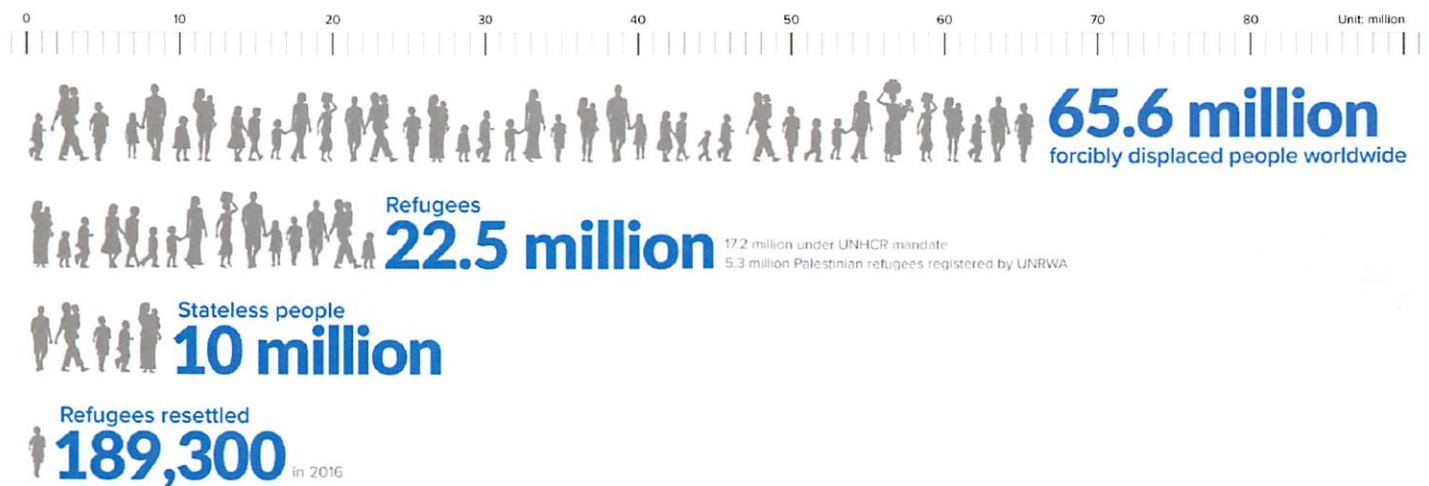


REFUGEE LAW AND COMPARATIVE ASPECTS OF SOCIAL JUSTICE
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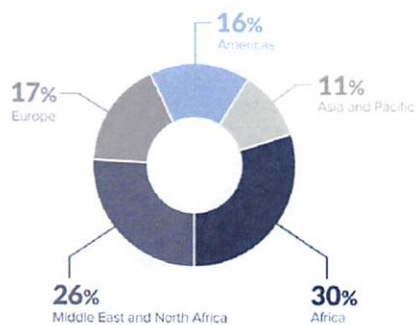
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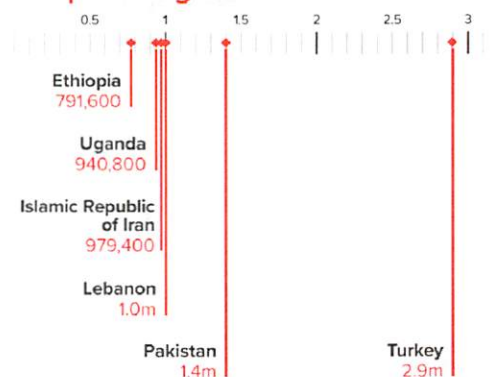
Where the world's displaced people are being hosted



55% of refugees worldwide came from three countries



Top hosting countries



28,300 people

a day forced to flee their homes because of conflict and persecution

10,966 staff

UNHCR employs 10,966 staff (as of 30 June 2017)

130 countries

We work in 130 countries (as of 30 June 2017)

We are funded almost entirely by voluntary contributions, with 87 per cent from governments and the European Union.

Source: UNHCR / 19 June 2017

We are now witnessing the highest levels of displacement on record.

An unprecedented **65.6 million** people around the world have been forced from home. Among them are nearly **22.5 million refugees**, over half of whom are **under the age of 18**.

There are also 10 million stateless people who have been denied a nationality and access to basic rights such as education, healthcare, employment and freedom of movement.

In a world where nearly **20 people are forcibly displaced every minute** as a result of conflict or persecution, [our work](#) at UNHCR is more important than ever before.

How we gather our data

Full-time statisticians in UNHCR's Field Information and Coordination Section track the number of people forced to flee so that when a major displacement crisis erupts, we are able to predict **how many people need help, how much help they need and how many staff we must deploy.**

These figures are released every year in our [Global Trends](#) and [Global Appeal](#) reports.

Staff figures

Our staff are the backbone of UNHCR. As of 30 June 2017, we employ 10,966 staff members, of whom around 87 per cent are based in the field.

We work in 130 countries, with staff based in a mixture of regional and branch offices and sub and field offices. Our staff work hard to help the displaced, specializing in a wide range of disciplines, including legal protection, administration, community services, public affairs and health.

Financial figures

We are funded almost entirely by voluntary contributions, with 87 per cent from governments and the European Union. Three per cent comes from other inter-governmental organizations and pooled funding mechanisms, while a further nine per cent is from the private sector, including foundations, corporations and the public. Additionally, we receive a limited subsidy (one per cent) from the UN budget for administrative costs, and accept in-kind contributions, including items such as tents, medicines and trucks.

UNHCR was launched on a shoestring annual budget of US\$ 300,000 in 1950. But as our work and size have grown, so too have the costs. Our annual budget rose to more than US\$ 1 billion in the early 1990s and reached a new annual high of US\$ 7.7 billion in 2017. For up to date information about UNHCR's financial needs visit our [Global Focus website](#).

Our yearly budget includes programmes that support continuing operations and supplementary programmes to cover emergencies, such as the Syria crisis or large-scale repatriation operations.

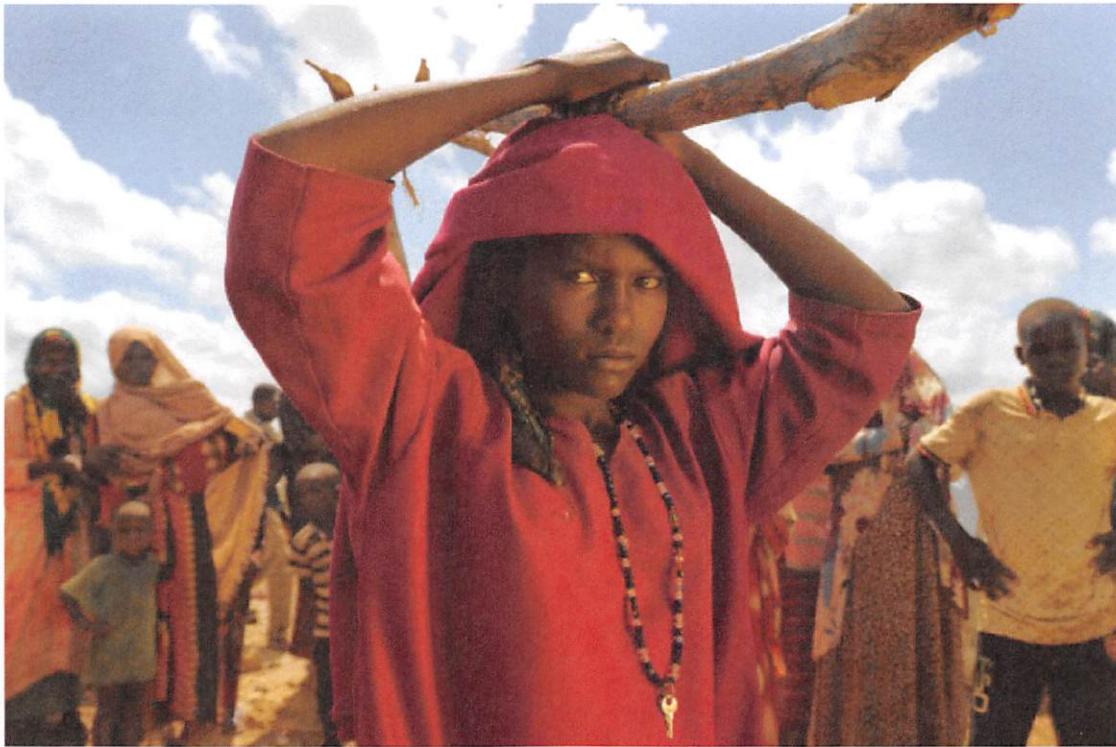
Statistics and operational data

Our accurate, relevant and timely data and statistics are crucial to refugee operations. This key resource is used by all partners to respond to the needs of refugee populations.

[UNHCR's Statistics Database](#) provides data, reports and other information essential for field operations. It also carries statistical reports on people of concern – [refugees](#), [asylum seekers](#), [returned refugees](#), the [internally displaced](#) and [stateless people](#). Detailed information on country of asylum, place of origin, gender, age, location

The world's 5 biggest refugee crises

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Crises in Syria, Afghanistan, Lake Chad, South Sudan and Somalia (seen here) have displaced more than 23 million people—more than the populations of 48 U.S. states. Mercy Corps is responding with emergency assistance to help them meet their urgent needs. PHOTO: Peter Caton for Mercy Corps

The refugee crisis is a human crisis: Behind the statistics are people filled with unique life experiences and dreams for the future. They are mothers longing to return home, fathers yearning to work again, children searching for a childhood.

We are witnessing a massive shift of humanity unlike any seen before. More than 65 million people around the world — equivalent to the entire population of the UK — are displaced from their homes. More than 23 million of them are from five places: Syria, Afghanistan, South Sudan, the Lake Chad Basin and Somalia.

What does it look like for that many people to be displaced?

It would be like half the population of Spain going homeless. Or everyone in Cameroon fleeing and leaving an empty nation behind them. It would be like the state of Florida slowly draining of every doctor, teacher, engineer and entrepreneur — every person who lived there, plus three million more — until there was only barren land left behind.

All refugees have suffered unimaginable loss, whether they are displaced in their own country or seeking safety overseas. Yet they are filled with potential and the strength to triumph over adversity. Their story is our story, because we are all human — and together, we can build a better world.

Read on to learn more about where this crisis is hitting the hardest, and how you can help.

1. Syria: 11.5 million displaced



Joury, 12, fled Daraa, Syria with her family four years ago. She now lives in Za'atari refugee camp in Jordan, where she dreams of being a painter.

PHOTO: Sean Sheridan for Mercy Corps

The Syria crisis has accelerated more dramatically than any crisis on earth. After war erupted in March 2011, it took two years for 1 million people to be displaced. Another million were displaced within six months. Now six years on, more than half of the population has been internally displaced or forced to flee outside of the country.

Mercy Corps is one of the largest providers of humanitarian assistance throughout Syria, reaching hundreds of thousands of people per month with urgently needed food, water, blankets and other essential supplies.

[Get the quick facts about the Syria crisis](#) ▶

Joury fled Syria with her family four years ago. There is no way to know if she will be able to go home again. At a Mercy Corps youth center in Za'atari, art helps young refugees like her cope with their stress and enjoy being kids again.

"In Syria I wanted to be an artist, but I didn't know how to draw," she says. "I learned how to draw at Mercy Corps [youth center program]."

"When I am thinking of anything, I just like to draw it. I feel comfortable when I draw."

2. South Sudan: 4 million displaced



Angelina has fled violence, flooding and drought looking for a safe place for her family. "I am tired of running from enemies," she says. PHOTO: Jennifer Huxta for Mercy Corps

The situation in South Sudan is dire. Around 4 million people have been forced from their homes since the start of a brutal civil war in 2013 — most of them women and children. Roughly six in ten people are in urgent need of humanitarian relief.

Ongoing warfare, flooding and drought continue to worsen what is already a dangerous humanitarian crisis. There are massive needs for clean water, health care, sanitation, food, shelter, and protection across the country,

Angelina feels that struggle deeply. She fled conflict in her village twice looking for a safe place for her family. The last time she fled, her home was burned behind them.

For five days she walked through deep water, floating her children on a plastic tarp until they found refuge on Nyoat Island, where they rely on food assistance and water lilies to survive. Her children leave by canoe every morning at 4 a.m. to go to a local school Mercy Corps supports.

"I set up here because I am tired of running from enemies," she says. "I decided to come here for two reasons: for fear — I feel safe here — and because I can get water lilies for my kids."

"I have hope [to find work] but I don't know what kind of work. If there is an opportunity given and I can provide for my kids, then I will be happy. Even if I have some small seeds, then I can plant a vegetable garden and sell them and get some money."

3. Afghanistan: 3.8 million displaced



Shakila, center, fled Afghanistan with her kids, Sonia and Arash. Cash from Mercy Corps is helping them meet their urgent needs while living in Greece. PHOTO: Sara Hylton for Mercy Corps

Mercy Corps is working to build a stronger future within Afghanistan by training farmers to grow better crops, improving economic opportunities for youth, teaching new mothers healthy nutrition practices, and helping women and girls find better access to financial services and job opportunities.

We're also helping Afghan refugees while they live away from home. Shakila, 31, fled Afghanistan with her husband and three children, seeking a better life. Now they wait in Greece for a future they're not sure will ever arrive.

Addressing anger, not just income, is key to fighting instability in Afghanistan ▶

Mercy Corps is providing Shakila with a cash card to buy essentials for her family, while her daughter, Sonia, is in an art workshop at a Mercy Corps youth center.

"I worry about my children," Shakila says. "They need an education but here they just pass the days without anything. My daughter is depressed. She always stays inside the tent."

"I'm a little older; I don't need anything. I just need my kids to go to school and have an education and change their future for good things to come."

4. Lake Chad: 2.3 million displaced



Violence has displaced more than 2.3 million people in Africa's Lake Chad Basin. Mercy Corps is providing food, water and cash assistance to help people meet their urgent needs. PHOTO: Tom Saater for Mercy Corps

One of the world's most overlooked crises is happening within West Africa's Lake Chad Basin: More than 2.3 million people have been forced to flee their homes, including more than 200,000 people who have fled to Cameroon, Chad and Niger. Nearly 11 million people are in need of humanitarian assistance across the Lake Chad Basin, and 7.2 million people face crisis or emergency levels of food insecurity.

What you need to know about the Lake Chad crisis ▶

"As we've had better access to these areas, the level and urgency of the need we see is horrifying and demands immediate action," says Iveta Ouvry, Mercy Corps' country director in Nigeria. "We are working as quickly as possible to expand our ongoing delivery of food vouchers; financial assistance; and water, sanitation, and hygiene support."

"This is not a crisis that will be solved with one silver-bullet solution. International donors and governments in the region need to respond quickly with short- and long-term solutions, such as directing more resources to address immediate needs and developing policies to tackle the underlying causes of the crisis."

5. Somalia: 1.6 million displaced



Hadija is one of 160,000 Somalis who have been displaced in the city of Baidoa because of drought and instability. Mercy Corps is distributing water and food in the camp where she lives. PHOTO: Peter Caton for Mercy Corps

Somalia is facing one of the world's worst emergencies and is at risk of slipping into famine. Almost half of the country is in need of assistance. Some 800,000 people are at risk of famine, and 3.1 million people cannot meet their daily food needs.

Drought and ongoing conflict have forced millions of people to flee their villages for life in destitute refugee camps. If drought conditions worsen, hundreds of thousands of children will be at risk of starvation.

Mercy Corps has been working in Somalia since 2005, improving access to food and water, rehabilitating waterways, supporting local markets and providing education and civic opportunities for youth. We are also providing livelihood opportunities, such as cash for work, to increase farm production and enhance the ability of communities to handle shocks like drought.

Famine and food security: What's at stake ▶

That support — and a long-term peaceful solution — is critical for people like 22-year-old Hadija. Two seasons of failed rains forced her to leave her village with her two children. Now she waits in a refugee camp, one of 155,000 people in her region whose life has been put on hold.

"I might be here waiting to deliver my children and my son. We have no hope without money, we just hope for people who wish us well to take care of us now."

How you can help



Cash distributions, like this one in South Sudan, give people the freedom to meet their urgent needs however they choose. Jennifer Huxta for Mercy Corps

In more than 40 countries, Mercy Corps partners to put bold solutions into action — helping people triumph over adversity and build stronger communities from within. With your support, we are helping millions of people meet their urgent needs and build a stronger tomorrow.

You play an important role in ensuring that refugees have the support they need. When we work together, we can help even more people feel safe from conflict, stay healthy and forge ahead to a better, stronger future.

- **Donate today.** Every single contribution helps us provide lifesaving assistance to refugees in crisis around the world.
- **Tell your friends.** Share this story or go to our [Facebook page](#) or [Twitter page](#) to post the image and spread the word about the millions who need us.

THE CONVERSATION

To deal with the refugee crisis you need to understand the cause

April 23, 2015 3.10pm EDT

Alexander Betts

Leopold Muller Associate Professor in Refugee and Forced Migration Studies, University of Oxford



There are an estimated 9m displaced people in Syria alone. EPA/Alessandro Di Meo

The ongoing crisis in the Mediterranean, which has seen more than 30 times as many people die as in the same period last year, has evoked unprecedented media attention. What should be about a humanitarian tragedy has become hijacked by opportunist politicians, who in many cases have fundamentally and wilfully misrepresented the underlying causes of the problem. If solutions are based on that misrepresentation, they will fail and have harmful consequences.

From early in the week, Italy's prime minister, Matteo Renzi, focused on proclaiming a "war on trafficking", describing it as "the slavery of our time".

UK foreign secretary, Phillip Hammond and others followed suit. Yet there are at least two problems with this narrative. First, it fails to distinguish between "trafficking" and "smuggling", the former being irrelevant in this context.

Second, and more importantly, it fails to recognise that smuggling does not cause migration, it responds to an underlying demand. Criminalising the smugglers serves as a convenient scapegoat. But it cannot solve the problem. It will simply displace the problem, increase prices, introduce ever less scrupulous market entrants, and make journey ever more perilous.

Crisis of displacement

The real causes of the tragedy are two-fold. First, we need to situate the tragedy in a broader context. There is a global displacement crisis. Around the world, more people are displaced than at any time since the World War II. Globally, there are more than 50m displaced and 16m refugees. To take the case of Syria, there are 9m displaced Syrians; 3m of whom are refugees. Most are in Turkey, Jordan, and Lebanon. But countries like Jordan and Lebanon – whose capacities are stretched to breaking point – are now closing their borders and in need of international burden-sharing. These people have to go somewhere and increasingly they are travelling on to Europe in search of protection.

Second, the cause of the deaths can be directly linked to Europe's decision to end the Italian search and rescue operation Mare Nostrum in November 2014 and replace it with the inadequately funded EU-run Operation Triton. Mare Nostrum saved more than 100,000 lives last year. Since the ending of Mare Nostrum many fewer have been rescued and many more have died. To address the crisis, it is these two causes that need to be looked at first.

We know from existing data that the people crossing the Mediterranean are increasingly from refugee-producing countries such as Syria, Eritrea, and Somalia. While some – coming from West Africa – may well be more likely to be leaving poverty or seeking opportunity, a huge proportion are therefore fleeing conflict and persecution and are in need of international protection.

We have international legal obligations to protect such people. Yet the EU has largely failed to recognise this. On Monday, the EU held an emergency meeting in Luxembourg at which it produced a ten-point plan. This was vague in detail but the emphasis was on dismantling the smugglers and on containing migration from within North Africa. References to humanitarian roles such as expanding Triton and refugee resettlement remained under-specified. The logic, in other words, was primarily about containment and counter-smuggling operations.



EU summit: very little on the table. EPA/Yves Herman

This emphasis has been repeated in the leaked draft statement of the EU Summit. The statement highlights deportation and immigration control; it is a manifesto for containment. It proposes to deport 150,000 people and offer relocation across Europe of up to a quota of 5,000 while emphasising the aspiration to bolster Libya's capacity to control migration to the EU. It again shows a misunderstanding of the underlying causes of the problem, and it likely to be inconsistent with international refugee and human rights law.

There are no simple solutions to this issue. But the key to finding solutions is by putting the issue in its broader context. The UN rapporteur on the human rights of migrants, Francois Crepeau, has been among the most articulate in highlighting this.

A joint statement by Antonio Guterres, Peter Sutherland, Bill Swing and Zeid Ra'ad Al Hussein has emphasised the need for solutions that go beyond the "minimalist" EU response. These include a well-resourced search-and-rescue operation; channels for safe and regular migration; making a firm commitment to receive significantly higher numbers of refugees through EU-wide resettlement; bolstering arrangements for more equitable burden-sharing within Europe and combating racism and xenophobia. These are sensible solutions and advance the debate.

However, to ultimately, address the underlying causes of the issue a global and comprehensive approach is needed. It is a symptom of a global displacement crisis needs to be addressed in a comprehensive way.

