

THE EXCLUSION OF CENTRAL AMERICAN MINORS (UMC)
UNDER THE REFUGEE REGIME IN THE UNITED STATES

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Abstract:

The current definition of a refugee used by the United States grants asylum to those who are fleeing persecution because of race, religion, nationality, membership to a particular social group, or political opinion. This narrow definition does not take into consideration new factors forcing Central American unaccompanied children (UMC) to seek asylum in the U.S. This paper argues that youth migrants from Guatemala, El Salvador and Honduras would qualify for asylum if the parameters of asylum in the United States were expanded to include gang violence and the lack of state protection. Adopting Alexander Betts' definition of survival migrant--those people leaving a fragile state--would pose a solution to the large influx of unaccompanied minors who arrived at the U.S.-Mexico border between 2014-2016. This paper uses 27 interviews of Central American UMC interviewed in the summer of 2015 while they were detained by Mexican immigration officers in Tamaulipas, Mexico. Additionally, the paper draws on personal observations from my travels in El Salvador and Guatemala. This paper uses these methodologies to identify the factors influencing the migration of UMC, as well as analyzing how these young migrants how they are excluded from the refugee regime and how they might argue for asylum in the U.S. The paper found that UMC would be likely to receive asylum or refugee status if the U.S. were to expand its definition of asylum to include survival migration factors.

Introduction

The southern border of the United States became the arrival point of 68,500 unaccompanied minor children (UMCs) fleeing Central America in FY 2014 (Blue et al., 2017). The United States was not prepared for the number of UMCs arriving that year, which led former President Obama to refer to the situation as a humanitarian crisis. These children left their home countries whose governments were unable to provide them with basic security from gang activities and violence that threatens their everyday lives. The number of UMCs entering the United States remained high from 2014 through 2016, as did the amount of UMC cases in the immigration court system. Few of these migrant youths will be granted asylum. Nearly 40 percent of UMC may qualify for some kind of legal relief in the United States. Despite these numbers, only 34 percent of immigrants (of any age) received asylum between October 1, 2016 to March 31, 2017. This paper argues that youth migrants from Guatemala, El Salvador and Honduras would qualify for asylum if the parameters were expanded to include gang violence and the lack of state protection, in the asylum definition used by the United States.

Survival Migration

Bett's definition of survival migration has three elements. One, people are outside their country of origin. Two, people are facing an existential threat. Three, people lack access to a domestic remedy or resolution (Betts, 2010:. 365). To be considered a refugee, a person must have crossed a country border (Gomar, 2016). If people are outside of their country of origin it means they have access to the international community. This act, in accordance with the Convention and Protocol Relating to the Status of Refugees, places a responsibility on governments to act "in the spirit of

international cooperation” to provide assistance in providing asylum or resettlement (Betts, 2010: 365). The second part, when a person faces an existential threat, translates into the fact that people lack basic rights. A basic right is a right without which no other right can be enjoyed (Betts, 2010: 365). Basic rights include basic liberty, security, and subsistence. Though the current refugee regime recognizes the need for basic security and was expanded by the 1967 protocol to include those have been displaced by internal conflicts, it does not account for conflicts that are not politically driven by state actors. The third element, access to a domestic remedy or resolution, communicates the inability of domestic courts to find a solution to the existential threat faced by people.

United Nations Definition of a Refugee

In accordance with the United Nations 1951 Convention, a refugee is a person who cannot, or is unwilling to, return to his/her country because of “a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.” A refugee has the right to non-refoulment which states that refugees cannot be forced or returned to his/her country of origin (Karns, Lyon, Mingst, 2016: 323). Providing sufficient evidence that a person does indeed have a credible fear becomes the main goal in the asylum application process. In turn, this means the greatest determinant of asylum is a person’s testimony about persecution in their home country.

