

# Unaccompanied Children on the Move: From Central America to the US via Mexico

Written by Monica Trigos Padilla

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In the 2014 fiscal year, United States immigration authorities at the US-Mexico border apprehended 68,541 unaccompanied minors (Lind 2014). This garnered the attention of different stakeholders at regional and international levels. Following policy amendments, the number of unaccompanied minors decreased for a short period. However, in the 2019 fiscal year, the number reached its highest peak, increasing to 76,873 and representing a 58percent increase from 2018 (CRS 2019). According to the US government, 'an unaccompanied minor is an immigrant who is under the age of 18 and not in the care of a parent or legal guardian at the time of entry, who is left unaccompanied after entry, and who does not have a family member or legal guardian willing or able to care for them in the arrival country' (CRS 2019). It is important to mention that, while some travel completely alone, others may cross with their families and then become separated from them or may be left behind by smugglers or other people on the move.

In 2019, around 85 percent of apprehended unaccompanied minors traveled to the US from Honduras, El Salvador and Guatemala (CRS 2019). Many of them fled domestic abuse and gang violence. Others attempted to cross the border to escape poverty, while others to reunite with their families. The journey to remain in the US gets harder as immigration policies get more rigid over time. This chapter will explore, through a storytelling and facts-based approach, the lives of the unaccompanied minors on the move. From their experiences in their countries of origin to what drives them to leave to the challenges they face throughout their travels and the unexpected hurdles along the way. Additionally, it will cover the current change in policies that concern them in Mexico and the US. Finally, it will conclude with recommendations amid the ongoing COVID-19 pandemic and its effects on their livelihoods.

### 'The Black Hole'

F is from Honduras; he is 14 years old. F knew his dad was being extorted by MS-13 for a long time. During an economic crisis, his dad lost his job, so he was not able to pay the extortion rate. One day, F was coming from the supermarket with his dad and witnessed his dad shot to death by two gang members. F was 10 when this happened. After this, he was continuously persecuted by gang members on his way to school every day. He left school. They waited for him outside his house. The options MS-13 gave him were to become part of the gang or die. It was the year 2014 and he decided to leave (live). He had an uncle that had already escaped up north in the United States. He joined a group of people that were leaving and also fleeing from violence and lack of opportunities. He didn't tell his mother he was leaving; he couldn't say goodbye. One day, very early, he left and started his journey.

S is from El Salvador; she is 16 years old. S lives with her mother and her mother's boyfriend. Her mother's boyfriend sexually assaults her. He is very violent with her and her mother. She is not safe at home, but neither is she safe on the streets. Gang members also sexually harass her in the streets, and every day is worse than the one before. She couldn't leave her house, but she couldn't live in her house either. After one night, while her mother was asleep, her boyfriend's mother tried to rape S. She fought back and was able to escape, but she knew she couldn't go back, so she went to her cousin's even though she knew she wouldn't be able to stay there for long. Her sister lived in the US.

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They had been planning S's trip for a long time; they had some money. S didn't have anywhere else to go. She had a few contacts and some money, so she was able to pay a smuggler. She had been advised that the journey to the US was going to be harder than life. She believed she couldn't go through something harder than what she was already experiencing. She took a contraceptive injection that protected her for three months. It was the late summer of 2019.

Although treated as such, the countries from the Northern Triangle – Guatemala, Honduras and El Salvador – are not the same. Each of them has its characteristics and particularities. In structural factors for migration, however, they do share some similarities in push factors and all have communities that have networks of people already living in the US (Mexa Institute 2019, 2).

Guatemala faces high levels of poverty and inequality (World Bank 2020). It has a population of 17.1 million, of which 53 percent is less than 24 years old. Guatemala has one of the highest teenage pregnancy rates in Latin America (Wilson, 2019). In 2018, Guatemala had a homicide rate of 39.9 homicides per 100,000 residents (UNODC 2018), though Guatemala's City homicide rate was 42.5 homicides per 100,000 residents, above the national average (Asmann and O'Reilly 2020).

