

July 8, 2015

United States Senate  
Committee on Appropriations  
The Capitol, Room S128  
Washington, D.C. 20510

Dear Senators,

We, the undersigned human rights, religious, labor, immigrant rights, solidarity, and community organizations, wish to express our serious concerns about language in the House of Representative's State and Foreign Operations Appropriations bill for FY16 that would further endanger Central American refugees and risks violation of international law and standards. As the Senate moves towards approving its FY16 Appropriations bill for State and Foreign Operations, we call on our elected officials to ensure that the bill respects and promotes the rights of people, including vulnerable children and families, fleeing serious harm to seek international protection abroad.

The House of Representative's State and Foreign Operations Appropriations bill for FY16 contains language that conditions United States assistance to Central American governments on steps taken to "improve border security" and reduce migration of their citizens to the U.S. (see "SUSPENSION OF AID" Sec. 7045, page 172). These conditions would encourage the implementation of policies that violate the right of people to emigrate, a right enjoyed by all people, and would dangerously undermine the right of persecuted people to seek territorial access to a country of asylum.

Among the most basic tenets of international human rights is the right to leave one's country of origin: The Universal Declaration of Human Rights delineates in Article 13, "Everyone has the right to leave any country, including his own." Article 12 of the International Covenant on Civil and Political Rights, to which the U.S. is party, incorporates this right into treaty law, reiterating that "Everyone shall be free to leave any country, including his own." Of particular importance is the right of people facing persecution, torture and other cruel, inhumane and degrading treatment to "seek and enjoy" asylum as defined in Article 14 of the Universal Declaration of Human Rights.<sup>1</sup>

Many of the Central Americans who are arriving in the U.S. have legitimate claims for international protection, given the grave security situation that currently exists in their home countries. In analyzing interviews they performed with unaccompanied minors that had arrived at the United States' southwest border from Mexico, Guatemala, Honduras, and El Salvador, the United Nations High Commissioner for Refugees found that "no less than 58%...were forcibly displaced because they suffered or faced harms that indicated a potential or actual need for international protection."<sup>2</sup> The impact of violence committed by criminal organizations and, in some cases, State actors in Mexico and Central America is not limited to children; therefore, it is crucial to ensure that due process of law is upheld in a fashion that guarantees international protection for asylum seekers of any age.

Furthermore, the House's proposed conditions on United States aid would create even more perilous conditions for those fleeing violence and lack of opportunity in their home countries. Experts have demonstrated that border militarization *in and of itself* contributes to rising human rights abuses, not to mention an increased risk of death for migrants.<sup>3</sup>

The "SUSPENSION OF AID" clause in the House bill would also require Central American governments to "cooperate with United States Federal agencies to facilitate and expedite the return, repatriation, and reintegration of illegal migrants arriving at the southwest border of the United States." Seeking asylum is not an illegal act under United States law or our international convention obligations. This language not only undermines United States commitment to protection at our own borders, but also seeks to leverage United States assistance to impel the cooperation of Guatemala, Honduras and El Salvador in potential *refoulement* of refugees. In 2005, the United States Commission on International Religious Freedom

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<sup>1</sup> UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <http://www.un.org/en/documents/udhr/>

<sup>2</sup> UN High Commissioner on Refugees, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection*, 12 March 2014, available at: [http://www.unhcrwashington.org/sites/default/files/1\\_UAC\\_Children%20on%20the%20Run\\_Full%20Report.pdf](http://www.unhcrwashington.org/sites/default/files/1_UAC_Children%20on%20the%20Run_Full%20Report.pdf)

<sup>3</sup> In his book *Blockading the Border and Human Rights: The El Paso Operation that Remade Immigration Enforcement*, Timothy J. Dunn shows how the implementation of Operation Blockade led to a sharp rise in the number of deaths of unauthorized border crossers from Mexico.

(USCIRF) found that the expedited removal process places asylum seekers at risk of being returned to countries where they may face persecution.<sup>4</sup> Expedited deportations of Central Americans detained in the U.S. could violate the right of asylum seekers to have an opportunity to present petitions for legal protection in immigration courts and risk returning refugees to the arms of their persecutors.

We call on the members of the Senate Appropriations Committee to ensure that their State and Foreign Operations Appropriations bill for FY16 does not contain the dangerous “SUSPENSION OF AID” clause that was included in the House version or any similar conditions.

Ultimately, we are deeply troubled by the strategy of militarizing regional borders and criminalizing migrants and refugees reflected in the Administration’s current engagement in Central America and Mexico, the President’s FY16 budget request and the appropriations process thus far. Rather than incentivizing governments to construct barriers to international protection, undermining the rule of law and forcing people back into peril, legislative efforts would be better focused on changing United States policies that contribute to lack of decent work, violations of the fundamental rights of workers, families and communities, and continued impunity in Central America.

We call on our elected officials to recognize the humanitarian crisis in the Northern Triangle at the heart of the high rates of migration from Central America and take all necessary actions to guarantee access to international protection.

Signed,

AFL-CIO

Alliance for Global Justice

American Friends Service Committee

Amnesty International USA

Arlington - Teosinte Sister City Project

Central American Resource Center (CARECEN) – Los Angeles

Central American Resource Center (CARECEN) – San Francisco

Casa Baltimore/Limay

Center for Exchange and Solidarity (CIS), El Salvador

Chelsea Collaborative

Christian Church (Disciples of Christ), Refugee and Immigration Ministries

Church of the Epiphany, Episcopal Los Angeles Diocese

Church World Service

CIP-Americas Program

Committee in Solidarity with the People of El Salvador (CISPES)

Clínica Martín-Baró

Columban Center for Advocacy and Outreach

Committee for General Amnesty and Social Justice

Community Alliance for Global Justice

Community Organization of Refugees from El Salvador (CORES, Inc.)

Cristosal Foundation

Evangelical Lutheran Church of America

Florida Coastal Immigrant and Human Rights Clinic

FOCUS Central America

Franciscan Action Network

Friends of Broward Detainees

Guatemala Human Rights Commission

Human Rights Alliance for Child Refugees and Families

Ignatian Solidarity Network

Jesuit Conference, National Advocacy Office

Jesuit Social Research Institute, Loyola University New Orleans

Jovenes Inc, Los Angeles

Kids in Need of Defense (KIND)

Latin America Working Group (LAWG)

Leadership Conference of Women Religious

Legacy of Leadership, Equality and Organizing (LELO)

Missionary Servants of the Most Holy Trinity

National Alliance of Latino and Caribbean Communities (NALACC)

National Day Laborer Organizing Network (NDLON)

National Lawyers Guild

NETWORK

Network in Solidarity with the People of Guatemala

(NISGUA)

Nicaragua Center for Community Action

Nicaragua Network

Nicaraguan Cultural Alliance

Northwest Detention Center Resistance

Office of the Americas

OneAmerica

Pax Christi Florida

Queer Detainee Empowerment Project

Red Mexicana de Lideres Organizaciones Migrantes

San Francisco Living Wage Coalition

School of the Americas Watch

SHARE Foundation

Sisters of Mercy of the Americas

South Bay Sanctuary Covenant

Task Force on the Americas

The Presbyterian Church

Unitarian Universalist College of Social Justice

United Methodist Church, General Board of Church and Society

U.S.-El Salvador Sister Cities

Voices on the Border

Witness for Peace

Washington Office on Latin America (WOLA)

Women's Refugee Commission

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<sup>4</sup> USCIRF Report on Asylum Seekers in Expedited Removal <http://www.uscirf.gov/reports-briefs/special-reports/report-asylum-seekers-in-expedited-removal>, 2005.