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.¹

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.”² 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.³

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

³ 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. 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 Líderes 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