Honduras is a low-income country, with high poverty and inequality levels (World Bank 2020). It has a population of 9.2 million, of which 51 percent is less than 24 years old (CIA 2020). One in four teenagers has become mothers at least once (Tejeda 2019). In 2018, Honduras had a homicide rate of 39.9 homicides per 100,000 residents, the third highest in Latin America (UNODC 2018).

El Salvador has low levels of growth and poverty reduction is moderate (World Bank 2020). It has a population of 6.4 million, of which around 45 percent is less than 24 years old (CIA 2020). One-fourth of teenagers have become pregnant (O'toole 2018). In 2018, Honduras had a homicide rate of 52 homicides per 100,000 residents, the highest in Latin America (UNODC 2018).

## *Gang violence, criminal organizations, and human trafficking*

The Northern Triangle is one of the most violent regions of the world. Violence is not something recent, and has become more targeted towards children and youth in recent years. They have to decide between joining the gangs or criminal organizations and leaving. Hence, it becomes one of the main reasons of why they decide to flee with their families or as unaccompanied migrants (Acuna 2018).

Guatemala went through a civil war from 1954 to 1996, which caused a lot of structural, organized and political violence that continues in the democratic and post-conflict periods. Additionally, gangs, such as MS-13 and Barrio 18, have wide control in Guatemala City. Extortion is one of the ways they exert this control (Asmann and O'Reilly 2020). Drug trafficking from organized crime has become very powerful in the country. This has repercussions not only on criminal activities, but also fluctuations in politics, security and the economy. Additionally, human trafficking networks have gained power and increased their presence and connections globally (Gutiérrez 2018, 13).

Between the 1970s and 1990s, while Guatemala, El Salvador and Nicaragua were facing civil wars, Honduras was relatively stable. However, its poverty levels and surroundings made it vulnerable to corruption and crime. Since the 1980s, it has been used as a trafficking route of drugs and weapons, becoming a strategic point for drug trafficking through to the US. Also, it was used by the US as an anti-communist 'hub' and became severely militarized (Insight Crime 2018). Additionally, there has been political turmoil and protests against the government, which have been repressed by security forces (Amnesty International 2018, 2). Poverty and the lack of solid institutions and social services provide perfect opportunities for gangs and criminal organizations to operate. It is estimated that there are between 12,000 and 40,000 active gang members throughout Honduras, especially in urban areas (as in Guatemala, MS-13 and Barrio 18 have a presence). Eighty percent of homicide cases are not investigated and 96 percent are never resolved (Davis, Jensen and Kitchens 2012). Additionally, institutions tend to collaborate with gangs and criminal organizations, and this well-known corruption and impunity decreases the trust, reliability and protection of the population (AJS 2018).

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During El Salvador's civil war, many had to seek refuge in the US. Hence, some of these gangs initially formed in the 1980s in Los Angeles. Later, many of them were deported to El Salvador, 'exporting the violence' (O'toole 2018). MS-13 and Barrio 18 are two of the most important gangs that, over time, started controlling the country and gaining power due to the poverty and unequal conditions in El Salvador. Additionally, it is a country that has been regularly used as a route for drug trafficking (Clavel 2017, 1-2). It is believed that, currently, around 60,000 gang members are present in at least 247 of the 262 municipalities, controlling the streets and public spaces. Gangs use violence and extortion in public places and, with this, have increased their territorial control, which has expanded from urban to rural areas. The police and government security institutions have not been able to protect the population and there have been allegations of collaboration between them and the gangs (HRW 2020).