Learning from history

There are instructive lessons from history. After the end of the Vietnam War in 1975, literally hundreds of thousands of Indochinese "boat people" crossed territorial waters from Vietnam, Laos, and Cambodia towards South-East Asian host states such as Malaysia, Singapore, Thailand, the Philippines, as well as Hong Kong. Throughout the 1970s and 1980s the host states, facing an influx, pushed many of the boats back into the water and people drowned. Like today, there was a public response to images of people drowning on television and in newspapers. But addressing the issue took political leadership and large-scale international cooperation.

In 1989 under UNHCR leadership, a Comprehensive Plan of Action (CPA) was agreed for Indochinese refugees. It was based on an international agreement for sharing responsibility. The receiving countries in South-East Asia agreed to keep their borders open, engage in search and rescue operations and provide reception to the boat people.

But they did so based on two sets of commitments from other states. First, a coalition of governments – the US, Canada, Australia, New Zealand and the European states – committed to resettle all those who were judged to be refugees. Second, alternative and humane solutions including return and alternative, legal immigration channels were found for those who were not refugees in need of international protection. The CPA led to millions being resettled and the most immediate humanitarian challenge was addressed.

The CPA was not perfect and it is not a perfect analogy to the contemporary Mediterranean, but it highlights the need to a broader framework based on international cooperation and responsibility-sharing. The elements of a solution to the contemporary crisis have to be at a

number of different levels.

These include improvements in search and rescue to return to at least the capacity of Mare Nostrum; more equitable burden-sharing and relocation of refugees within the European Union; support to gradually build to protection and human rights capacities of transit countries. In addition to these creative solutions and additional support are needed for refugee-hosting countries in regions of origin – and we need to promote the refugees' capacities to contribute to their host state. Finally, we need a European resettlement scheme that reflects a commitment to proportionately share responsibility for the global refugee population.

Above all, though, solutions have to come from a reaffirmation of the need to uphold asylum and refugee protection, and to see these as a shared global responsibility.

If there is to be a silver lining to the current crisis, it stems from the opportunity to political leadership to reframe how refugees are seen by the public and to come up with creative solutions for refugees and vulnerable migrants on a global scale.

But that will take political courage and leadership.



Refugees

UNHCR

Boat people

Migrants

Mediterranean

North Africa

Migrant crisis



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Mediterranean Migrant Arrivals Reach 10,949 in 2018; Deaths Reach 442

Report from [International Organization for Migration](https://www.iom.int/news/mediterranean-migrant-arrivals-reach-10949-2018-deaths-reach-442)

Published on 09 Mar 2018 — [View Original:https://www.iom.int/news/mediterranean-migrant-arrivals-reach-10949-2018-deaths-reach-442](https://www.iom.int/news/mediterranean-migrant-arrivals-reach-10949-2018-deaths-reach-442)



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Mediterranean Migrant Arrivals Reach 10,949 in 2018; Deaths Reach 442

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 Mediterranean Migrant Arrivals Reach 10,949 in 2018; Deaths Reach 442

Summary - IOM, the UN Migration Agency, reports that 10,949 migrants and refugees have entered Europe by sea through the first nine weeks of 2018, with just under 51 percent arriving in Italy and the remainder divided between Greece (27%), Spain (22%) and Cyprus (less than 1%). This compares with 20,051 arrivals across the region through the same period last year. The numbers with 442 deaths and missing.

MEDITERRANEAN DEVELOPMENTS

TOTAL ARRIVALS BY SEA THROUGHOUT THE MEDITERRANEAN (2018)				
Country of origin	2018 (Jan-Mar)		2017 (Jan-Mar)	
	Arrivals	Deaths	Arrivals	Deaths
Italy	5,457	337	15,843	1,440
Greece	2,915	0	15,843	1,440
Spain	2,540	105	15,843	1,440
Cyprus	37	0	15,843	1,440
Total	10,949	442	20,051	1,440

Old Rome's Figure 20 (Greece and Italy) are according to IOM's Central System. IOM reports have arrived in Italy this year, in Italy, one from the Central System, but one from IOM's report. Arrivals and deaths are brought to the date along reports in the waters north of Africa. Through 7 March Italy arrivals are averaging fewer than 83 persons per day. This compares with 240 per day in 2017 and 140 per day in 2016. (see chart below)

[Download PDF \(321.62 KB\)](#)

Geneva – IOM, the UN Migration Agency, reports that 10,949 migrants and refugees have entered Europe by sea through the first nine weeks of 2018, with just under 51 percent arriving in Italy and the remainder divided between Greece (27%) Spain (22%) and Cyprus (less than 1%). This compares with 20,051 arrivals across the region through the same period last year.

IOM Rome's Flavio Di Giacomo said Monday that, according to Ministry of Interior figures, 5,457 migrants have arrived by sea to Italy this year: or barely one third the figure at this time last year, when 15,843 migrant men, women and children were brought to Italy after being rescued in the waters north of Africa. Through 7 March Italy arrivals are averaging fewer than 83 persons per day. This compares with 240 per day in 2017 and 140 per day in 2016. (see chart below).

Across the entire region, along three principal migrant routes, the dramatic drop in arrivals is reflected in the statistics as well. In 2015 on this same date, IOM counted 143,544 irregular migrants entering Europe by sea, an average of 2,142 daily. Those numbers dropped to 134,905 (1,983 average, daily) this point in 2016 and to 20,051 (daily: 299). So far this year daily arrivals average 163 men, women and children across the zone. (see chart below)

IOM's Missing Migrant Project (MMP) reported Monday that deaths on the Central Mediterranean route—442 as of March 8—were down some 15% below their total at this same time in 2017, when 521 migrants had been counted as drowned or missing in the waters between North Africa and Italy.

IOM Athens' Kelly Namia on Thursday said that over three days ending 6 March the Hellenic Coast Guard reported no incidents requiring search and rescue operations in the Aegean and just one irregular migrant landing, on the island of Kos this past Monday.

That brings the total number of sea arrivals to Greek territory through 6 March February to 2,915 (see chart below)—an average of about 45 persons per day.

Mediterranean Migrant Arrivals Reach 10,949 in 2018; Deaths Reach 442

Posted: 03/09/18

Geneva – IOM, the UN Migration Agency, reports that 10,949 migrants and refugees have entered Europe by sea through the first nine weeks of 2018, with just under 51 per cent arriving in Italy and the remainder divided between Greece (27%) Spain (22%) and Cyprus (less than 1%). This compares with 20,051 arrivals across the region through the same period last year.

MEDITERRANEAN DEVELOPMENTS

TOTAL ARRIVALS BY SEA AND DEATHS IN THE MEDITERRANEAN 2017-2018				
	1 JANUARY – 7 MARCH 2018		1 JANUARY – 7 MARCH 2017	
Country of Arrival	Arrivals	Deaths	Arrivals	Deaths
Italy	5,457	337 (Central Med. route)	15,843	475 (Central Med. route)
Greece	2,915 (as of 6 march)	0 (Eastern Med. route)	2,624	2 (Eastern Med. route)
Cyprus	37		N/A	
Spain	2,540 (as of 28 February)	105 (Western Med. route)	1,584 (as of 28 February)	44 (Western Med. route)
Estimated Total	10,949	442	20,051	521

Data on deaths of migrants compiled by IOM's Global Migration Data Analysis Centre.
All numbers are minimum estimates.
Arrivals based on data from respective governments and IOM field offices.



(https://www.iom.int/sites/default/files/press_release/media/09%2003%2018_Med_U)

IOM Rome's Flavio Di Giacomo said Monday that, according to Ministry of Interior figures, 5,457 migrants have arrived by sea to Italy this year: or barely one third the figure at this time last year, when 15,843 migrant men, women and children were brought to Italy after being rescued in the waters north of Africa. Through 7 March Italy arrivals are averaging fewer than 83 persons per day. This compares with 240 per day in 2017 and 140 per day in 2016. (see chart below).

Arrivals by sea in Italy January - March (source: Italian Ministry of Interior)			
	2018	2017	2016
January	4,182	4,468	5,273
February	1,065	8,971	3,828
March	210 (as of 7/03)	2,404 (as of 8/03)	395 (as of 8/03)

Across the entire region, along three principal migrant routes, the dramatic drop in arrivals is reflected in the statistics as well. In 2015 on this same date, IOM counted 143,544 irregular migrants entering Europe by sea, an average of 2,142 daily. Those numbers dropped to 134,905 (1,983 average, daily) this point in 2016 and to 20,051 (daily: 299). So far this year daily arrivals average 163 men, women and children across the zone (see chart below).

IOM Spain's Ana Dodevska reported that total arrivals by sea in 2018 have reached 2,540 men, women and children who have been rescued in Western Mediterranean waters through 8 March. In 2017 IOM recorded 1,584 entering Spain irregularly by sea through the end of February. Sea arrivals for Spain in March 2017 totalled almost 850 for the entire month of March last year; to date this month only 38 arrivals have been recorded.

Worldwide, IOM's Missing Migrants Project has recorded 710 migrant fatalities in 2018, compared with 1025 through March 7 last year. (see chart below)

IOM reports 442 migrants are estimated to have died this year on the Mediterranean Sea's three routes. Most recently, 21 people went missing after a boat capsized off the coast of Libya on Saturday, 3 March. A Cypriot merchant vessel rescued 30 survivors from the sinking boat and transferred them to SOS Méditerranée's ship Aquarius. IOM staff on the ground spoke with them when they were brought to Pozzallo on Tuesday, and they reported that 51 people were on the boat when it sank. Tragically, 21 migrants went missing and are presumed dead. On the US/Mexico border, the remains of a young man were recovered from the Río Bravo near Eagle Pass, Texas on 4 March – he is thought to be part of a group of migrants that went missing on 27 February when trying to cross from Piedras Negras, Coahuila. The Missing Migrants Project also recorded the death of one Honduran migrant in Reynosa, Mexico on 1 March. On the Mexico/Guatemala border, a 47-year-old Honduran migrant was hit by a freight train in Huimanguillo, Tabasco on 5 March.

The remains of a young Afghan migrant were retrieved in the Evros/Meriç River on 6 March by Turkish authorities. He fell into the river and drowned when attempting to cross to Greece. The Missing Migrants Project has recorded the deaths of 8 people on the Evros in 2018. MMP data are compiled by IOM staff but come from a variety of sources, some of which are unofficial. To learn more about how data on missing migrants are collected, click here.

For latest arrivals and fatalities in the Mediterranean, please visit: <http://migration.iom.int/europe>

Learn more about the Missing Migrants Project at: <http://missingmigrants.iom.int>

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International Organization for Migration:

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Primary country

[Italy](#)

Other countries

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[Cyprus](#)

[Greece](#)

[Honduras](#)

[Libya](#)

[Mexico](#)

[Spain](#)

[World](#)

Content format:

[News and Press Release](#)

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[English](#)

Theme:

[Protection and Human Rights](#)

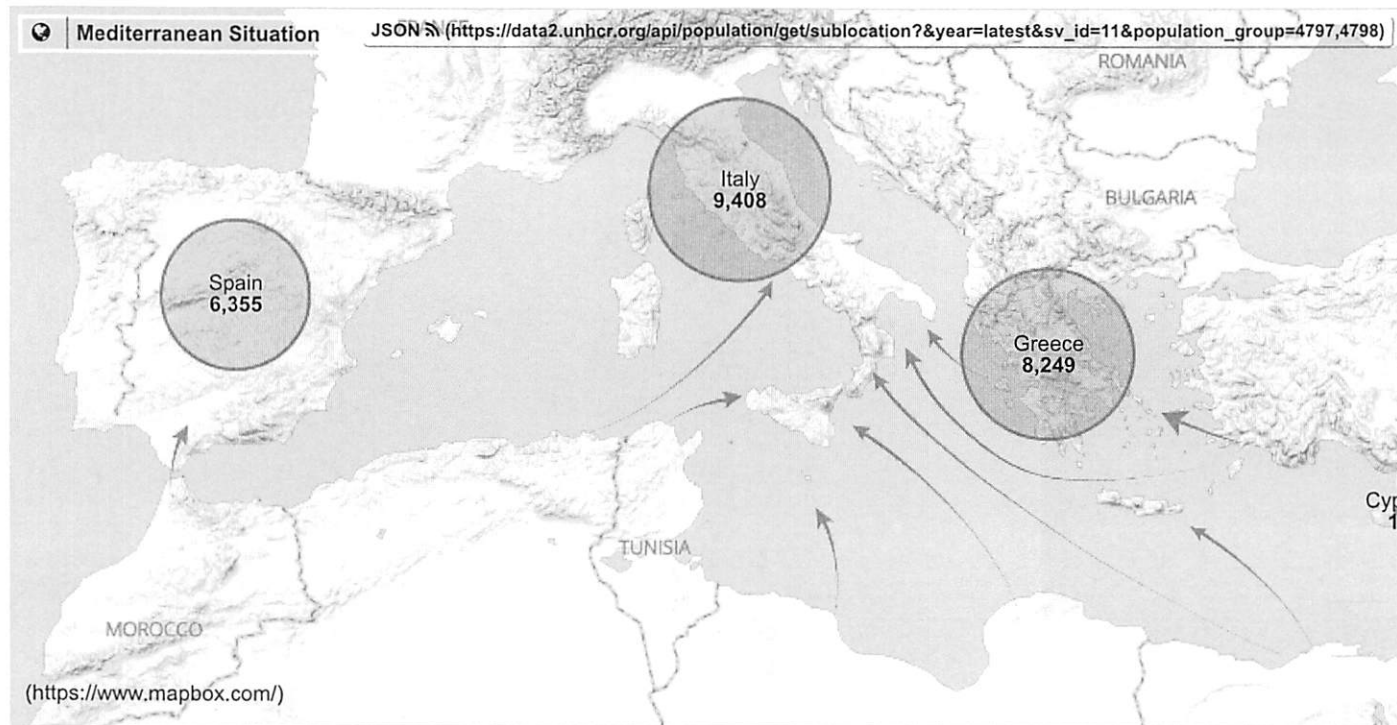
Vulnerable groups:

[Refugees](#)

OPERATIONAL PORTAL

REFUGEE SITUATIONS

(/EN/)



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations

Most common nationalities of Mediterranean sea arrivals from January 2017

[JSON ↗ \(https://data2.unhcr.org/api/population/get/origin?widget_id=72723&sv_id=11&population_collection=28&limit=10&fromDate=2017-01-01\)](https://data2.unhcr.org/api/population/get/origin?widget_id=72723&sv_id=11&population_collection=28&limit=10&fromDate=2017-01-01)

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Country of origin	Source	Data date	Population	
Syrian Arab Rep.		31 Mar 2018	11.0%	20,221
Nigeria		31 Mar 2018	10.1%	18,590
Guinea		31 Mar 2018	7.6%	13,945
Côte d'Ivoire		31 Mar 2018	7.4%	13,548
Morocco		31 Mar 2018	6.3%	11,646
Iraq		31 Mar 2018	5.0%	9,192
Bangladesh		31 Mar 2018	4.9%	9,048
Gambia		31 Mar 2018	4.7%	8,681
Eritrea		31 Mar 2018	4.7%	8,604
Algeria		31 Mar 2018	4.7%	8,598

Sea arrivals monthly

[JSON ↗ \(https://data2.unhcr.org/api/population/get/timeseries?widget_id=72724&sv_id=11&population_group=4797&frequency=month&fromDate=2015-01-01\)](https://data2.unhcr.org/api/population/get/timeseries?widget_id=72724&sv_id=11&population_group=4797&frequency=month&fromDate=2015-01-01)

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[export=csv&widget_id=72724&sv_id=11&population_group=4797&frequency=month&fromDate=2015-01-01\)](https://data2.unhcr.org/api/population/get/timeseries?export=csv&widget_id=72724&sv_id=11&population_group=4797&frequency=month&fromDate=2015-01-01)

June 19, 2015

The Mediterranean Migration Crisis

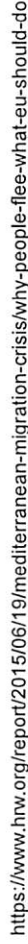
Why People Flee, What the EU Should Do



Introduction

Unprecedented numbers of people are taking dangerous journeys across the Mediterranean to reach countries of the European Union. Migrants and asylum seekers have been crossing the Mediterranean for decades. The numbers have fluctuated over the years due to a variety of factors, including conditions in countries of origin and transit, geopolitical developments, and EU policies. In 2014, at least 219,000 people made the crossing, up from 60,000 the previous year. According to the UN refugee agency United Nations High Commissioner for Refugees (UNHCR), 89,500 crossed in the first five months of 2015. The principal route has long been from North Africa across the central Mediterranean, but increasing numbers are now crossing the Aegean Sea (eastern Mediterranean) from Turkey to the Greek islands.

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[/www.hrw.org/report/2015/06/19/mediterranean-migration-crisis/why-people-flee-what-eu](http://www.hrw.org/report/2015/06/19/mediterranean-migration-crisis/why-people-flee-what-eu)

www.hrw.org/report/2015/06/19/mediterranean-migration-crisis/why-people-flee-eu-should-do

The report draws on Human Rights Watch's extensive work on the human rights situation in the four main sending countries as well as interviews with Syrians, Eritreans, Afghans, and Somalis who crossed the Mediterranean in May 2015. Human Rights Watch staff interviewed over 150 recently-arrived migrants and asylum seekers in Italy (Lampedusa, Catania, and Milan) and Greece (the islands of Lesbos, Chios, Samos, Leros, and Kos). We use only first names and, where noted, pseudonyms, to protect the identity of the people we interviewed.

While the international community as a whole has a role to play in addressing global migration challenges, the EU as the destination region has a primary responsibility for ensuring that its migration and asylum policies, including its response to dangerous boat migration in the Mediterranean, are fully in line both with international law and with the EU's own regional law. We urge governments to place a human rights perspective at the center of efforts to respond to the crisis.

Human Rights Watch calls on all EU countries to make a collective effort to minimize deaths at seas by ensuring sustained, coordinated search and rescue efforts in the Mediterranean at the level of Italy's Mare Nostrum operation, and ensure disembarkation in safe EU ports where individuals can access full and fair asylum procedures. We also call on EU leaders to support proposals to increase safe and legal channels into the EU, including by implementing generous resettlement programs, easing access to family reunification, and increasing the number of humanitarian visas. The best interests of the child should guide all policies with respect to asylum-seeking, refugee, and migrant children.

Anti-smuggling measures should fully comply with binding obligations under the European Convention for Human Rights (ECHR) to protect the rights to life, liberty and security, an effective remedy, and the non-refoulement obligation. The EU should also ensure that all measures to combat irregular migration are grounded in respect for human rights and dignity, including the right to leave one's own country, the right to seek asylum, and protection against returning people to countries where their lives or freedoms may be at risk (non-refoulement obligation).

Individual member states and the EU as a whole should use their influence and resources to address the major drivers of migration, including systematic human rights violations that serve as the major push factors for refugee and migration flows to the EU from countries like Syria, Eritrea, Afghanistan, and Somalia, as well as from transit countries like Libya.

Related Content



Human Rights Watch research on the human rights situation in Syria, Eritrea, Afghanistan, and Somalia, and interviews with refugees and asylum seekers in the EU, underscore the importance of access to fair and efficient procedures for determining international protection needs.

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Syria

Civilians continue to pay a heavy price in Syria's increasingly bloody armed conflict. Government forces and pro-government militias continue to carry out deliberate and indiscriminate attacks on civilian areas, including through the use of high explosive barrel bombs. Government forces also arbitrarily arrest, forcibly disappear, and torture those they perceive as opponents, many of whom have died in detention. Non-state armed groups opposing the government are also responsible for war crimes and other serious abuses, including deliberate and indiscriminate attacks on civilians, use of child soldiers, kidnapping, and torture in detention. The extremist Islamist groups, the Islamic State (also known as ISIS) and al-Qaeda's affiliate in Syria, Jabhat al-Nusra, are responsible for systematic and widespread violations including targeting of civilians, kidnappings and extrajudicial executions. Humanitarian aid agencies experience significant challenges in getting vitally-needed assistance to the internally displaced and other civilians within Syria due to sieges imposed by both government forces and non-state armed groups.

Syrian refugees interviewed by Human Rights Watch in the EU spoke of the paramount need to escape the violence and hardship of war. Mohannad, a 30-year-old lawyer from Raqqah, had reached the Greek island of Lesbos the day before we met him in May 2015. He had been working as a volunteer with an organization combating violence against women. But the constant threat of violence, including from ISIS, compelled him to leave his country:

What is happening in Syria is an international crime. There, they never make the difference between civilian and armed forces. And it's not just [Syrian President Bashar al-] Assad. There are groups such as Daesh [ISIS] doing the same...Syria has become a country that is broken...I left two months ago because I'm an activist and I'm afraid they would arrest me and beat me a lot...My only dream is to go to another European country to show the world what is happening there. I have a big file with the names of victims. Women who have been raped, a list of names of people who have died.

