



# POLICY BRIEF

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## Fleeing violence in Central America: Time to implement Canada's Resettlement Policies

By Rachel Kiddell-Monroe and Celine de Richoufftz.

Each year, thousands of people flee violence and conflict ravaging countries of Honduras, El Salvador and Guatemala. However, North American countries are rolling back the international political and moral commitments designed to protect these people. Canada should develop an urgent policy of resettlement for Central American refugees in Canada and address the structural causes of displacements.

### WHAT'S AT STAKE?

Each year, over 500,000 people flee unspeakable violence and conflict ravaging the Northern Central American (NCA) countries of Honduras, El Salvador and Guatemala. Forced to abandon their homes and families to escape violent conflict, gang violence and poverty, these Central Americans hope to find sanctuary in Mexico. Instead they are met with yet more violence from uncontrolled bands of kidnappers and extortionists. Furthermore, more often than not, the Mexican authorities refuse them permission to stay. They are simply sent back to the violence which forced them to flee.

North American countries are rolling back the international political and moral commitments designed to protect people fleeing violence and persecution. Part of a worldwide trend of policies which increasingly deny refugees their right to protection, the question we should be addressing today is not why are there so many refugees, but why so few are being received and welcomed. This is the heart of refugee reception crisis today. The pervasive policies that deny access to protection and safety, that deny the right of a person to flee violence and persecution are causing immense and unconscionable human suffering and indignity.

### KEY RESULTS

Canada should take proactive and concrete actions to protect Northern Central American refugees fleeing violence including:

- Implementing its policy to offer resettlement to Central American refugees caught in legal limbo in Mexico
- Ensuring it welcomes asylum seekers who are at risk under the US immigration system
- Supporting Northern Central American states in their efforts to build fairer and more efficient immigration systems
- Advocating for safe passages, legal pathways and for an end to the criminalization of clandestine immigration

In this policy brief, we argue that Canada can and must take a different path. The Canadian government recently renewed Canada's historical commitment to welcome people seeking asylum. Prime Minister Trudeau said his government would "[stand with people seeking shelter from enormous hardship and violence.... Let us show compassion for their plight, recognize their dignity....](#)". With much fanfare, Canada has accepted [40,081 Syrian refugees](#) since November 4, 2015. Yet in 2017, Canada received only 28 asylum seekers/refugees from NCA. Meanwhile Mexico receives over 500,000 each year. While Canada has the world's 10th largest GDP and is ranked [10th](#) in the Human Development Index (HDI), Mexico is ranked only 77th (IMF, 2017). Yet Mexico is left to bear the burden of this human flow.

In this policy brief, we argue that Canada should take proactive and concrete steps to live up to its humanitarian rhetoric. By developing an urgent policy of resettlement for Central American refugees in Canada, by supporting NTCA states in their efforts to build fairer and more efficient immigration systems and by addressing the structural causes of displacements, Canada can alleviate the suffering of thousands of people.

## **NCA : a neglected humanitarian crisis in Canada's backyard**

The story of migration from NCA is about a broader humanitarian crisis, a crisis widely reported and well known by the regional authorities. [People are fleeing](#) gang violence, criminality, extortion, poverty and lack of opportunity. A power vacuum and political instability left after the wave of the region's civil wars in the 1980s, allowed corruption, chronic violence and gangsterism to spread. In 2015, the people of Honduras and Guatemala led protests against their governments in a "[Central American spring](#)". Despite the hopes brought by popular upheavals, it led to a surge in the brutality of gang wars. As one commentator notes "Central America is gravely sick. In the last five years not one of these three countries (Guatemala, Honduras, El Salvador) has averaged fewer than thirty-two murders for every 100,000 inhabitants." (Martinez, 2016) For inhabitants, El Salvador is now almost 20 times deadlier than the US and 90 times deadlier than the UK (Watts, 2015).