These particular conditions in these three countries push children and youth to look for sources of income and protection and to search for their identities in the only alternatives they are given: to become part of a gang or flee for survival. Gangs and criminal organizations use violence, extortion, threats, drug trafficking, sexual and gender-based violence, disappearances, child recruitment (supposedly as young as 10 years old, though there is documentation of children between five to seven years old) and murder with impunity (AJS 2018). The main homicide victims from these gangs are young men from low-income areas. Additionally, children and youth are harassed on their way to schools, which leads them to drop out of school and end up with no access to education. Finally, those who decide to leave the gangs are potential victims of persecution (IRB 2018). Gangs have big networks not only inside each country, but also in the region, including in Mexico.

## *Sexual and gender-based violence*

These three countries are extremely unsafe for women. In Guatemala, the homicide rate for women is more than three times higher than the global average. Honduras is almost 12 times more than the global average. Finally, in El Salvador, it is around six times higher than the global average (Ahmed 2019).

Sexual and gender-based violence has a great impact on the lives of many women, girls and lesbian, gay, bisexual and trans (LGBT) persons in these three countries. 'Gender based violence can take many forms including rape, slavery, forced impregnation/miscarriages, kidnapping/trafficking, forced nudity, and disease transmission, with rape and sexual abuse being among the most common' (Manjoo and McRaith, 2011). It becomes one of the reasons that force individuals to flee. As mentioned before, this type of violence is perpetrated by gangs and criminal organizations, but also by family members, the police and other authorities. As with other crimes, these also face high levels of impunity, and a very low percentage of crimes end in convictions. The ones that do are not prosecuted forcefully. So, they are not given an alternative between being victims of this violence and leaving (living).

Guatemala ranks among the countries with the highest rate of violent deaths among women (9.7 in 100,000) (OCDE 2019). Eighty-eight percent of cases reported by women go unpunished. A total of 89 extortion-related homicides were reported in the second half of 2020 (OSAC 2020, 2). In Guatemala, three in every ten women who are murdered had reported being victims of violence or had restraining orders issued for their protection (Dotson 2018).

In Honduras, young teenagers and girls are victims of gangs and criminal organizations. Women's homicide rate is 10.9 out of 100,000, of which 96 percent remain unpunished. On the other hand, 60 percent of cases of violence against women are committed by a close family member (IMUMI 2020, 32-34). Girls not only suffer domestic physical violence, but also an unequal distribution of food, education and household workload. Also, the access that they have to sexual and reproductive health information and services is restricted. More than one-third of teenagers marry or get together (IMUMI 2020, 23-31). Women have no incentives to file a complaint, since they know that they will not receive protection and, additionally, are discouraged from filing complaints by the police.

Women in El Salvador go through similar circumstances, as violence targeting girls and teenagers is found in the houses and on the streets. In 2017, 67 in 100 women have experienced a certain type of domestic violence. Of those, 34 have gone to the police to report it. In 2018, El Salvador was rated as the 'most femicidal country in Latin America' by the Economic Commission for Latin America and the Caribbean (CEPAL 2018). 'More than 60% of the 4,304 cases of sexual violence recorded in 2018 involved 12- to 17-year-olds, according to a report published the

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Organization of Salvadoran Women for Peace' (Nóchez and Guzmán 2020).

## 'The Death Corridor'

F walked, took rides and slept on the streets from Honduras to Guatemala, all his way to Mexico. He spoke with others, got informed about places, routes, food sources, dangers and safe places. Upon his arrival in Mexico, he crossed the Suchiate River in a raft, meeting other kids and adults that were doing the same. He wanted to be invisible because he knew he shouldn't be seen. He knew that he could be persecuted, that he could be abducted or assaulted by criminal organizations or even the police. He didn't want to be seen or heard. He followed the others, all of them mentioned that they had to find the beast (the train) and climb onto it. So, when they arrived, they did. He jumped on to continue his journey. He was told that he couldn't fall asleep, because if he did, he would fall and be run over by the train and die or lose a leg. He also faced criminal organizations and policemen that tried to hurt him and robbed all his money. Though he was able to continue, he didn't have anything to eat or drink. During his journey he tried to find some shelter, sometimes finding a place to sleep indoors, sometimes just sleeping on the streets. Every night, he thought about his father and his family. Every night, he thought that his decision was a mistake, that he'd rather be dead, but he was too far now, and he had traveled for too long to give up. Finally, he arrived in Tijuana.