Failure of the refugee regime

The refugee regime, established after World War II, does not account for new drivers of displacement like gang violence or state fragility, both of which are prevalent in the Northern Triangle of Honduras, Guatemala and El Salvador. The current regime is based on a definition of refugees as those fleeing from governments or war. When a minor does not receive asylum, it is because he or she is unable to “fit” in the formal definition of a refugee. Thus, under the current refugee framework, most UMCs are not classified as refugees. Alexander Bett’s creation of the term “survival migration” advocates for the extension of protection to people “who have left their country of origin because of an existential threat for which they have no domestic remedy” (Betts, 2010: 361).

Gang Violence in the Northern Triangle

Historical civil wars, gang violence, and extreme poverty have created an unstable living environment in El Salvador, Guatemala, and Honduras. These three countries comprise the Northern Triangle of Central America, one of the world’s most violent places. Despite a truce pact signed in 2012 by the two major rival gangs, Mara Salvatrucha (MS-13) and Calle 18 (Street 18), this pact did not last for long. The origins of the gangs can be traced back to the streets of Los Angeles, California, where many Salvadorans fled during their civil war in the 1980s. When the United States deported convicted gang members back to El Salvador, MS-13 members took over the country’s streets. Other gangs began to emerge, such as Calle 18, and as the gangs accrued power, they began to expand to the neighboring countries of Guatemala and Honduras.

Gangs and organized crime dominate the communities of El Salvador, Guatemala, and Honduras. Business owners, street vendors, and those with a job are expected to pay the “quota”- a tax gang members have placed on people’s income. The tax may be as low as giving one dollar (1 USD) to a gang member who stops at a street vendor’s stand, or as high as half a person’s paycheck. Families are often extorted if they refuse to turn their children over to the gang when gang members intent to recruit them. Gang members deprive children from freedom to mobility as they wait for them at their schools, outside their homes, or stop them as they walk down their street. This setting created by gang violence removes children’s basic security in their country.

The impunity that reigns over El Salvador, Guatemala, and El Salvador is a result of these countries’ courts, elected officials, and local authorities failing to find a solution to gang violence and organized crime. Solutions drafted by the courts have repeatedly failed either because of their unconstitutionality or their short-term focus. Commitment to any strategy aimed at reducing gang-violence and organized crime, must have a target group and hold law enforcement accountable for results (Law Library of Congress, 2013).

Unaccompanied Children travel from the Northern Triangle countries of El Salvador, Guatemala, and Honduras in an effort to reach the United States. Whether by foot or by bus, these children pay human smugglers to help them arrive in the United States. Tapachula, Veracruz, Mexico is a small town located on the border of Guatemala and Mexico where many of those fleeing to the United States first arrive. Guatemala may be the first international border Salvadorans and Hondurans cross, but Mexico is the country all three Northern Triangle nationalities must cross. Some may seek asylum in

Mexico, but according to the United Nations it is more common for Mexico to deport UMC than grant them asylum. The UN reports that despite 3,400 Central Americans receiving asylum in Mexico, 177,000 were deported from said country (Semple, 2016). If UMC successfully arrive at the US-Mexico border and turn themselves into Border Patrol agents, under international law (the TVPRA of 2008) the United States has the responsibility of giving these children the right to let them apply for asylum and not send them back to their country of origin (United Nations, 1951:3).

The right to remain in the United States and apply for asylum only applies to Central American UMC, not Mexican UMC. Since Mexico and Canada share a border with the United States, they are considered contiguous countries. Under the Trafficking Victims Protection Act (TVPRA) 2008 reauthorization, President Bush granted proper screening protections to UMC from non-contiguous countries in an effort to prevent human trafficking of minors (American Immigration Council, 2015). While UMC from Central America are sent to the Department of Health and Human Services (HHS), Mexican UMC are only screened by Customs and Border Patrol, and are repatriated (American Immigration Council, 2015).