The numbers of people fleeing NCA alone demonstrate that the crisis in the NCA is driving people north. There has been an [eight-fold increase](#) in the number of refugees and asylum seekers from NCA between 2011 and 2016. Significantly, there has been a rise in the number of families and unaccompanied minors fleeing since 2013: [women and children](#) are particularly vulnerable to domestic and gang violence. This trend signals that deteriorating security conditions are causing people to flee rather than the economic situation (Martinez, 2016). Yet, people seeking sanctuary in Mexico and the United States are largely assumed to be, and are therefore treated as, economic migrants. The escalation of the humanitarian crisis in NCA requires that governments in North America adjust their policies and approaches to these people.

## **US closing its borders while Mexico remains unsafe**

People have been fleeing this violence in NCA for many years, transiting through Mexico to get to the United States. Yet, the United States is increasingly not seen as a realistic destination. In January 2017, by [Presidential Executive Order](#), the US halved the total number of refugees which could be admitted to the United States from 110,000 to 50,000. The US has also suspended its 2012 federal program that granted children brought to the US illegally the [temporary right](#) to live, study and work in America. With the ever-more restrictive US immigration policies, Mexico is by default becoming a destination country for refugees.

Mexico is widely regarded as being at the forefront of international efforts to protect refugees with its domestic legislation reflecting international laws. The Mexican government has even expanded the definition of refugees to those "fleeing generalized violence" as agreed in the 1984 Cartagena Declaration:

*Hence the definition or concept of a refugee to be recommended for use in the region is one which, in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugees persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.*

It also integrated the recommendations of the United Nations High Commissioner for Refugees (UNHCR) to include broad inclusion criteria for refugees in the Mexico's 2011 Law on Refugees and Complementary Protection. This provides refugees with the [permission](#) to work, access health services and education, and to revalidate their studies. Mexico has also adopted the Plan of Action laid out in the Brazil Declaration of December 2014 in which representatives of 28 countries and 3 territories in Latin America and the Caribbean adopted a [road map](#) to address new displacement trends and end statelessness by 2024. These policies and apparent goodwill aim at strengthening national and international protection systems and shared responsibility mechanisms.

Yet despite these efforts, the situation of refugees and migrants remains precarious and dangerous. The reality is that [Mexico is not able or ready to host these people](#), from either a legal, human rights or economic perspective. There are clear [gaps](#) between Mexico's law on paper and its implementation. Structural and operational challenges have meant that there has been limited investment in the mechanics of the asylum system. There is currently a backlog of nearly 8,000 cases (UNHCR, 2016). Detentions and deportations of asylum seekers entitled to make an application are commonplace. Those seeking protection who stay in Mexico have extremely [restricted access](#) to basic rights such as health services, education and shelter.

Protecting people fleeing from NCA in Mexico is challenging. Systematic abuse of human rights is widely reported by non-governmental and human rights organisations. [MSF reports](#) that people often get trapped in areas controlled by criminal organizations and are abused by the kidnappers and gangs preying on their vulnerability. [Amnesty International reports](#) that the Mexican State is often complicit in the extortion, abuse and criminalization of the migration flows. The lucky ones manage to reach the protection of migrant shelters run privately by the church or other groups. The not-so-lucky are arrested, put into detention centres where they wait – often for months.

Deportation and detention are becoming a norm in Mexico. Between January and July 2017, [77,969 people](#) were deported back to the NCA countries from the USA and Mexico regardless of individual's protection needs. In addition to deportation, detention of migrants is frequently used as a response to the crisis despite clear [UNHCR policy](#) that detention should be applied only in exceptional cases. As part of the [Programa Frontera Sud](#) goal to reinforce control and security on Mexico's southern border, and partly funded by the US, people who do not file asylum claims [within 30 days of entering Mexico](#) are kept in immigration detention centres if arrested before applying. [88,741 irregular migrants](#) were detained for this reason between January and November 2017. The conditions in detention centres themselves have been a cause for concern, especially as [reports](#) showed cases of beatings, threats, humiliation and insults. As a response to this, since 2014 the UNHCR and its partners have been supporting the Mexican government in [developing alternatives](#) to detention and care arrangements particularly for children.