S met with the smuggler who was already gathered with a group of people. They crossed through different places she couldn't recognize. After some days, they crossed into Mexico. S kept receiving messages from her mother's boyfriend threatening her. She was tired, but she knew she couldn't go back. When reaching the highway, there was a container truck, the 'guide' opened the door and it was already full of people. They all managed to squeeze in as best they could. She felt there wasn't even space for her to breathe. She couldn't count how many days had passed before the first stop. That day, they were passing the night in a 'safe house'. After that, they had to continue. She lost track of time and space. She did as she was told. She jumped from one container to another through the journey. In the first part of the journey, she was always starving, but at some point, she completely lost her appetite. Some days, 'they' gave them some food, and sometimes they didn't. She just wanted to get out, breathe and walk. She knew it was not safe. People from the group told stories of their past journeys. It was not the first time. Most women just said it was better inside than outside. After a long journey, S arrived at a border town in Mexico called Reynosa. There, they were all taken to a safe house.

Mexico is a country that, over the past years, has faced a lot of internal violence. Organized crime has affected most of the country through the drug cartel's criminal activities and the fight against them. Besides drug trafficking, these organizations also perpetuate homicides, kidnapping, extortion, human trafficking, etc. Currently, there has been a high increase in 'murders committed with a firearm in public space against young people' (Data Cívica 2019). In addition to this, and similar to the countries of Central America, there is impunity in which these activities, especially homicides never get solved and there is no justice (Grillo 2020).

Additionally, violence against women has always been a problem in Mexico. Ten women are killed every day on average. Considering the effects of the 'start on the war on drugs', murders of women went from 1,089 per year in 2007 (two women per 100,000) to 3,824 in 2019 (almost six women per 100,000). Additionally, according to the National Survey on Discrimination, trans people are perceived as the group that faces the most discrimination in the country (ENADIS, 2017).

In this sense, the journey through Mexico is a very difficult one for all people on the move. Unaccompanied minors face different challenges, such as being exposed to criminal organizations or human trafficking, detention, violence, death, exploitation, lack of protection and discrimination. Additionally, it is difficult for them to find basic services like water, food and medicine (UNICEF). Although this is a journey made by many people that can encounter different groups, when traveling alone, unaccompanied minors face loneliness and despair, which affects their mental health. It becomes an uncertain journey, a combination of fear and courage.

The Mexican Migration Law of 2011 obliges the National Institute on Migration (INM) to allocate unaccompanied minors to shelters of the National System for Integral Family Development (DIF), which is in charge of providing necessary services to minors. Additionally, according to this law and the General Law on the Rights of Boys, Girls,

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and Adolescents, minors cannot be detained, and their well-being has to be considered all the time. As in many countries, unfortunately, this does not happen in most of the cases. Minors end up being deported to their countries of origin without the authorities following proper immigration procedures and with a lack of protection (IMUMI 2020, 42).

With the 'surge' of unaccompanied minors in 2014 in the US, Mexico was encouraged to implement enforcement measures to decrease the number of crossings. Hence, the *Programa Frontera Sur* was implemented. This program's objectives were to increase security at different points in Mexico's southern border and in popular routes throughout the country. In 2014, 21,514 minors were detained. Later, in 2016, this enforcement included controlling the railroad systems and 'reclaiming ownership' of *La Bestia* (Castillo 2016). This year, 31,991 minors were apprehended. Finally, from January to November of 2019, Mexican authorities reported the highest number of minors entering a migratory station: 50,621, of which, 67 percent were deported to their country of origin. In addition to this, the number of children of less than 11 years old increased by 188 percent from 2018 (Manu Ureste 2019).