Tariq, a 19-year-old Palestinian from Yarmouk Camp, close to the Syrian capital, Damascus, whom Human Rights Watch interviewed in Serbia, explained, "I left so I could escape from the war and out of fear of being arrested, just like happened to my family members. Also, I was afraid of the army. The situation of Palestinians in Syria is particularly difficult...Yarmouk camp is under siege. There is no food or anything."

Some young Syrian men told us they fled to avoid being forced to fight and kill. Hady, a 26-year-old Palestinian from Syria now in Germany, told us he began what would be a year-long journey to Europe when he received his military draft notice from the government. Salim, 22, said "I was about to be mobilized by the Palestine Liberation Army to fight on the side of the Assad regime...I did not want to take sides."

More than 13,000 children are estimated to have been killed since the beginning of the Syrian conflict, with 3,500 killed in 2014. Numerous armed groups recruit children for use as soldiers, sending boys as young as 15 into battle. One boy, recruited by a rebel group at age 14, told Human Rights Watch, "Maybe we'll live, and maybe we'll die." Another, who joined the Free Syrian Army fighting against Assad after being detained and tortured by government security forces, told Human Rights Watch, "I lost my studies, I lost my future, I lost everything."

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Before the conflict began in 2011, 93 percent of eligible children were enrolled in primary school; by 2014, more than 3,000 schools had been partially or completely destroyed. According to the UN children's agency UNICEF, at least half of the school-age population are not in school, and in some areas, enrolment rates are as low as 6 percent. A 10-year old Syrian boy from Deir ez-Zur, who arrived with his family on the Greek island of Lesbos in May 2015, told Human Rights Watch that when his school was bombed, "I felt like my future had been destroyed." His father told us, "We can't allow children to go out of the house, so how can we allow them to go to school?"

Children described to Human Rights Watch how they had witnessed ground and air attacks on their schools, raids by security forces that involved beatings and violent arrests, and the use of their schools for military operations by both government forces and opposition armed groups. "[The army] fired on my school with a tank. It was during science class, but I was on my way to the bathroom. Two shells hit the fourth floor. I was on the first floor. ...After that, I only went back to take my exams," said Rami, a 12-year-old boy from Dael.

The war in Syria has created what UNHCR has called "the biggest humanitarian emergency of our era." As of early May 2015, UNHCR had registered almost 4 million Syrian refugees in neighboring countries and North Africa; just over half are children. Turkey has taken in over 1.7 million Syrian refugees, while Lebanon is hosting almost 1.2 million—one quarter of its population. But neighboring countries have become less welcoming to fleeing Syrians, in many cases closing their borders and denying them secure legal status. "When I first arrived, Lebanese people were very hospitable to me," one Syrian refugee told Human Rights Watch. "They treated me like a refugee, someone who needed protection and had fled from the war. Now they treat me as if I am a terrorist or a security threat."

Afghanistan

A new period of instability in 2014, characterized by political uncertainty and growing pressure from Taliban insurgents, contributed to a decline in respect for human rights throughout the country. The UN and International Committee of the Red Cross have already documented a steep rise in conflict-related civilian casualties: up 22 percent in 2014 over the previous year.

The Taliban and other insurgents, including groups who claim some affiliation with ISIS, have mounted bold and increasingly frequent attacks in several traditionally secure provinces in the north of the country, as well as the south, leading to the displacement of tens of thousands of civilians. In March 2015 alone, UNHCR documented more than 20,000 newly displaced due to conflict, up from the 11,000 the previous month and adding to the existing 850,000 internally displaced throughout the country. These figures are expected to rise.

I had problems with the Taliban. They wanted to recruit me. Day after day they would come to our home and tell my father "tell your son to join us." So I told my father I had to leave.

21-year-old Afghan man

Mubarek, from Parwan, in northern Afghanistan, left the country with his wife and three young sons two months before we spoke in May 2015 on Lesbos, a Greek island in the Aegean Sea.

The Taliban was very active in our area. They kidnapped one of my relatives, and when they found out he was in the army...they killed him...We had other problems with the Taliban. They would ask for money and ask us to join forces to fight the government. Every day the Taliban would take people and children for suicide bombings. I was worried about my children, my sons, that they would be forced to become suicide bombers.

Insurgent groups have increasingly kidnapped civilians for ransom or as hostages to exchange for prisoners. Those most at risk include government employees such as judges and clerks, aid workers and people affiliated with foreign organizations. In recent months, a substantial number of kidnap victims were minority Hazaras with no affiliation to any of the other categories. An Afghan woman with three children who arrived on the Greek island of Samos in May 2015 told Human Rights Watch that her family fled after kidnappers abducted her husband and demanded US\$8,000 ransom. The only way the family was able to pay it and secure his release was by selling their land.

Women and girls are often the worst affected by restrictions on freedom of movement as wary families are more reluctant to allow them to go to outside the house. Some women are under direct threat for defying the Taliban's norms for women. An elementary school teacher and university student in her twenties who arrived on the Greek island of Samos three days before our interview explained that she had received threatening telephone calls at her home in Herat. "They told me if I went to the university or to teach, they would kill me or abduct my daughter." After two men tried to kidnap her 2-year old daughter as they were walking on the street, she and her husband decided to leave Afghanistan.

Increasing insecurity is also leading to more school closures, and has had a disproportionate effect on women and girls who are unable to attend school or go to work in insecure areas. Ahmad K. explained to Human Rights Watch why he wouldn't let his granddaughters attend school, "Local strongmen and commanders will kidnap young girls they see and like. They see the routes to school as the perfect opportunity to take our girls. Because of this we won't let them travel very far."

Decades of insecurity and conflict have taken a heavy toll on the country's children, resulting in daily violence and some of the highest child mortality and child malnutrition rates in the world. In 2013, child casualties increased by 30 percent from the previous year, with at least 545 children killed and 1149 injured, including from air strikes, improvised explosive devices, and suicide attacks. Armed groups, including the Taliban, recruit children as young as eight to serve as combatants, sex slaves, and suicide bombers, and to manufacture and plant explosive devices. Government forces also recruit children as soldiers.

The Taliban and other insurgents, as well as militias associated with local warlords have attacked schools with improvised explosive devices, landmines, rocket attacks, grenades, and suicide attacks. In addition, the military use of schools by the Afghan national security forces continues to put children at risk of attacks by armed groups and affect their access to education.

The Taliban has also abducted children, and in some cases, executed them, for suspected support of government forces, or in reprisal for family members who allegedly worked with government or international forces.

Powerful individuals in high-level civilian positions as well as security forces and pro-government militias are involved in torture, rape, and extrajudicial and summary executions. These individuals are emboldened and protected by an atmosphere of impunity for human rights violations.

Torture in the custody of Afghan security forces is common. Mahmoud, a teacher, described to Human Rights Watch how he was detained by Afghan Local Police forces in 2012, beaten nights on end with the butt of a Kalashnikov, and threatened with death to confess that he was a Taliban: "After seven or eight days, they said: 'We will kill you. They brought a person's bloodied shirt and said: 'See this? This person was also like you. He did not admit he was a Talib—we killed him and this is his bloodied shirt.'"

The inhospitable situation for Afghan refugees, asylum seekers, and migrants in Iran, and the inability to return to Afghanistan because of security risks, has pushed some to take the difficult journey to Europe. Iranian officials have in recent years limited legal avenues for Afghans to claim refugee or other immigration status in Iran, even as conditions in Afghanistan have deteriorated. A 15-year-old Afghan boy we interviewed shortly after his arrival on Lesbos said his parents borrowed money to send him to a better, freer future:

I was born in Iran, two years after my parents left Kabul after the Taliban took power. In Tehran, we lived like small animals in our home. We were afraid to go out. We had no documentation. You could not walk in the streets. If they catch you, they will deport you to Afghanistan. Refugees are also not allowed to study in university in Iran, so I decided for my future to go somewhere else. I didn't want to go back to Afghanistan. Every day we heard about suicide bombings and someone or some group of people losing their life, even in Kabul. Everyday there is a bomb blast. If I went back there, I imagine a dark future. If I have a chance to continue my studies, I want to become a doctor or an engineer. I just want to have a chance to continue my education, nothing more.

Eritrea

Eritrea's dismal human rights and economic situation, exacerbated by indefinite military conscription, is causing thousands of Eritreans to flee their country every month. The UNHCR estimates that as of late 2014, more than 357,000 Eritreans – over 5 percent of the population – have fled. There was a sharp increase in arrivals in Europe in 2014, including large numbers of children, often traveling alone. Of the 13,000 unaccompanied children who arrived by sea in 2014 to Italy, 3,394 were Eritrean.

"I love my country, but I hate the way it is there. If I go back, they will put me in prison."

Mogos, 26, Lampedusa, May 15, 2015

The most common patterns of abuse prompting Eritreans to flee include open-ended military conscription; forced labor during conscription; arbitrary arrests, detentions, and enforced disappearances; torture and other degrading treatment in detention; restrictions on freedoms of expression, conscience, and movement; and repression of religious freedom. Members of the Afar and Kunama ethnic groups flee because of land expropriations and discrimination by the government. There is no independent media in Eritrea, and there are no local independent nongovernmental organizations. The Eritrean government uses a vast apparatus of official and secret detention facilities to incarcerate thousands of Eritreans without charge or trial. Many are detained because they tried to evade the indefinite national service or flee the country.

By law, each Eritrean must serve 18 months in national service starting at age 18. In practice conscripts serve indefinitely. While most young Eritreans begin military training in the last year of high school, children as young as 14 are sometimes conscripted. One asylum seeker who was conscripted at the age of 14 explained why he fled: "The military does not have an end, it is for life." According to reliable expatriate website, desertions and refusals to report became more common in 2014.

Conscripts receive grossly inadequate pay to support family members, a financial plight exacerbated by food-price inflation in 2014. Conscripts are subject to military discipline and are harshly treated throughout their long service. Perceived infractions result in incarceration and in physical abuse often amounting to torture at the whim of military commanders and jailers. Female conscripts are frequently sexually abused by commanders. Some conscripts are used as forced labor on construction sites and government-owned farms. Habtom, 28, was in the army for eight years before he fled in order to be able to support his family. When we spoke with him in Catania, Italy, in May 2015, he told us:

People think we are coming [to Europe] for jobs, for work. What they don't realize is that in Eritrea we are in the army forever, we get just 450 Nafka a month [approximately 10 Euros] - that's slave wages, it's not enough for anything, and since we're in the army all the time we have no other way to earn any more money. Being a soldier means that your family starves so we have to find a way to escape.

Eritreans interviewed by Human Rights Watch in Catania, Milan, and Lampedusa, Italy, in May 2015 confirmed that the desire to escape military service is a primary driver of flight from Eritrea. Daniel told us he escaped from military service three times, and each time was caught and imprisoned for six months in an underground cell at May Surawa prison in Dekemhare. Tadesse, 18, explained,

Why would I want to be a soldier for my life? I want to have a normal life, so I tried to escape before military training. I was caught at the border and thrown in a shipping container for five months. They used to tie us up and leave us in the hot sun for days on end as punishment. Then they took me to Nakfa for four months military training. After two months I escaped, and managed to get across the border into Sudan. I will never go back, not as long as there is military service.

Family members are pressured and sometimes jailed over desertions. Asmeron, 21, told us his father was imprisoned for a week in October 2014 after Asmeron refused to return to military service and fled to Ethiopia. “The problem is that the youngest to the oldest have to do military service. All the young people are leaving because of military service. With no rights, it’s difficult to stay in the country,” he said.

Those caught trying to leave the country, or upon return after a period abroad, are subjected to harsh punishment. Amene, 31, was arrested when he returned to Eritrea in 2011 after years in Sudan to visit his ailing father. “Over the next two years, I was in five different prisons, including one underground. I was beaten repeatedly...they would hang me upside down and beat the bottom of my feet.”

Although senior Eritrean government officials have suggested to visiting European immigration officials and members of the diplomatic community that they would limit service for conscripts to 18 months, the government has not made any official announcement of this policy to the Eritrean population.

The scale and gravity of the human rights concerns in Eritrea prompted the UN Human Rights Council to establish a commission of inquiry in 2014 to investigate human rights violations in Eritrea “since independence.” The commission’s report, issued in early June 2015, found “systematic, widespread and gross human rights violations” and concluded that violations “in the areas of extrajudicial executions, torture (including sexual torture), national service and forced labour may constitute crimes against humanity.” The commission called on the international community to provide protection to those who flee Eritrea “owing to the severe violations of their rights or fear thereof.” Human Rights Watch’s interviews with recently-departed Eritreans in May 2015 support the commission’s finding that Eritrea’s human rights situation remains terrible. Until there are formal and tangible human rights reforms in Eritrea, the exodus will continue.

Somalia

Somalia’s long-running armed conflict continues to take a heavy toll on civilians in much of south-central Somalia. The warring parties displace, kill and wound civilians. Restrictions on humanitarian access exacerbate the human rights and humanitarian crises. Ongoing insecurity in government-controlled areas, including Mogadishu, and political infighting and reshuffles detracted from progress on justice and security sector reform.

While the armed Islamist group Al-Shabaab abandoned several towns following a series of military offensives by the African Union Mission to Somalia (AMISOM) and the Somali National Armed Forces (SNAF), Al-Shabaab maintains control of large areas of south-central Somalia where it administers public executions and beatings and severely restricts basic rights. Al-Shabaab

carries out deadly attacks in government-controlled areas such as Mogadishu, targeting civilians, including lawmakers and other officials, and civilian objects. Somali government security forces, African Union troops, and allied militias are responsible for indiscriminate attacks, sexual violence, and arbitrary arrests and detention.

Young men interviewed by Human Rights Watch in May 2015 shortly after their rescue and disembarkation in Lampedusa emphasized the lack of security and the risks posed by Al-Shabaab as reasons for their flight from Somalia. Abdishakur, a 19-year-old from Mogadishu, said Al-Shabaab approaches “guys like me to convert them, get them to blow themselves up. If they come, you do the mission and you die. If you don’t, they kill you.” Said, a 23-year-old also from Mogadishu, recalled with horror the bombing of the Supreme Court in April 2013. “I saw so many people killed that day. I saw a man running on fire – so cruel. It shocked me,” he told us. Others, like 18-year-old Fahad, spoke of the impact on his education: “I was going to school [in Mogadishu], but school closes a lot because of Al-Shabaab.”

Through more than two decades of civil war in Somalia, children have often had little choice but to join armed groups. At the height of the fighting in Somalia’s capital, Mogadishu, in 2010 and 2011, Al-Shabaab abducted children, including girls for forced marriage, wherever they congregated: schools, playgrounds, football fields, mosques and homes. Teachers and children told us that when Al-Shabaab fighters entered local schools, some children would resort to desperate measures, including jumping from second and third floor windows to avoid capture. In 2014, the United Nations documented 819 cases of recruitment and use of children by Al-Shabaab and other armed groups, including from schools and mosques.

Al-Shabaab has also targeted students, teachers, and school buildings for attack. They have turned schools into battlegrounds, firing at government forces from school buildings and using the students inside as human shields. The group imposes their interpretation of Islam on the school curriculum, banning English, the sciences, and other subjects, and threatening and killing teachers who resist. Somalia has one of the lowest rates of school enrolment in the world; more than 80 percent of primary-aged Somali children are no longer in or have never been to school.

According to official Italian statistics, Somali children comprised the third largest national group of unaccompanied children who reached Italy by sea in 2014. Ismael, a 15-year-old Human Rights Watch interviewed in Italy in May 2015, described why he left with a litany of problems: “There is no security, no hope, no health, no water. No peace since I was born.”

The Somali government has largely failed to provide basic security and protect rights in areas under its control. Displaced women, men, and children who fled to Mogadishu during the 2011 famine continue to live in dire conditions in informal camps throughout Mogadishu and have been subjected to serious abuses including rape, physical attacks, restrictions on access to humanitarian assistance, and clan-based discrimination. In recent months, forced evictions of displaced communities, including by security forces, have increased in central Mogadishu.

Political efforts to establish federal states fuelled inter-clan fighting and fighting between government forces and clan militia in some areas, causing civilian deaths, injuries and massive displacement. In February 2015, fighting between government forces and the Ahlu Sunna Wal Jama’a (ASWJ) militia, a Sufi Islamist group, in the central Somali town of Guri’el resulted in a number of civilian casualties and massive displacement. Hassan, whom we interviewed by phone in Guri’el, told us an elderly relative was shot in the back of her neck as she tried to escape when fighters took shelter in her home. “The government forces and ASWJ militia fight in the town without any consideration for civilians,” Hassan said. “We have no shelter and no hope that the warring parties will respect our humanity.”

Violence in Libya

Many migrants and asylum seekers have been embarking on the journey across the Mediterranean from Libya, which has been in a state of political turmoil since 2011 when an uprising and armed conflict led to the overthrow government of Muammar Gaddafi. The outbreak of new hostilities between two major alliances in Libya in mid-2014 has unleashed a wave of lawlessness

and violence.

Two rival governments have emerged and are vying for legitimacy – an internationally recognized government based in Tobruk and Al-Bayda in the east, and a self-declared authority based in Tripoli, in the west. The collapse of a central government authority, and with it the domestic judicial authorities, has eliminated any semblance of law and order in many parts of the country. Unchecked violence stemming from the hostilities has killed hundreds of people, including civilians, displaced around 430,000 people from their homes according to UNHCR, damaged medical facilities, and destroyed vital civilian infrastructure, including Tripoli's main airport.

The beheading of 21 men, 20 of whom were Egyptian Copts and one was an African national working in Libya, in February 2015, and 28 Christian Ethiopians in April 2015—all claimed by extremist groups that pledged allegiance to ISIS—were horrifying illustrations of the risks to which some migrants are exposed.

The situation has contributed to a rise in migrant boats departing Libya for the EU. Migrants and asylum seekers in Libya face specific threats, both on the streets and in deplorable and abusive detention centers. As recently as May 2015, migrants and asylum seekers interviewed by Human Rights Watch consistently spoke of living in fear during their time in Libya. They said they feared or had experienced being robbed, beaten, and extorted by employers, common criminals, security forces and militias.

Increasing lawlessness and generalized violence have convinced many who originally traveled to Libya for work to attempt the sea crossing to the EU.

Livinus, a 20-year-old from Nigeria interviewed by Human Rights Watch in May 2015 in Lampedusa, Italy, told us “You see them [smugglers] pump up the [inflatable] boat, put one hundred people on it, and you know it's risky. I wouldn't have taken that risk except for the problems in Libya.” He and others stressed that they would have remained in Libya were it not for fears for their lives. Johnny, a 19-year-old Nigerian, said, “I would have stayed in Libya but every day its gets worse. They treat us like animals. A friend of mine was shot by a ten-year-old. They are killing people there, so I decided to try for rescue by Italy.” Two Nigerian men showed Human Rights Watch scars from gunshot wounds they said they sustained in Libya when unknown men, without uniforms, shot them in the street. A doctor working in the Lampedusa reception center confirmed that he sees such gunshot wounds, with victims explaining they were shot in Libya.

Nero, a 28-year-old Nigerian man we interviewed in Lampedusa in May 2015, said, “If you walk on your legs, they attack you. If you take a taxi, they drive you to the desert and rob you. This happened to me four times.” Nero spent four months in prison in Zawiya after police stopped him at a checkpoint. He said he was repeatedly beaten with a hose. “They beat some people to death. Two of my roommates, a Nigerian and a Somali man, they died from the beatings,” he told us.

Human Rights Watch has documented torture—including whippings, beatings, and electric shocks—as well as overcrowding, dire sanitation conditions, and lack of access to medical care in migrant detention centers in Libya. Detainees interviewed in 2014 told us guards beat them with iron rods, sticks, and rifle butts, and whipped them with cables, hose pipes, and rubber whips made of car tires and plastic tubes, sometimes over prolonged periods of time on the soles of their feet. They also said the guards had burned them with cigarettes, kicked and punched them on their torsos and heads, and used electric shocks on them. In one center five detainees said guards suspended them upside down from a tree and then whipped them.

Children at Risk

Every year thousands of unaccompanied children make the journey across the Mediterranean without parents or other caregivers. In 2014, over 10,500 children traveled alone to Italy by sea. In Greece, over 1,100 unaccompanied children were registered in 2014. They are typically boys between 14 and 17, but some are as young as 10. Many spend months making the journey overland before boarding boats for a perilous ride across the Mediterranean.

Children are especially vulnerable. It is unknown how many children were among those who lost their lives trying to reach the EU between 2000 and 2014. According to Save the Children, children accounted for as many as 100 of the estimated 800 people who died in a shipwreck off the coast of Libya on April 19, 2015—the worst recorded incident. In September 2014, approximately 100 children were among the 500 migrants who drowned in a shipwreck off the coast of Malta, according to witnesses. When boats carrying migrants and asylum seekers capsize, children may be the most likely to drown.