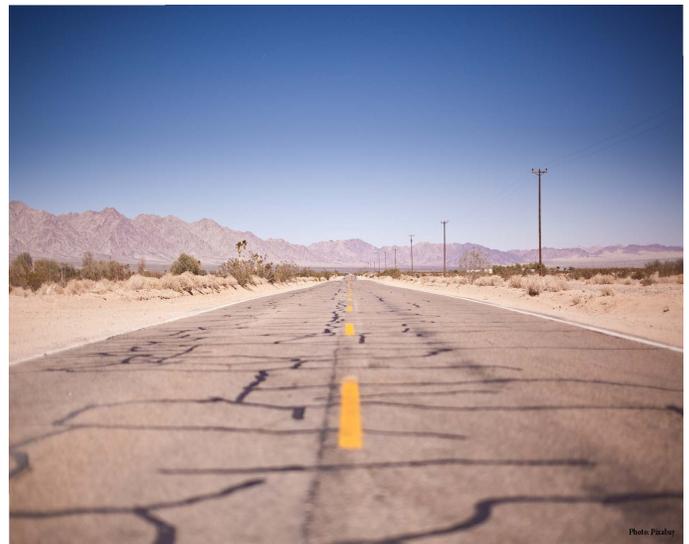
Migrants arriving from NCA have little to no access to information, particularly because they are crossing using informal routes. According to the UNHCR, [less than one percent](#) of the 500,000 people who irregularly enter Mexico from the NCA apply for asylum, in part due to lack of information. In the first semester of 2017, of 3,762 asylum-seekers from the NCA, [1,340 concluded their procedure](#). Of these, 31% were recognized as refugees and 17% received complementary protection. In 2015, a total of 1,243 humanitarian visas were granted by Mexico for victims or witnesses of crime from the NCA. There are concerns however that the increasing use of complementary protection mechanisms like humanitarian visas people get in Mexico are used to [avoid granting full refugee rights](#).

## Resettlement : a regional solution

The securitization of the borders through detention and deportations aims to deter people from leaving their country in the first place. In reality, they just [force people](#) to take more precarious routes and reinforce smuggling networks. People continue to arrive in Mexico.

If Mexico is unable to provide the protection people fleeing Central America need, and if the United States is reinforcing its borders, then the refugees need to be resettled in a safe third country.

There have been efforts by neighboring states to improve local integration and access to rights. The UNHCR has been at the forefront of the implementation of regional cooperation strategies. The 2014 [Brazil Declaration](#) and Plan of Action, 2016 [New York Declaration](#) and the 2016 [San José Statement](#) paved the way to a Comprehensive Regional Protection and Solutions Framework (CRPSF) including a regional application of the [Comprehensive Refugee Response Framework](#) (CRRF). As a direct result, during the first semester of 2017, in Mexico 316 people of concern benefitted from local integration initiatives such as job and school enrollment support, language classes and internal relocations. Moreover, the process of naturalization for people of concern from the NCA is making progress. [For example](#), 8 refugees were granted permanent residency in Guatemala in 2017 and in Honduras, 3 refugee naturalization processes from Haiti and El Salvador have taken place.



A key component of the Comprehensive Refugee Response Framework (CRRF) is the Protection Transfer Arrangement (PTA), which fosters stronger responsibility-sharing between the UNHCR the International Organization for Migration (IOM) the Transit Country and the Governments of the countries of origin as well as participating resettlement countries (PTA, 2017). The main goals if this pilot programme is to [“strengthen reception and admission mechanisms, support for immediate and on-going humanitarian and protection needs, assist national and local institutions and communities hosting refugees, and expand opportunities for durable solutions.”](#) Therefore, as a member of the region, Canada has a crucial role to play.

## Canada's humanitarian role in resettlement

UNHCR views Canada as an important leader in the Americas and on refugee issues globally. Consequently, its participation is critical to advancing comprehensive solutions to forcible displacements in and from NTCA (UNHCR, 2017). Canada should support regional efforts and also expand its own resettlement efforts.