In addition to facing all the dangers mentioned before, there is another risk of confronting gender-based violence. It is estimated that 60 percent of women and girls will be sexually or physically assaulted, or both, in their journey to the US (Acuna 2018). This violence may come from *coyotes* (smugglers), criminal organizations, authorities or travel companions. Although many take contraceptives knowing what their fate could be, this does not protect them from sexually transmitted diseases and other health risks. Additionally, many of them do not have access to or look for medical care in these situations (Fleury 2016). Additionally, when unaccompanied minors suffer from gender-based violence, they rarely report it to the Mexican authorities. This is because they do not trust them or are afraid of being detained or deported back to their countries (KIND 2017, 3).

## 'The American Nightmare'

*F arrived in Tijuana and knew that he had to cross the border, that behind that wall he would be safe. Alone, but safe. He stayed in Tijuana for some days, keeping a low profile because he wanted to be invisible. He was. After a couple of days in a shelter, he met a group of people that had decided to cross. So, they walked towards the border and found a way. They found a hole and crossed. There was a second wall, and they found an open door. Immediately, some agents surrendered them (the border patrol). He told them that he was afraid of going back to Honduras. He was kept in the hielera (cold box). Detained there, he lost track of time, but it felt like an eternity. He didn't imagine that arriving was going to be this way. He was not able to bathe; he didn't have a place to sleep. He heard the guards mocking all the kids, telling them they were going to send them back. He felt unsafe again. After that, he was transferred to a shelter, and things were a little bit better. He was able to speak with his uncle. So, after some months of interviews and speaking with a lot of people, he was transferred and able to live with his uncle in Maryland and continue there with his asylum case.*

S went with a group; the coyote explained the procedure to cross. They encountered Mexican authorities and were detained. She told them that she was fearful of going back home to El Salvador. They didn't listen. They told her that they were taking her back home. She shouted and cried. She tried to explain that she couldn't go back, that they were going to kill her if she went back. After some days, she was sent back to the place she feared the most.

The process that unaccompanied minors go through when arriving in the US is not easy and can last longer than expected. Amelia Cheatham (2020) explains what an unaccompanied minor has to go through and with which institutions they have to face upon their entry. When arriving, they encounter agents from Customs and Border Patrol (CBP) of the Department of Homeland Security (DHS), who are in charge of apprehending, identifying, processing, detaining and, in some cases, deporting the minors. At the beginning of 2020, about 75 percent of unaccompanied minors in federal care were 15 years or older, though younger kids have also been detained. Since September 2018, six children have died in the care of immigration authorities (Cheatham 2020).

Before, depending on the children's nationality, DHS had different protocols. For example, with Mexicans and Canadians, they could be returned to their home countries if it was considered safe. Nevertheless, with other nationalities, like Central Americans, the Trafficking Victims Protection Reauthorization Act (TVPRA) mandates that

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those 'identified' as unaccompanied minors have to be transferred to the Department of Health and Human Services (HHS) within 72 hours. This is to always look for the best interest of the child and to be completely sure that their asylum claims are well processed (not ending up deporting the children to the dangerous places or situations they are coming from) and properly evaluated for trafficking (Immigration Forum 2018).

Once they are in the custody of HHS, the Office of Refugee Resettlement (ORR), is in charge of placing the children in their national network of around 170 state-licensed and federally funded independent facilities that respond to kids' necessities and basic needs. Children can also be placed in unlicensed temporary shelters, though with the objective that they are transferred from those shelters in less than 90 days. Once the children are placed in these facilities, ORR has the objective to look for the kids' sponsors within the country; this means parents or close relatives who can prove that can be in charge of the child. In one out of three cases, the agency is not able to find sponsors. Sometimes ORR took care of the children until they were 18 years old, releasing or transferring them to Immigration and Customs Enforcement (ICE) facilities, with some decide to leave the country and most others being deported. In 2019, on average, minors stayed with HHS for around 50 days before their release (Cheatham 2020).