European Union Response

The European Union's response to flows of migrants and asylum seekers, at a time of severe humanitarian crises around the world, has contributed to the crisis in the Mediterranean. The EU has until recently focused on preventing departures and limiting arrivals, while within the EU the unequal sharing of responsibility for arriving migrants and asylum seekers and gaps in protection among member states prevents a common, humane, and rights-based approach.

The deaths of over 1,000 people in a single week in April 2015 gave new urgency to the debate about reforming and improving EU migration and asylum policy. On May 13, 2015 the European Commission, the EU's executive body, presented a "European Agenda on Migration" with proposals for a common migration policy. On May 27 the Commission issued detailed proposals on several aspects of the Agenda. The agenda includes some positive steps that if implemented fully—and more generously—could help save lives, ensure safer access to international protection in the EU, and correct distortions in the system that affect the rights of asylum seekers. Member states and the European Parliament should endorse those proposals.

However, the majority of the Commission's Agenda involves reinforcing measures to limit arrivals to the EU. The proposals include enhanced immigration cooperation with sending and transit countries, regional development, and the creation of a pilot "multi-purpose center" in Niger to provide information, local protection, and resettlement opportunities. All of these measures appear aimed at preventing departures, denying people access to protection, or justifying forced returns to abuse. The Agenda

asserts that the EU's imperfect returns policy serves as an incentive for irregular migration and proposes measures to ensure implementation by member states of EU regulations on returns and strengthen the role of Frontex in returning undocumented migrants or rejected asylum seekers. EU member states have the right to return those who have no claim to remain, but procedures for apprehension, detention, and return should ensure humane treatment, access to effective remedies, and respect for the non-refoulement obligation.

Saving Lives at Sea

The Agenda clarifies the pledge made by EU leaders in late April 2015 to ensure search and rescue efforts in the Mediterranean at the level of Italy's Mare Nostrum operation, which operated in international waters to rescue vessels in distress close to the Libyan shore from which most migrant boats embark from North Africa, and is credited with rescuing over 80,000 lives. The EU replaced Mare Nostrum in November 2014 with Operation Triton, under the aegis of the EU's external borders agency Frontex, with one-third of the budget, far fewer assets, and a limited geographic scope. The Frontex mandate is explicitly border enforcement; participating vessels respond to boats in distress but do not proactively search for them. Triton's new operational plan extends its geographic scope southwards to operate in the same zone as Mare Nostrum did. Several member states, including Germany and the UK, have also deployed ships and aircraft in the central Mediterranean in separate search and rescue operations. These welcome efforts should be sustained in the long-term to help minimize deaths at sea.

Creating Safe and Legal Channels

The availability of more safe and legal channels into the EU—ways in which migrants, asylum seekers, and refugees can reach EU territory without having to risk their lives or resort to criminal networks—could help provide alternatives to dangerous migration avenues. For asylum seekers and refugees, these mechanisms can include refugee resettlement, family reunification with relatives already in the EU, and access to humanitarian visas from their country of origin or a third country that would enable regular travel to the EU for the purposes of applying for asylum.

The UN High Commissioner for Human Rights, the UN Special Rapporteur on the human rights of migrants, UNHCR, the Council of Europe's Commissioner for Human Rights, the European Parliament in a number of resolutions, and the European Commission itself are among the authoritative EU and international bodies that have called on EU member states to increase options for legal entry. The EU Fundamental Rights Agency, arguing that strengthening legal channels for refugees “would contribute to reducing the number of migrant lives lost at sea and the abuses perpetrated by the smuggling networks” and “reduction...of the risk of persons becoming victims of human trafficking,” has cited long-term advantages of orderly admissions, including reducing the need for psychosocial care due to trauma experienced during migration, enabling authorities to better plan and implement integration measures, and channeling refugees with needed skills into the labor market.

In its Agenda, the Commission has proposed an EU-wide refugee resettlement scheme to offer 20,000 places over the next two years distributed throughout all 28 member states. How many a single country would be asked to accommodate would be based on criteria such as total population, total GDP, unemployment rate, and numbers of asylum applications and already resettled refugees from 2010-2014.

Given the number and extent of protracted refugee crises around the world, the EU should agree collectively to increase this low pledge significantly. UNHCR estimates that in 2015, globally, 960,000 people are in need of resettlement, including 278,756 in Africa.

UNHCR has asked the international community to resettle at least 130,000 Syrian refugees out of nearly 4 million currently hosted in the Middle East, but so far the EU has not responded sufficiently to UNHCR's modest calls for resettlement, particularly for refugees from Syria. As of mid-May 2015, 19 EU countries had pledged to resettle or offer other forms of

admission, such as humanitarian visas, to roughly 45,000 persons fleeing Syria but only a handful of countries have made most of these pledges. EU countries have the capacity to meet UNHCR's resettlement request, but so far have lacked the political will.

UNHCR resettlement programs are based on a number of criteria, including identifying those whom the agency considers to be especially vulnerable individuals, such as survivors of torture and sexual violence, persons with disabilities, and women and girls at risk.

New asylum applications in the 28 EU member states rose to 626,000 in 2014, a 22 percent increase over the previous year. While this might sound like a lot, it is a mere 0.13 percent of the EU's 500 million population. Neighbors to countries in crisis share the greatest responsibility for hosting refugees. Lebanon now has over one million Syrian refugees — one-fourth of the small country's population. Sudan and Ethiopia each host over 105,000 Eritrean refugees, primarily in refugee camps. Nearly one million Somali refugees live in Kenya, Ethiopia, and Yemen. Together, Pakistan and Iran host over 2.4 million Afghan refugees.

The Agenda encourages member states to provide other options for safe and legal routes, such as more humanitarian visas, without making any concrete or binding proposals. There is no language on easing restrictions on family reunification, a measure that could help people in need of protection outside the EU reunite with their family members already present in the EU. Our interviews indicate that reuniting with separated family members—including unaccompanied children seeking relatives—is a major pull factor to particular EU countries, in addition to the push factors documented in this report.

EU-wide rules on family reunification, which establish more favorable benefits provisions for refugees than for persons granted subsidiary protection and migrants, are based on a narrow concept of the family unit (primarily limited to spouse and minor children).

UNHCR has identified this limited family definition—which can exclude underage siblings, common law (or customary) spouses, and extended family relatives who have de facto become part of the family unit—as among the obstacles refugees face to family reunification in the EU. While EU countries may adopt more lenient policies, few do. In late 2013, Sweden began granting family reunification to extended family members of Syrian refugees in Sweden when there is a “special relationship of dependence,” as permitted by EU law. Other obstacles identified by UNHCR include insufficient information about the procedure, the limited time frame for applying for family reunification, and difficulties documenting family links and dependency.

The European Commission has encouraged member states to apply their discretion to increase, rather than limit, access to family reunification. For example, the Commission has called on states to afford the same possibilities to those benefitting from subsidiary protection as to recognized refugees, and to use their discretion “in the most humanitarian way” to allow family reunification for extended family members “if they are dependent on the refugee” (including by taking into account legal, financial, emotional or material support).

Ensuring Equitable Distribution among EU Countries

The inequitable distribution of asylum seekers among EU member states contributes to the difficult debate around migration and asylum. Six countries (Germany, Sweden, Italy, France, Hungary, and the UK) received over 75 percent of all asylum applications in 2014. But per capita, Sweden and Hungary had by far the most. There are many reasons for the imbalance, including rational choices by asylum seekers to head for countries where they believe prospects are better for receiving some kind of protection and proper integration measures. Despite a common EU asylum system on paper, there is in practice wide disparity in procedures, reception conditions, and support for recognized refugees. EU policy known as the Dublin Regulation

imposes the general rule that asylum seekers must apply for asylum in the first country of entry into the EU. This places an unfair share of the responsibility on countries at the EU's external borders, like Italy, Greece, Hungary, and Bulgaria and may create an incentive for those countries to make their systems as unattractive as possible, encouraging onward movement.

A meaningful reform of the Dublin Regulation remains stalled because of opposition from many EU governments, particularly those in the north that benefit from the status quo. Indeed, the Agenda emphasizes measures to improve the systematic identification and fingerprinting of migrants and asylum seekers, which will likely ensure that frontline states such as Italy and Greece continue to shoulder a disproportionate responsibility for those arriving by sea.

Short of overhauling the Dublin Regulation, the Agenda proposes a voluntary relocation mechanism among EU states, based on the same criteria as the refugee resettlement scheme (country population, total GDP, unemployment rate, and number of asylum applications and resettled refugees from 2010-2014). The proposal envisions relocating 40,000 Syrians and Eritreans from Italy and Greece over the next two years. A number of member states including the UK, France, Germany, Hungary, Poland, Latvia, Lithuania, Estonia, Slovakia and the Czech Republic have said they are opposed to the relocation scheme as proposed. Human Rights Watch believes that any relocation system within the EU should include reasonable attention to the specific circumstances of asylum seekers, including the presence of family members in particular member states.

Preventing Departures, Limiting Arrivals

The Agenda includes numerous proposals to “tackle migration upstream...to prevent hazardous journeys.” These range from conflict resolution and development efforts to improving protection capacity in regions of origin. All of these are laudable, long-term goals. They have, however, featured prominently in EU policies for decades with little progress made in practice. They are no substitute for access to protection in the EU for those who need it now.

The EU is a major donor and says it uses development aid as part of broader efforts to lift people out of poverty, ensure access to education and healthcare, and improve overall employment and economic prospects. But the EU and its member states have at times turned a blind eye to egregious human rights abuses by recipient governments, and development projects in themselves have caused rights violations. Using development aid as part of efforts to stem the flow of migrants and asylum seekers, such as a proposed multi-million euro package to Eritrea, poses the danger that such programs will serve as a pretext to justify preventing departures as well as forced returns, ignoring the human rights abuses driving people from their homes.

The proposal to establish a “multi-purpose center” in Niger—a new idea—raises particular concerns. If run properly, such a center could provide an alternative, for some, to the dangerous journeys across Africa and the Mediterranean. Refugee resettlement programs run under UNHCR auspices have historically provided durable solutions to hundreds of thousands of refugees trapped in dead-end camps. But the EU will need to ensure that conditions and procedures are in line with EU and international law, and that such camps do not become de facto detention centers where people in need of international protection are denied access to a safe place to rebuild their lives or where people risk unsafe returns to their countries of origin.

Tackling Smuggling Networks

A central plank of the EU's proposed response will be efforts to “systematically identify, capture and destroy vessels used by smugglers.” On May 18, 2015, the EU Council endorsed plans to establish a naval operation, EUNAVFOR Med, in the central Mediterranean to this end.

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The plan foresees beginning the operation with surveillance and patrols. If EU member states then agree to proceed, the second phase will include boarding, searching, seizing, and diverting suspected smuggling boats. A third phase would involve “rendering inoperable” the suspect boats, including in Libyan territory or territorial waters under UN authorization or with the consent of Libyan authorities.

The internationally recognized government in Libya has said it opposes EU action in its territory or territorial waters. Two governments are vying for legitimacy in Libya, one internationally recognized government based in Tobruk and Al-Bayda in the east, and another self-declared authority based in Tripoli in the west, from which the vast majority of boats depart.

Regardless of the area of operation, EU vessels participating in the planned naval operation are subject to the jurisdiction of the ECHR, which requires designing, planning, and implementing all operations with full respect for rights, including the rights to life, liberty, and security, an effective remedy, and the prohibition of torture. The prohibition on torture includes a ban on sending anyone to a country where they risk torture or cruel, inhuman, or degrading treatment or threats to their lives or freedoms – the nonrefoulement principle.

Many, if not most, migrants and asylum seekers entering the EU irregularly willingly pay smugglers to facilitate their travel, though smugglers often deceive them about the context or conditions under which they will be transported, including by putting them in overcrowded and unseaworthy vessels with insufficient food, water, and fuel. There are also trafficking victims among those arriving by sea and by land, who are deceived or forced to travel and who are held for ransom or otherwise abused and exploited.

Migrants and asylum seekers interviewed in Italy in May 2015 told Human Rights Watch about abuses they suffered along the migration routes from the Horn of Africa and within Libya. These included being held hostage for months in the Sahara desert in grueling, violent conditions until relatives send money; beatings with wooden and iron pipes, rubber hoses, and whips; shooting deaths for attempted escapes; forced labor; and de facto detention in unsanitary, overcrowded “safe houses” in Libya pending departure.

The EU should assess carefully the short- and long-term human rights implications of any operation, including the risk that it will push both smugglers and migrants to take even more risks and increase the dangers of boat migration in the Mediterranean. The EU should also assess the risk of trapping migrants and asylum seekers in Libya, where they are often subjected to violence and abuse and have no possibility to lodge asylum claims.

Migrants intercepted by EU vessels in the Mediterranean, including by vessels participating in EUNAVFOR Med, should be taken to safe ports in the EU, where those asking for protection or indicating a fear of return should undergo asylum screening. Under no circumstances should the EU transfer boat migrants to the Libyan coast guard or land them in Libya, where they may face serious harm.

International and EU Law

International and EU law—including human rights instruments, the 1951 Refugee Convention, the EU Charter of Fundamental Rights, and the laws of the sea—set out the legal obligations that the EU and its member states are required to uphold when developing and adopting migration and asylum policy generally. EU respect for its international law obligations and human rights norms should inform and shape its current and future deliberations on such policies as well its approach to boat migration in the Mediterranean specifically

The right to life and protection against refoulement—the return to persecution, torture or ill-treatment—are cornerstone rights of international human rights architecture. Enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, the right to leave any country, including one's own, is key to ensuring the right to seek asylum. International maritime law has developed over the centuries to ensure humanitarian assistance to those in distress and protect the right to life. Both the 1974 International Convention for the Safety of Life at Sea (SOLAS) and the 1982 United Nations Convention on the Law of the Sea (UNCLOS) oblige all shipmasters to provide assistance swiftly to persons in distress, and states to ensure effective communication and coordination of rescue operations in their search and rescue areas, as well as disembarkation of persons rescued at sea at a safe place.

The ECHR, binding on all EU countries, guarantees, in addition to the right to life and protection from refoulement, the rights to liberty and security, the right to an effective remedy, and the right to privacy and family life. The jurisprudence of the European Court of Human Rights (ECtHR) has made it clear that all of these rights apply within territorial jurisdiction of an EU country, including territorial waters and aboard vessels traveling under the flag of an EU country, and when an individual is under effective control or custody of an EU country.

In *Hirsi Jamaa and Others v. Italy* (February 2012), the ECtHR held that the actions of the Italian navy in intercepting asylum seekers and migrants at sea and sending them back to Libya, constituted a prohibited collective expulsion, and a violation of the prohibition on refoulement because the migrants and asylum seekers were at risk of ill-treatment in Libya and of repatriation to countries where they could face ill treatment or persecution. The Court also held that the Italian authorities had denied the migrants and asylum seekers their right of access to an effective remedy because they had not been able to lodge their complaints with a competent authority and to obtain a thorough and rigorous assessment of their asylum requests.

The EU Charter of Fundamental Rights, which is binding on all EU institutions and on EU countries when applying EU law, enshrines the “right to asylum,” emphasizes the non-refoulement obligation, and prohibits collective expulsions. The EU has an extensive body of laws setting out minimum standards with respect to asylum procedures, reception conditions, and the treatment of irregular migrants upon arrival, during detention, and with respect to their return to their countries of origin.

What Should the EU Do?

EU leaders are faced now with decisions about the path the region will take for years to come with respect to migrants, asylum seekers, and refugee resettlement. There are no easy solutions to the problem: there are myriad reasons women, men, and children undertake arduous, dangerous journeys towards the EU. The political and economic situation in EU countries, the rise of anti-immigrant sentiment, fears about loss of cultural identity and demographic change, and concerns about security risks mitigate against a rational and responsible debate. But it is clear that EU migration and asylum policies should be based on respect for human rights and human dignity, and the values upon which the EU was founded.

We call on EU leaders to:

- Ensure sustained, coordinated search and rescue operations in the Mediterranean at the level of the Mare Nostrum operation.
- Create additional safe and legal means for people to seek asylum or find a safe haven in the EU. These measures should include:
 - Generous resettlement offers for refugees identified by the UNHCR through established and proven programs. UNHCR has asked the international community to resettle at least 130,000 Syrian refugees; the EU has the capacity to respond to this modest request. Resettlement places should be offered to refugees from other protracted refugee situations, including those affecting Eritreans, Afghans, and Somalis.
 - Ease existing restrictions of family reunification to enable persons already residing lawfully in the EU to bring family members to the EU through regular, safe channels.
 - Increase the number of humanitarian visas to enable persons to travel by lawful means to the EU, either for a temporary period or for the purposes of applying for asylum.
 - Ensure access to full and fair asylum procedures, in which full consideration will also be given to any claim made of fear of treatment contrary to article 3 of the European Convention on Human Rights as well as other claims based on the subsidiary protection standard, such as threats arising from indiscriminate violence in situations of armed conflict, for every person in the effective control of agents of any EU member state, including those interdicted or rescued at sea.
 - Ensure that the EUNAVFOR Med anti-smuggling operation fully complies with binding obligations under the European Convention on Human Rights to protect the rights to life, liberty and security, an effective remedy, and protection against refoulement.
 - Operations should ensure that the lives and safety of migrants and asylum seekers are not put at risk.
 - Migrants intercepted in the course of these operations should be taken to safe ports in the EU; under no circumstances should the EU transfer them to the Libyan coast guard or disembark them in Libya.
 - The EU should also assess the risk of trapping migrants and asylum seekers in Libya, where they are often subjected to violence and abuse and have no possibility of lodging asylum claims.

- Design, implement, and monitor the EU's immigration cooperation with third countries to ensure this cooperation does not effectively trap people in abusive situations, prevent them from accessing fair asylum procedures, or lead to refoulement to places where they would be at risk of being subjected to persecution or to inhuman or degrading treatment.
- Use their influence and resources more effectively and concertedly to address the major drivers of migration, including systematic human rights violations, poverty, inequitable development, weak governance, and violent conflict and lawlessness.
- Ensure that asylum-seeking, refugee, and migrant children are first and foremost treated as children. All such children should have access to asylum processes. Assessments of their asylum claims should be based on the best interests of the child and result in prompt formal determination procedures regarding their status. Procedures should be child-friendly, multi-disciplinary, and culturally-sensitive.
- Ensure that returns of irregular migrants and rejected asylum seekers take place only following a procedure that guarantees the right to an effective remedy and in full respect of the non-refoulement obligation,
- Adopt fingerprinting policies and practices in full respect for individuals' human rights; any use of force in the process of fingerprinting should be strictly limited to situations in which it is necessary and proportionate.

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Topic Refugee Rights, Asylum Seekers, Internally Displaced People, Migrants

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EUROPE

'One of the Hardest Nights': Violence Erupts Between Greeks and Migrants

By NIKI KITSANTONIS APRIL 24, 2018

ATHENS — After a violent clash between Greeks and migrants seeking asylum in Europe, the Greek authorities and human rights groups say they fear rising tensions and more conflicts on the eastern Aegean Islands that house tens of thousands of refugees who have arrived via Turkey.

The confrontation, which lasted for hours on Sunday and Monday, took place on the island of Lesbos, where tolerance of the growing refugee population has worn thin, and where members of far-right, anti-immigrant groups have been exploiting the frustration. Tensions in the overcrowded migrant camps often erupt into brawls and riots, but major clashes with Greeks have been rare since the flood of refugees from Asia and Africa began three years ago.

About 200 Afghans had been camped for several days in a central square of Mytilene, the main port city of Lesbos, to protest living conditions in the government-run camps and delays in processing their asylum applications. Lesbos is one of the areas most burdened by the refugee crisis; about 8,700 of the 60,000 migrants living in Greek camps are housed there.

On Sunday, local residents gathered in Mytilene to object to the presence of the Afghans, a demonstration that escalated into violence. Some of the protesters pelted the migrants in the square with flares, firecrackers and stones broken off sidewalks,

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The Afghans formed a protective circle around the women and children in their group.

After several hours of upheaval, riot police officers intervened early Monday, transporting the migrants by bus back to the overcrowded camps. The police briefly detained 120 migrants and two Greeks, but did not immediately charge anyone with a crime.

Thirty people were taken to a hospital, mostly for breathing difficulties and dizziness.

Officials on the Aegean Islands have warned for months that conditions there were untenable and tensions could boil over, and have called on the government to move some of the migrants elsewhere. The police have reported an increase in hate crimes across Greece.

The upheaval on Sunday was “one of the hardest nights on Lesbos in years,” said Spyros Galinos, the island’s mayor.

“The anger of citizens and of trapped migrants is to be expected,” he wrote on Twitter, adding that there should be no tolerance for “far-right elements nor for lawlessness and anarchy.”

Greek political parties issued statements blaming the violence on far-right groups. The local office of the leftist Syriza party, which leads the country’s governing coalition, said Sunday’s attack was not because of the frustration of locals, but was “a well-organized act, with murderous intent, by specific groups of extreme-right criminal and hooligan elements that have nothing to do with the island or its traditions” and that are “known to local authorities.”

