, returnees often acquire good mastery of English language as well as special skills while living abroad, especially in the hospitality and construction industries. These skills can make them competitive job candidates if they are able to access to the formal labor market. The United States can support the government of Guatemala to form public-private partnerships with private sector companies in El Salvador, Guatemala, and Honduras to match the skills of returnees to better paying, formal job opportunities for returnees so that can ensure they successfully reintegrate back into their home countries.

**CONCLUSION**

Incorporating a protection element to Biden’s plan for northern Central America will fill in the existing gaps in the administration’s current plan. By providing a plan for protection, the Biden administration can mitigate many challenges before they arise, such as relieving a buildup of asylum seekers at the U.S.-Mexico border and reducing the risks and vulnerabilities of people on the move. A protection component recognizes people’s need to seek protection and ensures that this right is protected pragmatically. By building in this component, the Biden administration can demonstrate a new era in policy toward Central America, and show not only good faith to these nations, but also forward thinking and pragmatism.