Canada's refugee protection programs comprise the "Refugee and Humanitarian Resettlement Program", which, with the help of the UNHCR and private sponsors identify the people eligible to refugee status outside of Canada based on the [1951 Convention](#) Relating to the Status of Refugees definition of a refugee. But the efficiency of UNHCR determination and protection programs in Mexico depends on funding by UN Member States. The issue is not the existence of programmes but having the funds to implement them. In 2017, of the \$37 million required by UNHCR to fund their programmes in Mexico, only 19 percent of that sum has been received (Beuze, 2017). Once these programmes are provided with financial and logistical support, refugees can get fair and safe access to protection and resettlement procedures.

The policies of refuge countries such as Canada and the United States have been called "wholly inefficient to the gravity of the situation." (Laventure, 2017) Figures reveal that the key problem is the lack of information on refugees' right to access asylum procedures. Indeed, according to [Immigration and Refugee Board of Canada](#) in 2016, 87 of the 136 Hondurans who applied were granted refugee protection in Canada, a 62 percent acceptance rate; 21 of the 51 Guatemalans who applied were accepted, a 34 percent acceptance rate; and 152 of the 244 applicants from El Salvador were accepted, a 71 percent acceptance rate.

## Conclusion

The question we need to answer is why are so few people fleeing NCA getting access to the primary asylum processes in the first place, and what can we do to change this? In its 2017 report, MSF depicts the situation of undocumented migrants from NCA as "[comparable to the experience in war zones... Murder, kidnappings, threats, recruitment by non-state armed actors, extortion, sexual violence and forced disappearance are brutal realities in many of the conflict areas...](#)" However, the organization also demonstrates that NCA refugees may not be granted recognition on the grounds that they are not fleeing a country at war. But as a migrant interviewed in the documentary "Destierros" justly explains: these countries may not be at 'war' but they are even more cruel towards their citizens: they are silent witnesses of their sufferings. It is states' institutional weakness and indifference, not war, that is causing their painful exile (Caron-Guay, 2017).

Therefore, by fractioning the meaning of refugee, migrant and asylum seeker, governments are complicit in creating a narrative of fear and nationalism which is "shifting the boundaries of rights" (Efrat, 2013) and denying refugees their international protection. The narrow understanding of a "refugee" and the ambiguous definition of "non-refoulement" leave the asylum cases open to interpretations which more often serve interests of states rather than people. Canada must urgently fulfill its promise to receive more people fleeing violence and suffering. With the NCA protection-crisis in its backyard, Canadian citizens can no longer sit and watch people suffer the double pain of violence and exile.

Indeed, having suffered unimaginably in their own countries, people are forced to suffer yet again when they arrive seeking refuge. Instead of offering people the protection they deserve and expect, the response to date has been to intensify restrictive asylum policies and increase deterrence strategies. Meanwhile, Mexico stands as a "buffer" state protecting the US and Canada from the people forced to flee with violence rocking their homelands. This double burden of violence is exacerbated by the legal limbo forced on them. And while the humanitarian situation is being perceived as national security threat by the United States, Canada appears to be simply ignoring it. People find themselves rightless and stateless, exposed to violence and suffering. Meanwhile the protection required by core principles of refugee and human rights law is denied to them with impunity (Amnesty International, 2017).

## POLICY INSIGHTS

Canada should consider:

- Implementing its policy to offer resettlement to Central American refugees caught in legal limbo in Mexico
- Including gang violence to be part of the criteria
- Ensuring it welcomes asylum seekers who are at risk under the US immigration system in spite of the Safe Third Country Agreement (STCA)
- Supporting NCA states in their efforts to build fairer and more efficient immigration systems, participate to development policies and peace processes in order to address the structural causes of displacements
- Supporting Mexico to receive people humanely, support and expand "good practices" and durable solutions
- Supporting their neighbors in the South through more capacity-building projects
- Advocating for safe passages, legal pathways and for an end to the criminalization of clandestine immigration

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*This brief was authored by Rachel Kiddell-Monroe and Celine de Richoufftz.*

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