Amnesty International’s Greek chapter released a statement saying, “we demand an immediate investigation and the protection of all the victims and all the refugees on Lesbos.”

The upheaval on Lesbos came a few days after a Greek court ruled that migrants reaching the Aegean Islands from Turkey should not be prohibited from traveling to the mainland. That decision angered many refugees who are already in the island

camps, who remained under “geographical restriction,” meaning that they could leave the camps, but not the islands.

Amid fears that the court ruling would undermine an agreement between Turkey and the European Union to curb the flow of refugees across the Aegean Sea, the government scrambled to respond. The state asylum agency reimposed travel restrictions on new arrivals, and Dimitris Vitsas, the migration minister, told Greek radio that refugees would be obliged to wait on the islands for their asylum applications to be processed.

A ministry official noted that a parliamentary committee on Tuesday started reviewing draft legislation aimed at speeding up the processing of asylum applications — a main reason for overcrowding in the migrant camps.

Addressing that parliamentary committee, Mr. Vitsas said that arrivals to Lesbos had almost quadrupled since 2017, noting that although daily arrivals were 54 on average last year, 206 migrants arrived on the island on Tuesday, which was “worrying.” He added that arrivals over the Greece-Turkey land border had also increased, with 340 arrivals on Tuesday.

Over all, from January to April, there were more than 7,000 arrivals to the Aegean Islands, with just 112 returned to Turkey during that period, Mr. Vitsas said.

Theodoros Alexellis, the Lesbos representative of the United Nations refugee agency, said that action should be taken immediately to ease pressure on camps, which are at triple their capacity on Lesbos. Geographical restrictions should not apply for “vulnerable” refugees, like unaccompanied children, pregnant women and victims of torture, who should be transferred to the mainland, he said.

“If the current situation continues, frustration will keep growing in the local community and in the refugee community,” he said.

The flow of refugees across the Aegean is far lower than it was at the peak of the crisis in 2016, when thousands of people tried to cross daily. But they continue to arrive faster than the government processes asylum claims, so the already cramped camps have continued to grow.

As the weather improves, the number of refugees trying to reach European shores has begun to rise again, with dozens arriving every day. Six boats reached on Monday alone, Mr. Alexellis said.

The New York Times | <https://nyti.ms/2FeyLu7>

AMERICAS

Migrant Caravan Arrives at U.S. Border, but Long Road Awaits

Leer en español

By KIRK SEMPLÉ APRIL 24, 2018

MEXICALI, Mexico — The caravan of weary migrants that the Trump administration has called a threat to the sovereignty and security of the United States began to arrive on the northern border of Mexico on Tuesday, a month after the group started its journey at the country's southern border with Guatemala.

Two buses carrying about 130 migrants, most of them women and children, arrived at a migrant shelter in Mexicali, a border city, and were welcomed by volunteers and government officials who provided them with sandwiches, water, medical care and worn mattresses to rest on.

After an hour-and-a-half stop, the participants, nearly all from Central America and fleeing poverty and violence in their homeland, pushed on toward Tijuana, the group's final destination in Mexico, where many intended to apply for asylum in the United States.

"Well, this is incredible," said Bryan Claros, 20, a migrant from El Salvador who was traveling with his younger brother, Luis, and their stepfather, Andres Rodríguez.

From where they were standing, on the broken sidewalk outside the Hotel del Migrantes shelter, they could see the steel border fence two blocks away and the tops of lamp posts and buildings on the other side, in Calexico, Calif.

They had fled El Salvador because of a gang's death threats, they said, and were planning to apply for asylum when they crossed into the United States from Tijuana. Organizers had encouraged participants to seek asylum at Tijuana rather than Mexicali because it was easier to arrange for volunteer lawyers.

"We've almost arrived in the United States," Mr. Claros said, smiling broadly at his brother. But then he considered the legal road ahead, and his smile faded.

"There's still a long way to go," he said.

Another several hundred caravan members were expected to follow later in the day in a separate convoy of buses, and a third contingent, traveling atop freight trains, later this week.

The group of migrants set off from Tapachula, Mexico, on March 25, and moved north, more or less en masse, by foot, hitchhiking, on buses and by stowing away on trains.

Such mass migrations have ~~been~~ come an annual rite, usually around Easter week, with the size of the group providing protection against the criminals who lurk along the path and helping to draw public attention to their plight.

This year's group, which numbered upward of 1,200 in the journey's early stages, was perhaps the largest on record. Still, like all the caravans that have come before, this one might easily have gone unnoticed had it not ended up on "Fox & Friends," a favorite television show of President Trump.

The president posted a series of messages on Twitter that warned of dangers from the group. Mr. Trump used the caravan as a cudgel against the Mexican government, accusing it of doing little to curb illegal northward migration, and as grounds to deploy the National Guard to the southwest border of the United States.

With the caravan nearing the Mexico-United States border this week, Mr. Trump returned to the subject, saying on Twitter on Monday that he had instructed the Department of Homeland Security "not to let these large Caravans of people into our Country."

“It is a disgrace,” he declared.

He also took another shot at Mexico, saying that it “must stop people from going through Mexico and into the U.S.” and proposing that the matter be “a condition” of a renegotiated North American Free Trade Agreement.

About an hour later, Luis Videgaray, Mexico’s foreign secretary, rejected Mr. Trump’s remarks as “unacceptable.”

“Mexico decides its immigration policy in a sovereign manner,” Mr. Videgaray said.

Two members of Mr. Trump’s cabinet, Attorney General Jeff Sessions and the secretary of homeland security, Kirstjen Nielsen, also weighed in with tough statements about the caravan.

Mr. Sessions said he had ensured there would be “sufficient prosecutors” and immigration judges to defend the nation’s legal interests and handle the arriving migrants. The migrants in the caravan, he said, “ignored the willingness of the Mexican government to allow them to stay in Mexico” and their arrival at the border was “a deliberate attempt to undermine our laws and overwhelm our system.”

Mr. Sessions’s statement did not seem to allow for the possibility that some members of the caravan might have legitimate claims to asylum in the United States.

Caravan organizers estimated that 100 to 300 of the migrants intended to petition for asylum when they presented themselves to American authorities at the border. The United States grants people asylum if they can prove persecution on account of their race, religion, nationality, political belief or other factors, a process that can take years.

Since Mr. Trump took office last year, the administration has not ordered customs officials to turn away asylum seekers. But it has said that the asylum system encourages undocumented immigrants without valid claims to swarm the border.

In recent years, judges have approved fewer than half of all asylum requests, and the percentage of Central Americans who are approved is substantially lower.

Many asylum seekers from Central America claim they have been victimized by gangs, which is harder to prove than political persecution.

If their petitions are denied, asylum seekers can be deported. But since many are released while their cases are pending, some never return to court and evade deportation. The Trump administration has said that asylum seekers should be released less often, and lawyers have reported that more applicants are being detained.

Tristan Call, a volunteer with Pueblo Sin Fronteras, a transnational advocacy group that coordinated the caravan, said Mr. Trump's denunciation of its members reflected "a policy to punish the least protected people."

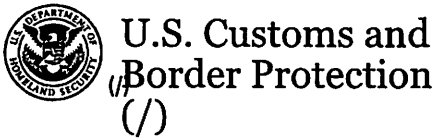
Mexican authorities have defended their handling of the caravan, saying that they have acted within Mexican and international law. Many of the current caravan participants received temporary travel documents from the Mexican government providing protection from deportation and giving them several weeks to apply for legal immigration status in Mexico or leave the country.

The advocacy group's original plan was to push the caravan as far north as it could, accompanying those migrants who planned to settle in northern Mexican cities or hoped to cross, legally or not, into the United States. Based on such movements in the past, the organizers expected the vast majority of participants to drop out along the way, either to travel separately in smaller, more nimble groups or to stay in Mexico.

Given the size of this year's group and the intense international focus that Mr. Trump's Twitter posts brought, the coordinators announced that they would disband the caravan once it reached Mexico City, the capital.

But the caravan kept gathering momentum, which ultimately carried it beyond the capital.

"A large number of caravan members remained organized themselves and did not want to break up," said Alex Mensing, project coordinator for Pueblo Sin Fronteras. "Since they stuck together, we made the decision to keep going with them."



U.S. Border Patrol Southwest Border Apprehensions by Sector FY2018

Southwest Border Unaccompanied Alien Children (0-17 yr old) Apprehensions

Comparisons below reflect Fiscal Year 2018 (October 1, 2017 - April 30, 2018) compared to the same time period for Fiscal Year 2017.

Unaccompanied Alien Children by Sector			
Sector	FYTD2017	FYTD2018	% Change FYTD17 to FYTD18
Big Bend	389	681	75%
Del Rio	1,015	693	-32%
El Centro	810	1,506	86%
El Paso	2,762	2,126	-23%
Laredo	1,187	1,665	40%
Rio Grande	18,305	11,974	-35%
San Diego	969	1,285	33%
Tucson	2,352	3,176	35%
Yuma	1,801	2,895	61%
USBP Southwest			
Border Total	29,590	26,001	-12%

Southwest Border Family Unit* Apprehensions

Comparisons below reflect Fiscal Year 2018 (October 1, 2017 - April 30, 2018) compared to the same time period for Fiscal Year 2017.

Family Unit* Apprehensions by Sector			
Sector	FYTD2017	FYTD2018	% Change FYTD17 to FYTD18
Big Bend	606	492	-19%
Del Rio	1,924	1,387	-28%

Family Unit* Apprehensions by Sector			
Sector	FYTD2017	FYTD2018	% Change FYTD17 to FYTD18
El Centro	1,365	1,365	0%
El Paso	7,235	3,867	-47%
Laredo	665	300	-55%
Rio Grande	39,939	30,123	-25%
San Diego	2,376	1,651	-31%
Tucson	1,480	2,495	69%
Yuma	3,919	7,942	103%
USBP Southwest Border Total	59,509	49,622	-17%

Unaccompanied Alien Children Apprehensions by Country

Numbers below reflect Fiscal Years 2013-2017, FYTD 2018 (October 1, 2017 - April 30, 2018)

Unaccompanied Alien Children Apprehensions by Country						
Country	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FYTD 2018
El Salvador	5,990	16,404	9,389	17,512	9,143	2,090
Guatemala	8,068	17,057	13,589	18,913	14,827	12,459
Honduras	6,747	18,244	5,409	10,468	7,784	4,624
Mexico	17,240	15,634	11,012	11,926	8,877	6,151

Family Unit* Apprehensions by Country

Numbers below reflect Fiscal Year 2016 and 2017, FYTD 2018 (October 1, 2017 - April 30, 2018)

Family Units* Apprehensions by Country			
Country	FY 2016	FY 2017	FYTD 2018
El Salvador	27,114	24,122	5,974
Guatemala	23,067	24,657	25,163
Honduras	20,226	22,366	16,814
Mexico	3,481	2,217	1,275

***Note:** (Family Unit represents the number of individuals (either a child under 18 years old, parent or legal guardian) apprehended with a family member by the U.S. Border Patrol.)

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Unaccompanied Alien Children: Potential Factors Contributing to Recent Immigration

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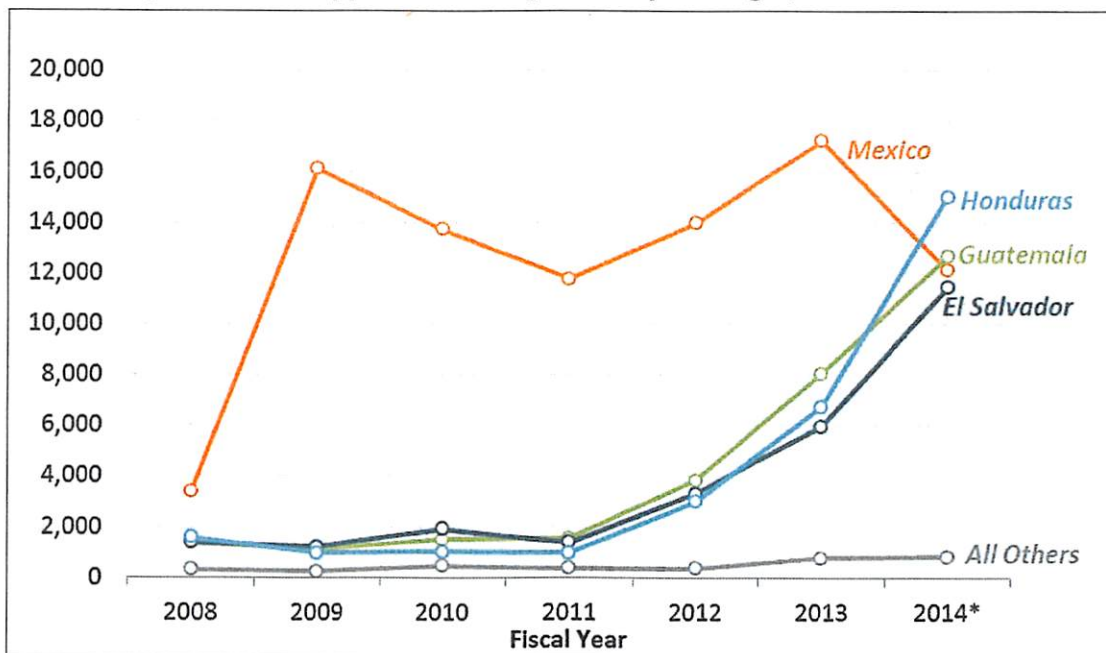
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Background³

Unaccompanied alien children (UAC) are defined in statute as aliens⁴ under age 18, who lack lawful immigration status in the United States, and who are without a parent or legal guardian in the United States or lack a parent or legal guardian in the United States who is available to provide care and physical custody.⁵ They typically arrive at U.S. ports of entry or are apprehended along the southwestern border with Mexico. Less frequently they are apprehended in the interior and determined to be a juvenile⁶ and unaccompanied.⁷ Most of these children are aged 14 or older.

Figure 1. UAC Apprehensions by Country of Origin, FY2008-FY2014



Source: Prepared by Jamie L. Hutchinson, CRS Graphics Specialist. Data from Department of Homeland Security, United States Border Patrol, *Juvenile and Adult Apprehensions—Fiscal Year 2013*. (Data provided to CRS by request.)

Notes: FY2014 figures are October 1, 2013, to June 15, 2014, representing just over 2/3 of a fiscal year.

The number of unaccompanied children has increased in the past six years and has surged in this current year. In FY2008, the number apprehended by U.S. Customs and Border Protection (CBP)

³ For information on unaccompanied alien children, see CRS Report R43599, *Unaccompanied Alien Children: An Overview*, by Lisa Seghetti, Alison Siskin, and Ruth Ellen Wasem.

⁴ *Alien*, a technical term appearing throughout the Immigration and Nationality Act (INA), refers to a foreign national who is not a citizen or national of the United States. This report uses “unaccompanied alien children” and “unaccompanied children” interchangeably.

⁵ 6 U.S.C. §279(g)(2).

⁶ A juvenile is defined as an alien under the age of 18. 8 C.F.R. §263.3. In this report, the terms “juvenile,” “child,” and “minor” are used interchangeably.

⁷ A juvenile is classified as *unaccompanied* if neither a parent nor a legal guardian is with the juvenile alien at the time of apprehension, or within a geographical proximity to quickly provide care for the juvenile. 8 C.F.R. §236.3(b)(1).

totaled 8,041. In the first 8½ months of FY2014, apprehensions climbed to 52,000 (**Figure 1**).⁸ Nationals of Guatemala, Honduras, El Salvador, and Mexico, have accounted for almost all unaccompanied alien children apprehended at the Mexico-U.S. border during this period.

In the past three years, apprehensions of Mexican unaccompanied children, which rose substantially in FY2009, have since varied between 12,000 and 17,000. In contrast, apprehensions of unaccompanied children from Guatemala, Honduras, and El Salvador have increased considerably during this period. In FY2009, Mexicans accounted for 82% of the 19,668 unaccompanied child apprehensions, while the Central American countries accounted for 17%. By the first eight months of FY2014, the proportions had almost reversed, with Mexican apprehensions comprising only 23% of the 52,000 UAC apprehensions, and UAC from the three Central American countries comprising 75% of the total. The total increase in apprehensions in the past three years stems mainly from large increases in the number of unaccompanied children from the three Central American countries.

The similarity of the trends characterizing apprehensions of unaccompanied alien children from El Salvador, Guatemala, and Honduras, and their stark divergence from those characterizing unaccompanied Mexican children suggests that factors specific to Central America's "northern triangle"⁹ underlies the sudden surge in total unaccompanied child apprehensions. What follows is a discussion of possible causes originating in the countries themselves ("push factors") and other possible causes originating in the United States ("pull factors").

Conditions in Central America as Possible "Drivers" for Unaccompanied Child Migration

Central America is a region encompassing seven countries of the isthmus between Mexico and South America: Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama (**Figure 2**). The overwhelming majority of the unaccompanied child migrants apprehended in Mexico or at the U.S.-Mexico border have come from Guatemala, Honduras, and El Salvador, which are often referred to as the "northern triangle" countries of Central America. High violent crime rates, poor economic conditions fueled by relatively low economic growth rates, relatively high poverty rates, and the presence of transnational gangs appear to be some of the main distinguishing factors between these three northern triangle countries and other countries in the region.¹⁰

Unaccompanied child migrants' motives for emigrating appear to be multifaceted. In 2013, the U.N. High Commissioner for Refugees (UNHCR) conducted interviews with a representative group of about 400 unaccompanied minors from El Salvador, Guatemala, Honduras, and Mexico, all of whom had arrived in the United States since FY2012.¹¹ Most of the unaccompanied minors

⁸ If extrapolated at the same rate to the end of the fiscal year, the figure would reach roughly 73,000. News reports have cited an internal DHS memorandum estimating that FY2014 apprehensions could total 90,000. Alicia A. Caldwell, Associated Press, "Border Patrol resources stretched thin as children illegally enter U.S. alone," *PBS Newshour, The Rundown*, June 5, 2014.

⁹ This term is often used to refer to these three countries as a group.

¹⁰ For more information, see CRS Report R41731, *Central America Regional Security Initiative: Background and Policy Issues for Congress*, by Peter J. Meyer and Clare Ribando Seelke.

¹¹ U.N. High Commissioner for Refugees (UNHCR), *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection*, March 12, 2014, http://www.unhcrwashington.org/sites/default/files/1_UAC_Children%20on%20the%20Run_Full%20Report.pdf, (hereinafter referred to as "UNHCR, (continued...)")

provided multiple reasons for leaving their countries. Many left to reunite with family or pursue opportunities in the United States. Of those interviewed, 21% mentioned joining a family member, 51% mentioned economic opportunity, and 19% mentioned education.¹²

Figure 2. Map of Central America and Neighboring Countries



Source: Prepared by Amber Hope Wilhelm, CRS Graphics Specialist.

Violence also played a large role in their decisions to emigrate. Nearly half of the children (48%) said they had experienced serious harm or had been threatened by organized criminal groups or state actors, and more than 20% had been subject to domestic abuse. As recently as 2006, only 13% of unaccompanied child migrants from Central America interviewed by UNHCR presented any indication they were fleeing societal violence or domestic abuse.

(...continued)

Children on the Run"). Children interviewed were part of the increase in unaccompanied children beginning in FY2012. Almost all were interviewed while in the custody of the Office of Refugee Resettlement, the agency within the U.S. Department of Health and Human Services to which they are referred after apprehension. Children were identified by a random selection process that accounted for age, nationality, sex, and date of U.S. arrival. For more on the study's methodology, see pp. 18-22. Caution must be used in generalizing a single study to the entire population of unaccompanied children.

¹² Ibid.

Endemic poverty also appears to play a role in the emigration of unaccompanied minors, as 16% of those interviewed mentioned economic deprivation as a motive. There is some variation depending on country of origin, with Salvadorans being more likely to cite societal violence and Guatemalans being more likely to cite economic deprivation as motives for emigration (see **Table 1**).¹³ Other studies involving interviews with unaccompanied children yield similar results.¹⁴

Table 1. Primary Reasons Unaccompanied Children Emigrate

(Percentage of minors interviewed by UNHCR in 2013 citing each factor)

Country of Origin	Societal Violence	Domestic Abuse	Economic Deprivation or Social Exclusion	Family or Opportunities in the United States	Other
El Salvador	66%	20%	7%	80%	35%
Guatemala	20%	23%	29%	84%	39%
Honduras	44%	24%	21%	82%	34%
Mexico	59%	17%	7%	80%	34%
Total	48%	21%	16%	81%	35%

Source: UNHCR, *Children on the Run*.

Notes: Sums exceed 100% since the majority of the children interviewed provided multiple reasons for emigrating. Column categories were grouped by source author, and more detailed reasons cannot be provided.