Being transferred to their sponsors does not mean that their asylum cases are over. They have to continue with their processes with immigration courts of the Department of Justice's Executive Office of Immigration Review. The TVPRA inclines the government to provide legal justice for the minors, though this is not definite. In 2015, just seven percent of the children that appeared in an immigration court by themselves had a chance of winning their cases. If they were represented, their chances increased to 70 percent (Phippen 2015). In the last quarter of 2018, US Citizenship and Immigration Services (USCIS), part of DHS, granted just over 28 percent of child applicants' asylum. If they are not given asylum, they could be given another type of legal relief. Finally, in 2019, 71 percent of cases that involved unaccompanied minors ended in deportations. Deportees face violence when they are deported to their home countries, and most do not have a safe place to hide (Cheatham 2020).

Currently, the Mexican government has a tougher enforcement strategy. Together with the US government, both have deported more than 32,000 minors from January to August 2019 to Central America, two times more than the same period for 2018. The Migrant Protection Protocols (MPP), or Remain, in Mexico have also affected thousands of people, including minors. This has left thousands stranded at border towns waiting for their asylum claims in poor conditions (UNICEF USA). As mentioned before, unaccompanied minors that presented themselves at the border alone were supposed to be admitted into the United States. Because of these conditions, some of the parents have been willing to send their children alone. Regardless, nowadays, unaccompanied minors are not allowed to seek asylum in the US. This policy change looks to protect minors from human trafficking.

Currently, with COVID-19 challenges for unaccompanied minors have gotten worse. While in Mexico, shelters have become over-crowded, increasing the probability of contagion. Some are still being targeted by criminal organizations, kidnapped or sexually abused (Kriel 2020). Since March 21, 2020, the CBP has deported around 1,000 unaccompanied minors to Mexico. Some have been placed in hotels in the US, waiting to be sent to deportation. Around 460 minors were sent back by Mexico to their countries of origin in Central America. Many others have been apprehended by Mexican authorities in the northern border and sent to shelters (UN News 2020).

## Conclusions

The social, economic and political environment that surrounds unaccompanied minors determines their decision to leave looking for survival, for a better future far from their countries of origin, though these same factors and contexts in transit and destination countries also affect their lives. We cannot fail to see that the region is intertwined and that the policies or programs that aim to improve these minors' lives cannot be made unilaterally. To restrain their right to seek asylum will only have worse consequences on their lives.

As we have seen, unaccompanied minors have different vulnerabilities and needs, which does not end with them arriving in the US, if they do. With COVID-19, these have become more urgent and severe. Many of them do not have equal access to services as national children and live in precarious conditions. In the context of COVID-19, for example, they do not have access to public health care (testing, treatment, medicine and mental health resources) or

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essential or preventive services. This can have negative effects not only on their safety, but also on their chances of having a dignified and good quality of life and in their future. We have to take into account that childhood, adolescence and youth are crucial phases of human development in which there is a transition between dependency in childhood and independence in adulthood. Hence, it is a very important period for a person's development and can have long-term effects on someone's life.

Successful protection and inclusion policies during this period of their lives help minors and lead them on a path in which they can fully develop in a place that is safe for them. To accomplish this, there need to be actions to protect them, secure access to all basic services and create conditions for a comprehensive development and integration in society. Complete approaches will allow them to develop while safeguarding their human rights, with the positive effect of shaping prosperous, diverse, inclusive and cohesive societies. These policies should be considered, but fundamentally, they have to be applied in Honduras, El Salvador, Guatemala, Mexico and the US to always maintain the best interest of the child. It is imperative to create the conditions in which children and youth can live free of violence and in which they do not have to choose between living under others' conditions and having to flee for their lives. It is fundamental that they have access to services to fully develop. Likewise, it is imperative that their right to seek asylum is protected and treated carefully and in detail.

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