Economic Stagnation and Poverty

El Salvador, Guatemala, and Honduras are each considered lower middle income economies by the World Bank. Per capita gross domestic product (GDP) in 2014 is estimated to be \$4,014 in El Salvador, \$3,684 in Guatemala, and \$2,368 in Honduras.¹⁵ The countries have maintained what are viewed by most economists as generally sound macroeconomic policies in recent years, and enjoyed stable economic growth until the onset of the global financial crisis and U.S. recession in 2009. At that time, the Salvadoran and Honduran economies contracted and the Guatemalan economy slowed significantly, demonstrating how all three countries are vulnerable to external shocks as a result of their open economies¹⁶ and close ties to the United States.¹⁷ Although all three economies have rebounded since 2010, growth rates have yet to fully recover (see **Figure 3**). El Salvador posted an economic growth rate of just 1.6% in 2013, the lowest of any country in Central America.¹⁸

¹³ Ibid.

¹⁴ See, for example, Women's Refugee Commission, *Forced from Home: The Lost Boys and Girls of Central America*, October 2012; and Elizabeth G. Kennedy, "'No Place for Children': Central America's Youth Exodus," *InSight Crime*, June 23, 2014.

¹⁵ International Monetary Fund (IMF), *World Economic Outlook Database, April 2014*, accessed June 2014.

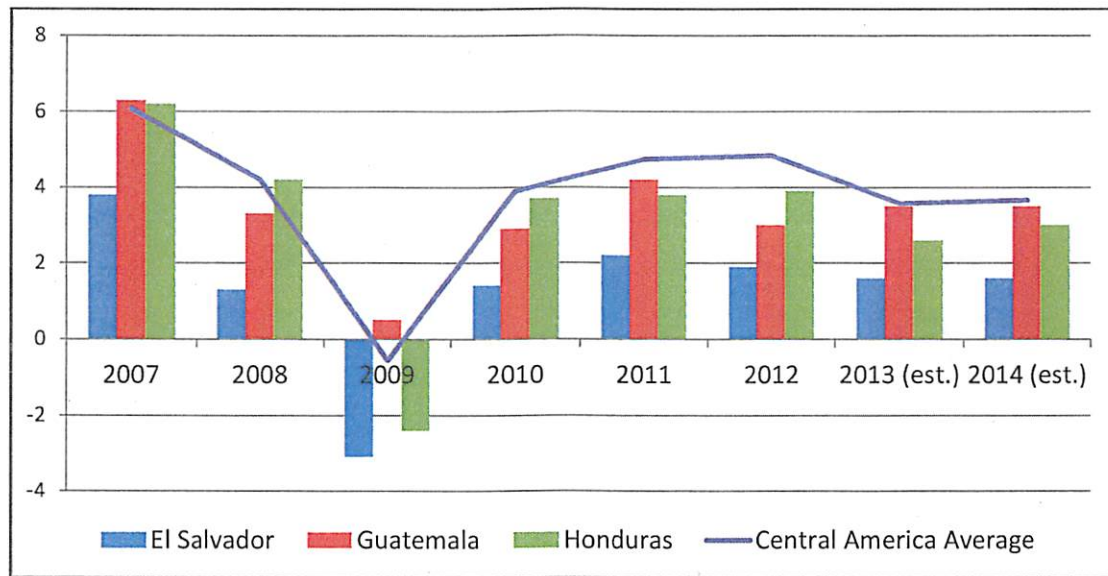
¹⁶ An open economy is an economy with relatively few barriers to trade or investment (as opposed to a closed or protectionist economy). Open economies are more integrated into the international market than closed economies, and thus more vulnerable to external shocks.

¹⁷ Close ties means the countries are heavily reliant on exports to the United States, remittances from the United States, and investment from the United States.

¹⁸ IMF, *World Economic Outlook Database, April 2014*, accessed June 2014.

Economic growth in the region has been inhibited by slow economic growth in major markets (Europe, China, the United States) as well as domestic factors, such as a coffee rust (*roya fungus*) outbreak, hurricanes and other natural disasters, and weak productivity.¹⁹ The coffee rust epidemic, which in 2013 affected 74% of the coffee crop in El Salvador, 70% of the coffee crop in Guatemala, and 25% of the coffee crop in Honduras, led to nearly 200,000 jobs being lost across the three countries.²⁰ Employment and wages in the coffee sector have continued to fall over the past year, depriving many poor households of a significant source of income.²¹

Figure 3. Annual Percentage Change in Real Gross Domestic Product (GDP): 2007-2014



Source: International Monetary Fund (IMF), *World Economic Outlook Database*, April 2014, accessed June 2014.

Note: Growth rates for 2013 and 2014 are IMF estimates.

Central American countries are also vulnerable to other types of natural disasters. For example, a tropical storm that hit El Salvador in 2011 caused more than \$800 million in damage to roads, infrastructure, and agriculture.²²

The northern triangle countries also struggle with low productivity rates, particularly when compared to competitors in East Asia. Tariff preferences provided through the Dominican

¹⁹ Economist Intelligence Unit, *Country Reports on El Salvador, Guatemala, and Honduras*, June 2014.

²⁰ The coffee rust epidemic is also a problem in the rest of Central America but Costa Rica, Panama, and to a certain extent, Nicaragua can handle such economic and natural disaster shocks more effectively because of their comparatively well developed economies, lower levels of poverty, and/or stronger social safety nets.

²¹ International Coffee Organization, Report on the Outbreak of Coffee Leaf Rust in Central America and Action Plan to Combat the Pest, May 13, 2013, p. 3; Famine Early Warning Systems Network (FEWS NET), Coffee Producer and Laborer Income to Decline for a Second Consecutive Year, Special Report: Central America, February 2014, http://www.fews.net/sites/default/files/documents/reports/FEWS%20NET%20coffee%20rust%20shock%20report%20update_2014_02_en_0.pdf.

²² U.N. Office for the Coordination of Humanitarian Affairs, "Revision of the Flash Appeal for El Salvador 2011," press release, December 7, 2011.

Republic-Central America-United States Free Trade Agreement (CAFTA-DR) appear to be important in keeping apparel producers in those countries competitive in the U.S. market.²³

Economic growth and slightly higher levels of social investment have led to improved social conditions in the region over the past decade. Nevertheless, poverty remains widespread. According to the U.N. Economic Commission for Latin America and the Caribbean (ECLAC), about 45% of Salvadorans, 55% of Guatemalans, and 67% of Hondurans live in poverty. Guatemala and Honduras have the highest income disparities in Central America, exacerbated by the social exclusion of indigenous people and ethnic minorities.²⁴ The top 10% of earners account for 47% of national income in Guatemala and 43% of national income in Honduras.²⁵

Crime and Violence

El Salvador, Guatemala, and Honduras have long struggled to address high levels of crime and violence, but the deterioration in security conditions has accelerated over the past decade.²⁶ Counternarcotics efforts in Colombia and Mexico have put pressure on drug traffickers in those countries, leading some to battle over territory in Central America—a region with fewer resources and weaker institutions dedicated to addressing criminal activity.²⁷ Increasing flows of illicit narcotics have coincided with rising levels of violence and have contributed to the corruption of government officials.

Gangs such as *Mara Salvatrucha* (MS-13) and the “18th Street” gang (M-18) also play a major role in crime and violence in the northern triangle region, but are not significantly present in other Central American countries.²⁸ The 18th Street gang was formed by Mexican youth in the Rampart section of Los Angeles in the 1960s who were not accepted into existing Hispanic gangs. MS-13 was created during the 1980s by Salvadorans in Los Angeles who had fled the country’s civil conflict.²⁹ Both gangs later expanded their operations to Central America. This process accelerated after the United States began deporting illegal immigrants, many with criminal convictions, back to the northern triangle region after the passage of the Illegal Immigrant Reform and Immigrant Responsibility Act (IIRIRA) of 1996.³⁰ In general, Central American

²³ If apparel produced in Asian countries gains duty-free access to the U.S. market through the proposed Trans-Pacific Partnership agreement (TPP), it could displace apparel manufactured with U.S. fabric in Central America, causing job losses in those industries. CRS Report R42694, *The Trans-Pacific Partnership (TPP) Negotiations and Issues for Congress*, coordinated by Ian F. Fergusson; and CRS Report R42772, *U.S. Textile Manufacturing and the Trans-Pacific Partnership Negotiations*, by Michaela D. Platzer.

²⁴ Poverty rates are 17.8% in Costa Rica, 25.3% in Panama, and 58.3% in Nicaragua. Figures for Belize are unavailable. U.N. Economic Commission for Latin America and the Caribbean (ECLAC), *Social Panorama of Latin America 2013*, p. 50.

²⁵ U.N. Economic Commission for Latin America and the Caribbean (ECLAC), *Statistical Yearbook for Latin America and the Caribbean, 2013*, December 2013.

²⁶ For more information, see CRS Report R41731, *Central America Regional Security Initiative: Background and Policy Issues for Congress*, by Peter J. Meyer and Clare Ribando Seelke.

²⁷ Michael Shifter, “Central America’s Security Predicament,” *Current History*, February 1, 2011.

²⁸ For background, see CRS Report RL34112, *Gangs in Central America*, by Clare Ribando Seelke.

²⁹ For the history and evolution of these gangs, see Tom Diaz, *No Boundaries: Transnational Latino Gangs and American Law Enforcement*, Ann Arbor, M.I.: University of Michigan Press, 2009.

³⁰ IIRIRA expanded the categories of noncitizens subject to deportation and made it more difficult for foreign nationals to get relief from removal.

countries whose migrants did not emigrate to the Los Angeles area, such as Nicaragua or Panama, did not receive large numbers of gang-deportees in the 1990s.³¹

The MS-13 and 18th Street gangs engage in a variety of activities, such as kidnapping, extortion, and forced recruitment, which often have more of an impact on the day-to-day lives of Salvadorans, Guatemalans, and Hondurans than drug-trafficking.³² On October 11, 2012, the Treasury Department designated the MS-13 as a significant transnational criminal organization whose assets would be targeted for economic sanctions pursuant to Executive Order (E.O.) 13581.³³ State Department officials have estimated that roughly 85,000 members of MS-13 and M-18 reside in the northern triangle countries, with the highest per capita concentration in El Salvador.³⁴

Table 2. Estimated Homicide Rates in Central America and Mexico: 2007-2012
(Homicides per 100,000 people)

Country	2007	2008	2009	2010	2011	2012
Belize	33.9	35.1	32.2	41.8	39.2	44.7
Costa Rica	8.3	11.3	11.4	11.3	10.0	8.5
El Salvador	57.1	51.7	70.9	64.1	69.9	41.2
Guatemala	43.4	46.1	46.5	41.6	38.6	39.9
Honduras	50.0	60.8	70.7	81.8	91.4	90.4
Nicaragua	12.8	13.0	14.0	13.5	12.5	11.3
Panama	12.7	18.4	22.6	20.6	20.3	17.2
Mexico	7.8	12.2	17.0	21.8	22.8	21.5

Source: U.N. Office on Drugs and Crime (UNODC), *Global Study on Homicide 2013: Trends, Contexts, Data*, March 2014, http://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf.

Note: 2012 is the most recent year for which comparable data are available at this time.

Over the past decade, homicide rates have increased significantly in Honduras and remained at elevated levels in El Salvador and Guatemala. According to the U.N. Office on Drugs and Crime, in 2012 (the most recent year for which comparable data are available), the homicide rate per 100,000 inhabitants stood at 90.4 in Honduras, 41.2 in El Salvador, and 39.9 in Guatemala (see **Table 2**).³⁵ Although local statistics suggest that homicide rates declined slightly in each of the

³¹ Ana Arana, "How the Street Gangs Took Central America," *Foreign Affairs*, May/June 2005.

³² Of the unaccompanied minors interviewed by UNHCR, 27% reported that they had been harmed or threatened by gangs. This includes nearly 62% of the Salvadorans. UNHCR, 2014, op. cit.

³³ The criteria established for declaring a transnational criminal organization pursuant to Executive Order 13581 are available at <http://www.whitehouse.gov/the-press-office/2011/07/25/executive-order-blocking-property-transnational-criminal-organizations>. U.S. Department of the Treasury, "Treasury Sanctions Latin American Criminal Organization," press release, October 11, 2012.

³⁴ U.S. Department of State, "Gangs, Youth, and Drugs – Breaking the Cycle of Violence," Remarks by William R. Brownfield, Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs, at the Institute of the Americas, press release, October 1, 2012. In 2012, the U.N. Office on Drugs and Crime (UNODC) estimated total MS-13 and M-18 membership in Guatemala, El Salvador, and Honduras at a more modest 54,000. UNODC, *Transnational Organized Crime in Central America and the Caribbean: a Threat Assessment*, September 2012.

³⁵ By comparison, the rates for Belize, Costa Rica, Nicaragua, and Panama were 45, 9, 11 and 17. UNODC, *Global Study on Homicide 2013: Trends, Contexts, Data*, March 2014, http://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf.

three countries in 2013, they remain among the highest in the world. Moreover, there are indications that the homicide rate has begun to climb once again in El Salvador as the gang truce that has been in effect since 2012 has unraveled.³⁶ Other crimes, such as theft and extortion, also remain at elevated levels. In 2012, 29% of Salvadorans, 34% of Guatemalans, and 32% of Hondurans reported that someone in their household had been the victim of some form of crime within the previous 12 months.³⁷

Many children also must contend with violence at home. Although domestic abuse—including physical, emotional, and sexual abuse—often goes unreported and undocumented, it is believed to be widespread in the region.³⁸ According to scholars, Central American cultural norms legitimize the use of violence in interpersonal relationships, including physical discipline of children and violence against women.³⁹ Studies have found that children who are left behind as a result of one or both parents migrating abroad are more vulnerable to abuse. This is especially true of children whose mothers have migrated.⁴⁰

Unaccompanied Migrant Children: Why Not from the Rest of Central America?

In FY2012, the number of unaccompanied children apprehended at the U.S. border originating from the northern triangle countries ranged from about 3,000 to 4,000 per country. That same year, there were only 4 unaccompanied children from Belize, 5 from Costa Rica, 43 from Nicaragua, and none from Panama.⁴¹

Many observers speculate that children are not migrating from Belize, Costa Rica, Nicaragua, and Panama because those countries have experienced greater economic growth and/or less crime and violence than the northern triangle countries. In 2013, the International Monetary Fund (IMF) estimated that economic growth rates in the northern triangle countries ranged from 1.6% to 3.5%. Most of the other countries' rates were indeed higher: Belize grew by an estimated 1.6%, Costa Rica grew by an estimated 3.5%, Nicaragua grew by an estimated 4.2%; and Panama grew by an estimated 8%.⁴² Per capita gross domestic product (GDP) in three of these four countries is higher than in the northern triangle as well: Belize's per capita GDP is \$4,659, Costa Rica's is \$10,892, and Panama's is \$11,824. About 18% of Costa Rica's population and 25% of Panama's live in poverty, the lowest poverty rates in the isthmus.⁴³ Although Nicaragua's per capita GDP is lower than all the other Central American countries, at \$1,929, and its poverty rate of 58% is closer to that of Guatemala (55%), it has social welfare programs that provide many services to mitigate its poverty to some degree. The Nicaraguan economy has also been expanding in recent years.

Most of these non-northern triangle countries can also be characterized as less violent than their neighbors. Costa Rica, Nicaragua, and Panama have the lowest levels of homicides in Central America (although Belize has the second-highest rate in the region) (see **Table 2**). None of the four countries has the same degree of problems with gangs tied to larger and more organized U.S. gangs that their neighbors have; their gangs are more local.⁴⁴

³⁶ CRS Report R43616, *El Salvador: Background and U.S. Relations*, by Clare Ribando Seelke; Carlos Martinez and José Luis Sanz, "Gobierno Desmantela la Tregua y los Homicidios Alcanzan 30 en un Día," *El Faro*, May 24, 2014.

³⁷ By comparison, the figures for Belize, Costa Rica, Nicaragua, and Panama were 15%, 34%, 25%, and 11%, respectively. Mitchell A. Seligson, Amy Erica Smith, and Elizabeth J. Zechmeister, eds., *The Political Culture of Democracy in the Americas, 2012: Towards Equality of Opportunity*, LAPOP, January 25, 2013, p. 144.

³⁸ Isabel Aguilar Umaña and Jeanne Rikkers, *Nine Strategies to Prevent Youth Violence in Central America*, Interpeace, April 2012, p.9.

³⁹ World Bank, *Crime and Violence in Central America*, September 2010, p. 54.

⁴⁰ Caroline Bakker, Martina Elings-Pels, and Michele Reis, *The Impact of Migration on Children in the Caribbean*, U.N. Children's Fund (UNICEF), Paper No. 4, August 2009, p. 8.

⁴¹ U.S. Border Patrol, "Unaccompanied Children (Age 0-17) Apprehensions, FY2008 through FY2012," February 4, 2013.

⁴² U.N. Economic Commission for Latin America and the Caribbean (ECLAC), *Social Panorama of Latin America 2013*, p. 50. (In this section, Belize is not listed if data for it were unavailable.)

⁴³ ECLAC, *Social Panorama of Latin America 2013*, p.17.

⁴⁴ See CRS Report RL34112, *Gangs in Central America*, by Clare Ribando Seelke, pp. 3-4.

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Migration Transit Zone Conditions and Mexico's Migration Policies

Conditions of migration facing unaccompanied children likely play a considerable role in determining whether they emigrate to the United States. While the persistence of economic stagnation, poverty, and criminal violence may explain why flows of unaccompanied minors have increased, the journey through Central America and Mexico to the United States has become more costly and dangerous. Unauthorized migrants from Central America, often lacking legal protection in Mexico because of their immigration status, have reportedly become increasingly vulnerable to human trafficking, kidnapping, and other abuses.⁴⁵ Corrupt Mexican officials have been found to be complicit in activities such as robbery and abuse of authority.⁴⁶ While Mexico has stepped up immigration enforcement in some areas (see below), enforcement along train routes frequently used by Central American child migrants continues to be lacking.⁴⁷

As U.S. border security has tightened, more unauthorized Central American migrants have reportedly turned to smugglers (*coyotes*),⁴⁸ who in turn must pay money to transnational criminal organizations (TCOs) such as Los Zetas, to lead them through Mexico and across the U.S.-Mexico border.⁴⁹ The Administration has estimated that 75-80% of unaccompanied child migrants are now traveling with smugglers.⁵⁰ Some smugglers have reportedly sold migrants into situations of forced labor or prostitution (forms of human trafficking) in order to recover their costs; other smugglers' failure to pay Los Zetas has reportedly resulted in massacres of groups of migrants.⁵¹ Mass grave sites where migrants have been executed by TCOs have been recovered in recent years.

The Mexican government appears to be attempting to balance enforcement and humanitarian concerns in its migration policies. Implementation of its new laws and policies has been criticized both by those who favor more enforcement and those who favor more migrants' rights.⁵² In addition to stepping up efforts against human trafficking and passing new laws to stiffen penalties for alien smuggling (2010) and human trafficking (2012), Mexico enacted a comprehensive migration reform law in 2011 and secondary legislation to implement that law in 2012. Previously, Mexico's immigration law, the General Population Act (GPA) of 1974, limited legal immigration and restricted the rights of foreigners in Mexico, with unauthorized migrants subject to criminal penalties. In 2008, the Mexican Congress reformed the GPA to decriminalize simple

⁴⁵ Steven Dudley, *Transnational Crime in Mexico and Central America: Its Evolution and Role in International Migration*, Woodrow Wilson International Center for Scholars & Migration Policy Institute, November 2012, http://www.wilsoncenter.org/sites/default/files/transnational_crime_mexico_centralamerica.pdf.

⁴⁶ Adam Isacson, Maureen Meyer, and Gabriela Morales, *Mexico's Other Border: Security, Migration, and the Humanitarian Crisis as the Line with Central America*, Washington Office on Latin America (WOLA), June 2014, available at http://www.wola.org/news/new_wola_report_mexicos_other_border (hereinafter referred to as WOLA, *Mexico's Other Border Security*).

⁴⁷ Ibid.

⁴⁸ Human smuggling typically involves the provision of a service, generally procurement or transport, to people who knowingly consent to that service in order to gain illegal entry into a foreign country. For more information, see CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Alison Siskin and Liana Rosen.

⁴⁹ See Caitlin Dickson, "How Mexico's Cartels are Behind the Border Kid Crisis," *The Daily Beast*, June 23, 2014.

⁵⁰ White House, Office of the Vice President, "Remarks to the Press with Q&A by Vice President Joe Biden in Guatemala," press release, June 20, 2014.

⁵¹ Oscar Martinez, "How the Zetas Tamed Central America's 'Coyotes,'" *Insight Crime*, May 1, 2014.

⁵² WOLA, *Mexico's Other Border Security*.

migration offenses, making unauthorized migrants subject to fines and deportation, but no longer subject to imprisonment. In May 2011, it passed a broader reform of the GPA.⁵³

Contrary to some media reports, Mexico's 2011 law did not create a transit visa for migrants crossing through Mexico, as civil society groups had been advocating. As a result of the law, Mexico now requires visas for Central Americans entering its territory (aside from those on temporary work permits or those possessing a valid U.S. visa).

According to many migration experts, implementation of Mexico's 2011 migration law has been uneven. While some purges of corrupt staff within the National Migration Institute (INM) in the Interior Ministry have occurred in the past year, implementation of the migration law has been hindered by the government's failure to more fully overhaul INM.⁵⁴ Some experts maintain that Mexico lacks the funding and institutions to address traditional migration flows, much less the increasing numbers of U.S.-bound unaccompanied children that its agents are detaining. Mexico has only two shelters for migrant children and no foster care system in which to place those who might be granted asylum.

Despite provisions to improve migrants' rights included in the 2011 migration law, the Mexican government also continues to remove large numbers of Central American adult migrants, arrest smugglers of those migrants, and return unaccompanied child migrants to Central America.⁵⁵ According to INM, Mexico detained 86,929 foreigners in 2013, 80,079 of whom were removed (79,416 people were removed in 2012). Of those who were removed, some 97.4% originated in the northern triangle countries of Central America. In the first four months of 2014, Mexico removed some 24,000 people from the northern triangle countries, 9% more than during that period in 2013.⁵⁶ Child protection officers from INM accompanied 8,577 children to their countries of origin in 2013 and 6,330 from January through May 2014; 99% of those children originated in northern triangle countries.⁵⁷

With U.S. support, the Mexican government in 2013 started implementing a southern border security plan that has involved the establishment of 12 naval bases on the country's rivers and three security cordons that stretch more than 100 miles north of the Mexico-Guatemala and Mexico-Belize borders.⁵⁸

⁵³ Mexico's 2011 migration reform was aimed at (1) guaranteeing the rights and protection of all migrants in Mexico; (2) simplifying Mexican immigration law in order to facilitate legal immigration; (3) establishing the principles of family reunification and humanitarian protection as key elements of the country's immigration policy; and (4) concentrating immigration enforcement authority within the National Migration Institute (INM) in the Interior Ministry in order to improve migration management and reduce abuses of migrants by police and other officials. For a general description of the law in English, see Gobierno Federal de México, "Mexico's New Law on Migration," September 2011, available at <http://usmex.ucsd.edu/assets/028/12460.pdf>.

⁵⁴ Reforms that migration experts have recommended include raising hiring standards for immigration agents, regulating how migrants should be treated, and strengthening internal and external controls over migration agents. Sonja Wolf et. al., *Assessment of the National Migration Institute: Towards an Accountability System for Migrant Rights in Mexico*, INSYDE, 2014.

⁵⁵ From January through May 2014, the Mexican government arrested 431 people for breaking provisions in the migration law; most of those individuals were accused of smuggling-related crimes. Gobierno de Mexico, Sistema Institucional de Información Estadística (SIIE), "Incidencia Delictiva del Fuero Federal, 2014."

⁵⁶ Gobierno de Mexico, Secretaría de Gobernación, Instituto Nacional de Migración, *Boletín de Estadística Migratorias*, 2013. 2014 statistics are available at <http://www.politicamigratoria.gob.mx/>.

⁵⁷ Gobierno de Mexico, Secretaría de Gobernación, Instituto Nacional de Migración, "Reintegra INM a Más de 14 Mil Niños Migrantes con sus Familias," Boletín 31/14, June 11, 2014.

⁵⁸ The State Department has provided \$6.6 million of mobile Non-Intrusive Inspection Equipment (NIE) and approximately \$3.5 million in mobile kiosks, operated by Mexico's National Migration Institute, that capture the (continued...)

Factors in the United States Associated with Immigration of Unaccompanied Children

Forces that potentially attract unaccompanied children to the United States may be more subjective than forces that cause them to leave their home countries. Unlike the prevalence of actual violence or deprivation associated with daily economic hardship, for instance, the perception of economic opportunity or the chance to obtain legal authorization to live in the United States may often conflict with what is legally and actually possible. Several reports suggest that migrant smugglers prey on potential migrants' desperation by misleading them with false information about such possibilities.⁵⁹

Immigration observers have made numerous, sometimes conflicting assertions of the importance of one or another pull factor, relying on a range of empirical evidence. Despite considerable public attention, the precise combination of motives driving unaccompanied children to migrate to the United States remains unclear. The discussion below considers three widely cited motivations: economic and educational opportunity, family reunification, and recent U.S. immigration policies.

Economic and Educational Opportunity⁶⁰

Unaccompanied children regularly cite economic opportunity in the United States as a reason for their emigration north.⁶¹ Since almost all are school-aged children, it remains unclear how this stated aspiration should be interpreted. Given endemic poverty in northern triangle countries, slow economic growth, and the large and long-standing income disparity between the triangle countries and the United States, it remains unclear the extent to which fluctuations in economic conditions in the United States actually affect children's migration decisions.

In the United States, current employment levels for minority youth are low relative to all other labor market groups.⁶² In the immediate term, the potential for unaccompanied children to participate in the U.S. labor market is constrained in most cases by lack of English language skills, limited educational attainment, and, given their age, the extent to which U.S. laws permit their labor force participation.⁶³ Assuming they found employment, such constraints would likely relegate them to low-skilled, low-wage sectors of the U.S. economy.

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biometric and biographic data of individuals transiting southern Mexico. Total State Department support is likely to reach at least \$86.6 million. The U.S. Department of Defense (DOD) has also provided training to troops patrolling the border, communications equipment, and support for the development of Mexico's air mobility and surveillance capabilities. WOLA, op. cit. U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs, "INL Assistance for Mexico's Southern Border Strategy," fact sheet, June 2014. For background, see CRS Report R41349, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*, by Clare Ribando Seelke and Kristin Finklea.

⁵⁹ The White House, Office of the Vice President, "Readout of the Vice President's Meetings on Unaccompanied Minors and Immigration Reform," press release, June 26, 2014; and "Under-age and on the move: A wave of unaccompanied children swamps the debate over immigration," *The Economist*, June 28, 2014.

⁶⁰ Craig Elwell, Specialist in Macroeconomic Policy, Government and Finance Division, and Michael Garcia, Attorney in the American Law Division, both contributed to this section.

⁶¹ UNHCR, *Children on the Run*.

⁶² CRS Report R42519, *Youth and the Labor Force: Background and Trends*, by Adrienne L. Fernandes-Alcantara.

⁶³ The Fair Labor Standards Act (FLSA) sets 14 years of age as the minimum age for employment, and limits the (continued...)

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Apart from what unaccompanied children cite as pull factors, U.S. labor market conditions likely affect their parents and relatives residing in the United States, which in turn, may play a critical role in the recent surge. Improving employment prospects, for instance, could more readily provide parents with the means to afford the expense of their children's migration to this country and lead to greater desire for family reunification as discussed below.⁶⁴

At a national level, macroeconomic data on the U.S. economy indicate that despite overall improvement, considerable slack remains in labor markets, with labor force participation remaining weak and the unemployment rate and other measures of labor force utilization remaining well above most estimates of the long-run sustainable rate.⁶⁵

Labor market conditions for low-skilled workers are especially challenging. Bureau of Labor Statistics (BLS) employment data by educational attainment show that employment for workers with less than a high school diploma⁶⁶ fell by about 5 million jobs between 2007 and 2014.⁶⁷ Thus, despite some indications of economy-wide recovery and U.S. labor market improvement, the demand for low-skill workers has not recovered over the same period that has witnessed the surge of unaccompanied children.

Regarding unauthorized workers, while extensive academic scholarship has analyzed their role, impact, and prospects in the U.S. labor force, government reporting is hindered by data limitations. Government statistics, as a rule, do not capture legal status of the foreign-born workforce. Therefore, assessing how U.S. economic conditions serve as a magnet for typically low-skilled and often unauthorized workers cannot be measured directly and is usually estimated or inferred by assessing the employment outlook of industrial sectors most likely to employ low skilled and unauthorized workers.

Research from the Pew Hispanic Center, which produces authoritative statistics on the unauthorized population, suggests that unauthorized workers concentrate in four low-skilled industrial sectors: farming; building, grounds-keeping and maintenance; construction; and food preparation and serving.⁶⁸ With the exception of farming, the BLS projects that these occupations are expected to grow close to or above the average rate of all occupations in the coming decade.⁶⁹

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number of hours worked by minors under the age of 16. Unauthorized minors who file affirmatively for asylum may apply for work authorization after six months. For more information on asylum, see CRS Report RL32621, *U.S. Immigration Policy on Asylum Seekers*, by Ruth Ellen Wasem.

⁶⁴ Smuggling an unauthorized migrant from Central America can cost as much as \$10,000. See United Nations Office on Drugs and Crime, *Smuggling of migrants: the harsh search for a better life*, 2014, <http://www.unodc.org/toc/en/crimes/migrant-smuggling.html>, accessed by CRS on June 27, 2014; and Bryan Roberts, Gordon Hanson, and Derekh Cornwell, et al., *An Analysis of Migrant Smuggling Costs along the Southwest Border*, Department of Homeland Security, Office of Immigration Statistics, Working Paper, November 2010.

⁶⁵ CRS Report R43476, *Returning to Full Employment: What Do the Indicators Tell Us?*, by Marc Labonte.

⁶⁶ Half of all Central American foreign-born adults living in the United States lacked a high school diploma in 2010. See CRS Report R41592, *The U.S. Foreign-Born Population: Trends and Selected Characteristics*, by William A. Kandel, p. 18.

⁶⁷ U.S. Department of Labor, Bureau of Labor Statistics, *Current Population Survey*, Table A-4, available at <http://www.bls.gov/webapps/legacy/cpsatab4.htm>.

⁶⁸ These four sectors accounted for an estimated 73% of all unauthorized worker employment. Pew Hispanic Center, *A Portrait of Unauthorized Immigrants in the United States*, by Jeffrey S. Passel, and D'Vera Cohn, April 14, 2009.

⁶⁹ U.S. Department of Labor, Bureau of Labor Statistics, *Employment Projections: 2012-2022 Summary*, December 19, 2013, <http://www.bls.gov/news.release/ecopro.nr0.htm>, accessed June 27, 2014.

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Hence, the economic prospects for low-skilled, low-wage, and typically unauthorized workers appears mixed. While employment in low-skilled sectors of the economy has suffered more and recovered less than that of other sectors in the past seven years since the economic downturn, the employment prospects for the economic sectors most likely to employ such workers appears on par with or above the national average. Nonetheless, perceptions of opportunities may have greater impact than fluctuations in U.S. economic and labor market conditions.

Unaccompanied children also cite educational opportunity in the United States as a reason for their emigration north.⁷⁰ Unauthorized aliens in the United States are able to receive free public education through high school. In 1982, the Supreme Court's decision in *Plyler v. Doe* prohibited states from restricting access of children to public elementary and secondary education on the basis of immigration status.

The Court's ruling did not concern access to higher education, however, and both the federal government and some states have adopted measures that limit unlawfully present aliens' eligibility for admission to public institutions of higher education, in-state tuition, or financial aid.⁷¹

Family Reunification

Family reunification is often cited as a primary reason for the recent large-scale migration of unaccompanied children to the United States.⁷² Surveyed unaccompanied children cite family reunification as one of the main reasons for migrating to the United States.⁷³ The desire to reunite with family stems from family separation that occurs when one or both parents migrate to a destination country for more remunerative employment. Prior to the mid-1990s, migrants from Mexico and Central America who worked in the United States often returned regularly to be with their families in their origin countries.⁷⁴ Increased border enforcement in the mid-1990s gradually made unauthorized entry into the United States more difficult and expensive, which had the unintended consequence of creating a "caging effect" by encouraging unauthorized aliens to settle permanently in the United States rather than working temporarily and regularly returning home.⁷⁵

Demographic and survey data provide evidence of sizable linkages between the three countries dominating the recent spike in unaccompanied child apprehensions and their foreign-born

⁷⁰ UNHCR, *Children on the Run*.

⁷¹ For more information, see CRS Report RL33863, *Unauthorized Alien Students: Issues and "DREAM Act" Legislation*, by Andorra Bruno; and "Noncitizens and Eligibility for HEA Federal Student Aid Programs" in CRS Report R43302, *Postsecondary Education Issues in the 113th Congress*, coordinated by David P. Smole.

⁷² See for instance, Muzaffar Chishti and Faye Hipsman, "Dramatic Surge in the Arrival of Unaccompanied Children Has Deep Roots and No Simple Solutions," *Migration Information Source*, June 13, 2014; and "Under-age and on the move: A wave of unaccompanied children swamps the debate over immigration," *The Economist*, June 28, 2014.

⁷³ UNHCR, *Children on the Run*.

⁷⁴ Such migration patterns are fairly universal. See for example, "When Mothers and Fathers Migrate North: Caretakers, Children, and Child Rearing in Guatemala", by Michelle J. Moran-Taylor, in *Latin American Perspectives*, (Vol. 35, No. 4, July, 2008), pp. 79-95; for a broader treatment, see Douglas S. Massey, "World in Patterns and Processes of International Migration in the 21st Century," Paper prepared for Conference on African Migration in Comparative Perspective, Johannesburg, South Africa, June 4, 2003.

⁷⁵ CRS Report R42138, *Border Security: Immigration Enforcement Between Ports of Entry*, by Lisa Seghetti. For more on how U.S. immigration policy affected migration flows, see Wayne Cornelius, "Evaluating Recent US Immigration Control Policy: What Mexican Migrants Can Tell Us," in *Crossing and Controlling Borders: Immigration Policies and Their Impact on Migrants' Journeys*, ed. Mechthild Baumann, Astrid Lorenz, and Kerstin Rosenhow (Farmington, MI: Budrich Unipress Ltd, 2011); Douglas S. Massey, Jorge Durand, and Nolan J. Malone, *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration* (Russell Sage Foundation, 2002).

populations living in the United States. In 2012, the foreign-born populations from El Salvador (1,254,501), Guatemala (880,869), and Honduras (535,725) ranked as the 6th, 10th, and 16th largest groups, respectively, of all foreign born groups.⁷⁶ From the perspective of the source country, U.N. survey data indicate that sizable percentages of children residing in these three countries have at least one parent living in the United States.⁷⁷ Were data available on other relatives living in the United States, such as siblings or extended relatives, these percentages would be higher.

The desire for family reunification is also driven by the perception that children who are not immediately returned to their home countries can reside with their family members for periods extending several years, as discussed below under “**U.S. Immigration Policies.**” Upon apprehension, unaccompanied children are immediately given a *Notice to Appear* (NTA) before an immigration judge who will adjudicate their case to remain in the United States.⁷⁸ Receipt of an NTA indicates the start of immigration proceedings.

Yet, by law, persons apprehended by Customs and Border Patrol (CBP) and whom CBP determines to be unaccompanied children from countries other than Mexico and Canada, must be turned over to the care and custody of Health and Human Services (HHS), Office of Refugee Resettlement (ORR) while they await their removal hearing.⁷⁹ Unaccompanied children are moved from the custody of the law enforcement agency that apprehended them to a human services agency experienced with child welfare and family reunification. ORR is required to place these children in the least restrictive setting possible that accounts for the child’s best interests.⁸⁰ In an estimated 90% of these cases, children are placed with parents, siblings, and extended relatives who currently reside in the United States.⁸¹

The Immigration and Nationality Act (INA) contains provisions allowing foreign nationals to reside lawfully in the United States if they are sponsored by parents and siblings who are U.S. citizens or Lawful Permanent Residents.⁸² However, sizable proportions of these family members are estimated to be unauthorized aliens.⁸³ According to DHS, the estimated unauthorized

⁷⁶ Other Central American countries ranked considerably lower: Nicaraguans were 31st, Panamanians were 55th, Costa Rican were 67th, and Belizeans were 86th. Mexicans represent the largest foreign-born population residing in the United States. For El Salvador, the population residing in the United States is one fifth the size of population living in El Salvador (6.3 million). Source: 2012 American Community Survey (ACS) Public Use Micro Sample (PUMS).

⁷⁷ The figure is 49% in El Salvador, 27% in Guatemala and 47% in Honduras. By comparison, the figure for Mexico is 22%. Source: UNHCR, *Children on the Run*.

⁷⁸ For more information on the processing of unaccompanied alien children, see CRS Report R43599, *Unaccompanied Alien Children: An Overview*, by Lisa Seghetti, Alison Siskin, and Ruth Ellen Wasem.

⁷⁹ The Homeland Security Act of 2002 (HSA; P.L. 107-296) divided responsibilities for the processing and treatment of UAC between the newly created Department of Homeland Security (DHS) and the Department of Health and Human Services’ (HHS) Office of Refugee Resettlement (ORR). The Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110-457, Section 235) differentiated treatment according to whether or not unaccompanied children originated from the contiguous countries of Mexico and Canada. Unaccompanied alien children from Mexico and Canada may also be turned over to HHS-ORR if they are determined to be victims or potential victims of trafficking, if they claim asylum, or if they do not consent to return voluntarily.

⁸⁰ The TVPRA directed HHS to ensure that unaccompanied children “be promptly placed in the least restrictive setting that is in the best interest of the child.” §§235(a)-235(d) of TVPRA; 8 U.S.C. §1232(b)(2). See also “What is the “best interest of the child” standard, and how does it apply to immigration detention and removal decisions?” in CRS Report R43623, *Unaccompanied Alien Children—Legal Issues: Answers to Frequently Asked Questions*, by Kate M. Manuel and Michael John Garcia.

⁸¹ Administration for Children and Families, Office of Refugee Resettlement, *Unaccompanied Alien Children Program*, U.S. Department of Health and Human Services, Fact Sheet, May 2014.

⁸² See CRS Report R43145, *U.S. Family-Based Immigration Policy*, by William A. Kandel.

⁸³ As a policy, ORR does not inquire as to the legal status of the family member with whom the unaccompanied child is (continued...)

populations in 2012 of Salvadorans, Guatemalans, and Hondurans living in the United States was 690,000, 560,000, and 360,000, respectively, representing 55%, 64%, and 67% of all foreign-born residents from those three countries living in the United States.⁸⁴

The length of time unaccompanied children can expect to wait until their removal hearing may play a role for incentivizing their migration to the United States. As of March 2014, the average wait time nationwide for all immigration proceedings was 19 months.⁸⁵ However, the length of time until a final judgment occurs varies widely depending on appeals and individual circumstances.⁸⁶ Surges in caseloads, such as that caused by the current influx of unaccompanied children, can also tax the limited resources of the immigration court system, further extending wait times for removal hearings, and possibly fostering a perception among foreign nationals that a unique opportunity exists to exploit this administrative backlog. Rumors of these backlogs and the potential for being reunited with family—even if temporarily—reportedly have reached emigrant-sending communities in Central America.⁸⁷

U.S. Immigration Policies

The possible relationship between U.S. immigration policies (actual policies as well as perceptions of policies) and the surge in arrivals of unaccompanied children has been the subject of heated discussion among immigration observers and policy makers. It is not known if, and how, specific immigration policies may have influenced decisions to try to enter the United States unlawfully. News reports, however, suggest that perceptions of unspecified U.S. policies toward alien minors may have played a role. According to a June 2014 *New York Times* article:

[C]hildren, parents, immigration officials, lawyers and activists interviewed say that there has been a subtle shift in the way the United States treats minors.

That perception has inspired parents who have not seen their children for years to hire so-called coyotes, guides often associated with organized crime, to bring them north. It has prompted other parents to make the trip with toddlers in tow, something rarely seen before in the region.⁸⁸

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placed.

⁸⁴ Bryan Baker and Nancy Rytina, *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2012*, Department of Homeland Security, Office of Immigration Statistics, March 2013. For comparison, the unauthorized proportion of the total foreign-born population for Mexico is 58%. These figures do not account for considerable numbers of U.S.-born children whose parents were born in these countries. For more on the demographics of legal status among the foreign-born, see CRS Report R41592, *The U.S. Foreign-Born Population: Trends and Selected Characteristics*, by William A. Kandel.

⁸⁵ This figure is based upon an analysis by the Transactional Records Access Clearinghouse (TRAC) of data obtained from the U.S. Department of Justice's Executive Office for Immigration Review (EOIR) for all immigration cases, not just those involving unaccompanied children. See TRAC Immigration data, http://trac.syr.edu/phptools/immigration/court_backlog, accessed June 2014.

⁸⁶ The 19 month figure is an average for all immigration courts, and comprises a range of periods, some of which extend far beyond 19 months.

⁸⁷ Jennifer Scholtes, "CBP Chief: Policies may be Fueling Spike in Minors Crossing Border Illegally," *CQ Roll Call*, April 2, 2014; Julia Preston, "Hoping for Asylum, Migrants Strain U.S. Border," *New York Times*, April 10, 2014; David Nakamura, "Influx of Minors across Texas Border Driven by Belief They will be Allowed to Stay in U.S.," *Washington Post*, June 13, 2014.

⁸⁸ Frances Robles, "Wave of Minors on Their Own Rush to Cross Southwest Border," *New York Times*, June 4, 2014, (hereinafter cited as Robles, *New York Times*).

**PROPOSED REFUGEE ADMISSIONS
FOR
FISCAL YEAR 2018**

REPORT TO THE CONGRESS

SUBMITTED ON BEHALF OF
THE PRESIDENT OF THE UNITED STATES
TO THE
COMMITTEES ON THE JUDICIARY
UNITED STATES SENATE
AND
UNITED STATES HOUSE OF REPRESENTATIVES

IN FULFILLMENT OF THE REQUIREMENTS OF
SECTIONS 207(d)(1) and (e)
OF THE
IMMIGRATION AND NATIONALITY ACT

**UNITED STATES DEPARTMENT OF STATE
UNITED STATES DEPARTMENT OF HOMELAND SECURITY
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES**



TABLE X
UNHCR Resettlement Statistics by Resettlement Country CY 2016 ADMISSIONS

RESETTLEMENT COUNTRY	TOTAL	PERCENT OF TOTAL RESETTLED
United States	78,340	62.3%
Canada	21,838	17.4%
Australia	7,502	6.0%
United Kingdom	5,074	4.0%
Norway	3,149	2.5%
Sweden	1,864	1.5%
France	1,328	1.1%
Germany	1,229	1.0%
Finland	926	.01%
New Zealand	895	.01%
Netherlands	689	.01%
Switzerland	667	.01%
Italy	528	.01%
Belgium	456	.01%
Ireland	359	.01%
Denmark	315	.01%
Spain	288	.01%
Austria	81	.01%
Rep. of Korea	64	.01%
Iceland	56	.01%
Luxembourg	52	.01%
Brazil	31	.01%
Lithuania	25	.01%
Czech Rep.	22	.01%
Japan	18	.01%

Portugal	12	.01%
Estonia	11	.01%
Monaco	6	.01%
Latvia	6	.01%
Hungary	4	.01%
TOTAL	125,835	100.00%

Resettlement country figures (submissions and departures) may not match UNHCR reported figures as resettlement country figures may include submissions received outside of UNHCR auspices. UNHCR figures may also include cases in which UNHCR did not submit but assisted, i.e. obtaining exit permits for humanitarian admissions or family reunion.

The New York Times | <https://nyti.ms/2EmC9Td>

POLITICS

Trump v. California: The Biggest Legal Clashes

By ADAM LIPTAK APRIL 5, 2018

WASHINGTON — The Trump administration and California are fighting a furious multifront legal war, and every week seems to bring a new courtroom battle.

“It’s bloody combat,” Jessica Levinson, who teaches at Loyola Law School in Los Angeles, said on Tuesday. “This isn’t a cold war. It’s a scorching hot war. And that’s politically expedient for both sides.”

The state has filed 29 lawsuits against the federal government since President Trump took office, on issues including immigration, the environment and voting rights.

“Government by litigation isn’t what the American people voted for,” Attorney General Jeff Sessions said on Monday, “and attempting to thwart an administration’s elected agenda through endless, meritless lawsuits is a dangerous precedent.”

That same day, Mr. Sessions filed suit against the state, accusing it of interfering with the sale of federal lands. It followed a separate suit last month to block three state laws that sought to protect unauthorized immigrants.

Clashes between states and the federal government are nothing new, said Ilya Somin, a law professor at George Mason University.

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“This has happened throughout American history, but under the Obama and Trump administrations it has happened more often,” he said.

In the Obama years, red states tried to strike down the heart of the Affordable Care Act and succeeded in blocking a major immigration program. “Now we see the blue states battling Trump over sanctuary cities, the census and other issues,” Professor Somin said.

Greg Abbott, now the governor of Texas, used to say that his job description as the state’s attorney general was simple: “I go to the office in the morning, I sue Barack Obama, and then I go home.”

Xavier Becerra, California’s attorney general, has said that his attitude is slightly different. “We don’t wake up in the morning looking to pick a fight with the Trump administration,” he said. “But we will do what is necessary to defend our values.”

Texas sued the Obama administration at least 48 times, according to a survey conducted by The Texas Tribune. The Trump administration is a little more than a year old, and California is already within striking distance of those numbers.

California has been doing well in court, winning more than a dozen rulings against the administration. Many of those victories came from federal judges in the state, and Mr. Sessions may have been referring to them when he complained about “ideological judging.”

The state is also likely to receive receptive hearings when its cases reach the United States Court of Appeals for the Ninth Circuit, in San Francisco, which has been a frequent target of Mr. Trump’s criticism. The Supreme Court is a more attractive forum from the administration’s perspective, but the justices agree to hear very few cases.

The lawsuits all have distinct features, but collectively they pose fascinating questions about the Constitution’s allocation of power between the federal government and the states. They also give rise to a teachable moment in legal opportunism.

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“Blue states and blue cities are making arguments about limited federal power that are traditionally associated with the political right,” Professor Somin said. “On the other hand, the Trump administration is staking out a very broad position on federal power.”

Land Use

On Monday, the Trump administration sued to strike down a state law that made it harder for the federal government to sell or transfer federal lands by giving a state commission the right of first refusal.

The law was meant to protect the state’s natural resources, Mr. Becerra said. “Our public lands should not be on the auction block to the highest bidder,” he said in a statement.

The administration’s legal arguments are substantial, drawing on the Constitution and the law under which California was admitted to the Union.

Article IV of the Constitution, which is concerned with the relationship between the federal government and the states, includes the Property Clause: “The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.”

And the 1850 law admitting California to the Union, making it the 31st state, was explicit: “California is admitted into the Union upon the express condition that the people of said State, through their legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned.”

Professor Levinson said her preliminary assessment of the suit was that “it looks like the federal government has quite a strong argument.”

But Prof. Michael Blumm, who teaches at Lewis and Clark Law School in Portland, Ore., said “it isn’t clear why the federal government claims it’s not possible to recognize a right of first refusal and carry out its other obligations.”

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He added, “Isn’t there some irony in a D.O.J. headed by an ardent states-rightser, Jeff Sessions, arguing for federal pre-emption of state authority under the Property Clause?”

California has not yet filed its response to the suit. Based on the Trump administration’s complaint, though, the state law appears to be in trouble.

Sanctuary Laws

Last month, the Trump administration sued California over parts of three so-called sanctuary laws protecting unauthorized immigrants. “Immigration law is the province of the federal government,” Mr. Sessions said in announcing the suit. But, he added, “California has enacted a number of laws designed to intentionally obstruct the work of our sworn immigration enforcement officers — to intentionally use every power it has to undermine duly-established immigration law in America.”

One of the challenged laws, for instance, prohibits state officials from telling federal ones when undocumented immigrants are to be released from state custody.

“The executive branch should be able to remove criminal aliens from a jail instead of your neighborhood,” Mr. Sessions said in a statement on Monday.

Mr. Becerra responded: “We’re not going to let the Trump administration coerce us into doing the federal government’s job of enforcing federal immigration law. We’re in the business of public safety, not deportation.”

A second challenged law requires state officials to inspect some facilities that house people detained on behalf of the federal government. A third restricts employers from cooperating with immigration officials.

Legal experts differed about the strength of the administration’s suit. Professor Somin wrote that the legal questions were difficult but that “California ought to prevail on all three issues.”

Writing in *The Wall Street Journal*, Prof. Josh Blackman, who teaches at South Texas College of Law, and Ilya Shapiro, a lawyer with the Cato Institute, a libertarian

group, said the federal government seemed to have the better of the legal argument as to two of the three state laws.

“Resistance to unpopular federal laws — whether over tariffs or immigration, or marijuana, gambling, guns or a host of other areas of possible conflict — is permissible,” they wrote, “only within the bounds of federalism.”

The administration’s lawsuit seems likely to give rise to a split decision, with courts upholding some but not all of the state’s laws.

The Census

Last month, California sued the Trump administration over its decision to add a question about citizenship to the forms to be used in the 2020 census. Several other states have filed a separate suit.

The Constitution requires an “actual enumeration” of the nation’s residents every 10 years. The information gathered is used to allocate congressional seats and to disburse federal money.

“The federal government should have an accurate count of who can legally vote in our federal elections,” Mr. Sessions said on Monday.

California’s lawsuit said that adding a question on citizenship would depress participation and hurt communities with a high proportion of unauthorized immigrants. It said it has more to lose than any other state, as it has more foreign-born residents and noncitizens than any other.

The administration said the citizenship information was needed to enforce the Voting Rights Act of 1965, but critics said that has not otherwise been a priority.

In 2016, the Supreme Court ruled that states may count all residents, whether or not they are eligible to vote, in drawing election districts. That is the method currently used by every state. Some conservative groups say only eligible voters should be considered in drawing districts.

Counting all people amplifies the voting power of places that have large numbers of residents who cannot vote legally — including immigrants who are here legally but are not citizens, unauthorized immigrants and children. Those places tend to be urban and to vote Democratic.

The Supreme Court did not decide whether other methods of counting were permissible. Many political scientists say that the available information is not sufficient to count only eligible voters, and the new census question may have been added in part to gather such information.

The state's lawsuit has a decent chance of success. The decision to alter the census form was sudden and consequential, and courts may be reluctant to allow such a drastic change.

Sanctuary Cities

Last year, California sued the administration over its plans to deny federal funding to so-called sanctuary cities unless they begin cooperating with federal immigration agents.

"The Trump administration cannot manipulate federal grant fund requirements to pressure states, counties or municipalities to enforce federal immigration laws," Mr. Becerra said at the time.

A Justice Department spokesman responded that the state was putting the welfare of unauthorized immigrants ahead of public safety.

The state lost a round in the case in March, when Judge William H. Orrick of the Federal District Court in San Francisco declined to issue a preliminary injunction. Judge Orrick, noting that courts around the nation had come to varying conclusions in similar suits, said "the issues in this case will benefit from further development."

Professor Somin has written that attaching conditions to federal grants can be at odds with federalism.

"Some conservatives may cheer when the current administration uses this tool against sanctuary cities," he wrote. "But they are likely to regret their enthusiasm if a

liberal Democratic president uses the same tactic to force states to increase gun control, adopt a 'common core' curriculum or pursue liberal policies on transgender bathroom accommodations."

It is hard to say whether the state will prevail in its suit, as much depends on how, when and why the federal government denies funding. But there is little question that some denials can give rise to constitutional problems.

DACA

In January, California won a major victory, persuading a judge to block the Trump administration's efforts to shut down a program that shields some 700,000 young undocumented immigrants from deportation. The Supreme Court turned down a hail-Mary appeal from the administration in February, and the case will now make its way up the court system in the usual way.

Mr. Trump ended the program, Deferred Action for Childhood Arrivals, or DACA, last September, calling it an unconstitutional use of executive power by his predecessor and reviving the threat of deportation for immigrants who had been brought to the United States illegally as young children.

But Judge William H. Alsup ordered the administration to maintain major pieces of the program while legal challenges move forward, notably by requiring the administration to allow people enrolled in it to renew their protected status. The administration has not sought a stay of that injunction.

Judge Alsup ruled that the administration had abused its discretion and had acted arbitrarily and capriciously in rescinding the program. He acknowledged that presidents have broad powers to alter the policies of earlier administrations, but said the Trump administration's justifications for rescinding the program did not withstand scrutiny.

In a statement on Monday, Mr. Sessions expressed incredulity that the administration should not be able to rescind what he called "an unlawful policy intended to usurp Congress's role in passing immigration laws."

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The Ninth Circuit is set to hear arguments in the case in May, and the state's chances of winning in that court are good. But the Supreme Court may well hear an appeal, and there the state could face headwinds.

Emissions

The next major court fight between California and the Trump administration may involve greenhouse gas emissions.

The state has a waiver under the Clean Air Act that allows it to enforce stronger air pollution standards than those set by the federal government.

Scott Pruitt, the administrator of the Environmental Protection Agency, has said he is dissatisfied with that state of affairs.

"California is not the arbiter of these issues," he said in an interview with Bloomberg TV last month.

On Monday, the agency took steps to challenge California's waiver. Though the process may take some time, it is likely to produce another clash between the Trump administration and the state that has emerged as its most determined foe.

California, Mr. Becerra said, is "ready to file suit."

Follow Adam Liptak on Twitter at @adamliptak

A version of this article appears in print on April 6, 2018, on Page A18 of the New York edition with the headline: In One Battle After Another, It's Trump v. California.

California Law and Immigration

Taking matters into our own hands – one bill at a time!

Great language in California Values Act

- Relationship of trust between CA's immigrant community and state & local agencies is central to the public safety of the people of CA.
- This trust is threatened when state & local agencies are entangled with federal imm enforcement.

California and immigrants

- More than 10 million immigrants
- About one in four of the nation's foreign-born population live in California.
- Nearly 1/3 of California's residents are foreign-born.
- Half of California's children have at least one immigrant parent.
- Over 220,000 DACA recipients live in California.

Areas of recent California pro-immigrant legislation and policy

- Criminal law
- Immigration detention
- Removal defense
- Vulnerable populations
- Worker's rights
- Education
- Public benefits

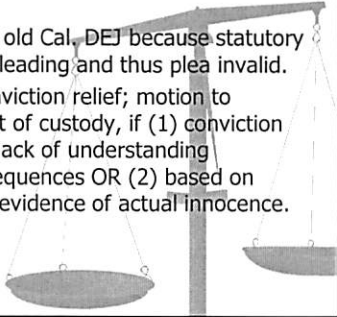
CHANGES TO CALIFORNIA CRIMINAL LAW & PROCEDURE

Problem: removal based on one year sentences

- Response:
- Reduce 6 low-level felonies to misdemeanors (simple drug possession & 5 theft offenses < \$950)
- Reduce max sentence of misdemeanors to 364 days. Retroactive.

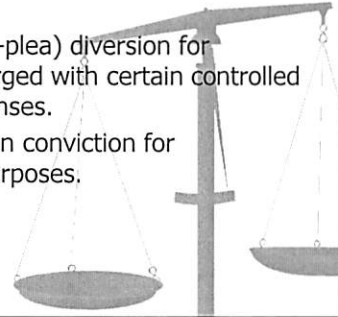
Problem: removal resulting from unknowing pleas

- Responses:
- Motions to vacate old Cal. DEJ because statutory language was misleading and thus plea invalid.
- New Cal. post-conviction relief; motion to vacate, even if out of custody, if (1) conviction legally invalid for lack of understanding immigration consequences OR (2) based on newly discovered evidence of actual innocence.

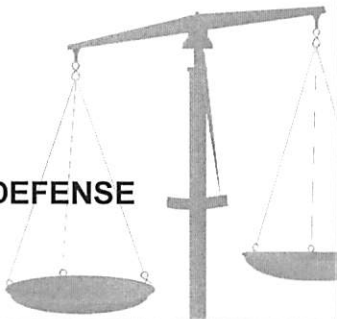


Problem: controlled substance convictions lead to removal

- Response:
- Pretrial (or pre-plea) diversion for defendant charged with certain controlled substance offenses.
- Will not result in conviction for immigration purposes.

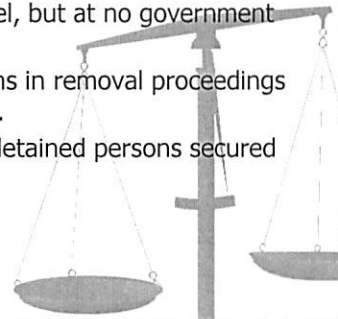


REMOVAL DEFENSE



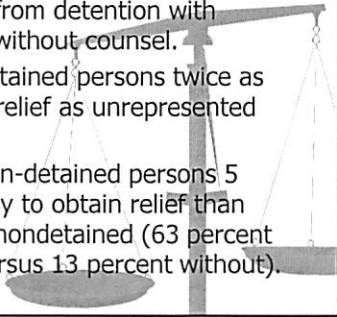
Removal and representation

- Right to counsel, but at no government expense.
- 37 % of persons in removal proceedings secure counsel.
- Only 14 % of detained persons secured counsel.



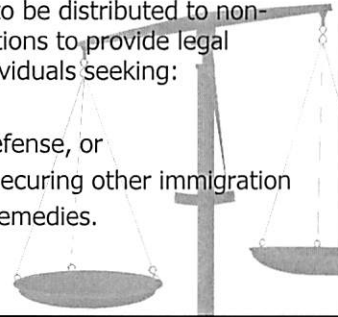
The difference a lawyer can make

- 44 % released from detention with counsel; 11 % without counsel.
- Represented detained persons twice as likely to obtain relief as unrepresented (49% v. 23 %).
- Represented non-detained persons 5 times more likely to obtain relief than unrepresented nondetained (63 percent with counsel versus 13 percent without).



Response: \$45 million 2017-2018

- Distributed or to be distributed to non-profit organizations to provide legal services to individuals seeking:
- naturalization,
- deportation defense, or
- assistance in securing other immigration services and remedies.

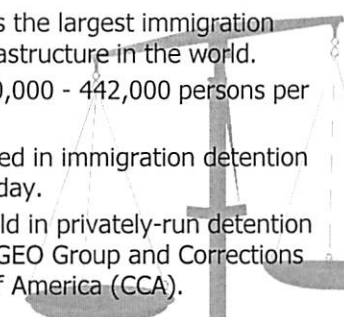


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IMMIGRATION DETENTION



Some background



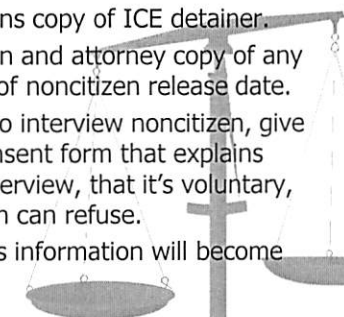
- U.S. maintains the largest immigration detention infrastructure in the world.
- Detains c. 380,000 - 442,000 persons per year.
- 30,000 detained in immigration detention on any given day.
- Over 60 % held in privately-run detention facilities, like GEO Group and Corrections Corporation of America (CCA).

Reducing immigration detention – A.B. 103 & S.B. 29



- No new Cal. municipality contracts to detain noncitizens in city or county jails.
- Existing contracts can continue, but cannot modify to increase detention beds.
- No state conveying of land or issuing building permits for detention of noncitizens.
- State-funding for AG oversight of immigration detention facilities.

TRUTH Act notice provisions – jailor must:



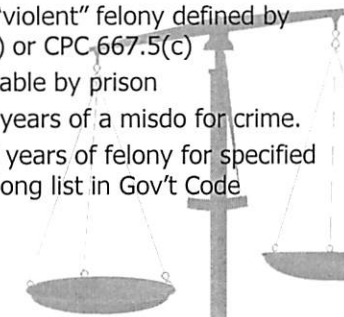
- Give noncitizens copy of ICE detainer.
- Give noncitizen and attorney copy of any notice to ICE of noncitizen release date.
- If ICE wants to interview noncitizen, give noncitizen consent form that explains purpose of interview, that it's voluntary, that noncitizen can refuse.
- ICE Jail access information will become public record.

SB 54 – California Values Act



- Popularly referred to as the State Sanctuary Bill.
- Limits discretionary cooperation between law enforcement and ICE notification requests, hold requests, transfer requests, and other, to certain circumstances.
- Exceptions here judicial warrant or under qualifying conditions.

Cooperation permitted if convicted of certain offenses



- "Serious" or "violent" felony defined by CPC 1192.7(c) or CPC 667.5(c)
- Felony punishable by prison
- Within past 5 years of a misdemeanor for crime.
- Within last 15 years of felony for specified offenses in a long list in Gov't Code 7282.5(a)(3).

Cooperation also permitted it:

- Person is a current registrant on the California Sex and Arson Registry
- Person convicted of a federal crime that meets the definition of an aggravated felony as set forth in INA 101(a)(43)(A)-(P).
- DHS identifies person as subject of outstanding federal felony arrest warrant

Law enforcement agencies cannot:

- Use public money to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including:
- Inquire into an individual's immigration status.
- Detain an individual on basis of a hold request
- Respond to notification requests unless that information is available to the public or in the list of excepted offenses.
- Make imm arrest or performing functions under INA 287(g).

Cal. LEAs also cannot:

- Use immigration authorities as interpreters for law enforcement matters
- Provide office space exclusively dedicated for immigration authorities for use within a city or county law enforcement facility
- Contract with federal government for use of LEA facilities to house individuals as federal detainees.

But LEAs can:

- Investigate, detain, and arrest for a violation of 8 USC 1326 (reentry of removed aliens) under certain circumstances.
- Respond to ICE requests for information about a specific person's criminal history, accessed through CLETS (California Law Enforcement Telecommunications System).
- Conduct enforcement or investigation for joint law enforcement task force, as long as the primary purpose of is not immigration enforcement.

California

Protecting its noncitizen people
one bill at a time!