El Salvador

El Salvador is known as the murder capital in the world, primarily due to crimes committed by gangs and a failed pact signed between two rival gangs. Rivalry between the two leading gangs, MS-13 and Calle 18 (Street 18), resulted in 30 daily murders in 2015 (Garsd, 2015). Murder rates have steadily increased in a country with a population size of 6.3 million, as 900 homicides were recorded in August 2015. El Salvador is a country whose territory is divided into areas controlled by either gang. Something as

simple as an individual living in an area controlled by MS-13, but working in an area by Calle 18, can be a life of matter-or-death. Extortion, rape, and femicides (the violent killing of women) are common crimes committed by gang members (KIND, 2017).

As parents leave to the US and leave behind their children with grandmothers and family members, these children are often the target of gang recruitment or violence. In the 1980s, El Salvador was struck by a civil war that forced people to flee to the United States. Thus, migration to the US is common for Salvadorans. Children, particularly boys, between the ages of 12-16 are initiated as gang members, but gang recruitment can include children as young as 7 or 8 years old (Garsd, 2015). When a boy decides not to join a gang, he receives continuous threats and so may his family. Girls are the main target of gang-members' sexual harassment and sexual assaults (KIND, 2017).

Guatemala

The absence of trust in Guatemala's government allows crime activity to go without punishment as elected officials and law enforcement do not provide citizens with basic security. A history of a genocidal civil war has left the legacy of a corrupt political system in Guatemala. Organized crime and gang activity brought the country's murder rate to 96 homicides per week in 2014 (OSAC, 2015). Guatemala's heavy crime rates are a result of narco-trafficking, gang violence, a heavily-armed population, and a failing police/judicial system.

In 2011, there were 5,681 homicides, the equivalent of 39 deaths per 100,000 people. There were approximately 340 gangs in Guatemala, according to the National Civilian Police. Of these, 80 percent belonged to MS-13, 15 percent to Barrio 18, and percent were smaller gangs (Law Library of Congress, 2013). Gang activity ranges from

extortion to human trafficking and even as hit-men for Mexican drug cartels. Gang members exert their violence on anyone who dares to defy their authority, regardless if it is another rival gang, former gang members, those who may contact and collaborate with police, and those refusing to pay. Those who dare to go against the control of gang members are forced to face gang violence.

Addressing violence in Guatemala has not been successful. The Guatemalan judicial system has not been able to reduce violence and contain criminal gangs and mafias. Official figures reveal that there was 95 percent impunity in 2010. One of the most significant US-funded crime prevention programs, the Consortium for Crime Prevention (APREDE), “fell apart in 2004 amid accusations that the police were bribing gang members and selling weapons, drugs, and protection to them” (Law Library of Congress, 2013).

Honduras

Honduras had a population of eight million in 2013, yet approximately 1,013 people under the age of 23 were murdered that same year (OSAC, 2013). The Central American country is home to an estimated 7,000 street-gang members. The 18th Street and MS-13 ("Mara Salvatrucha") gangs are the most active and powerful (OSAC, 2015). Similar to Guatemala, Honduras' high levels of impunity fuel the growing incidence of crime in the country, as the government often fails to provide its people with security or justice.

In June 2013, there were 32 murders of people under the age of 18. This number was added to the 409 children murdered since the year had begun in January. Between 2013 and 2017, gang violence has begun claiming the lives of younger and younger

children. In towns like San Pedro Sula, which has one of the highest homicide rates in the world, parents often see sending their children away to the United States as the only solution for their children to escape death threats. A statistical study conducted by the US Border Patrol found a strong correlation between the high homicide rates of San Pedro Sula and the rising influx of children who arrived in the United States (Robles, 2014).

Gender-based violence

From 2012 to 2014, the number of unaccompanied girls fleeing from the Northern Triangle rose from 23 to 34 percent. Many of these girls face either sexual or gender-based violence, and at times both, in their Central American homes or in their journey to the United States. Sexual and gender-based violence (SGBV) is composed of the two types of violent acts stated in its name. Gender-based violence can be physical, sexual, or/and emotional harm or threats of these types of harms, because of a person's sex, gender, or sexual orientation. Sexual violence includes an attempted or actual forced sexual act conducted without consent.

Kids in Need of Defense (KIND) published a report on SGBV titled *Childhood Cut Short: Sexual and Gender-based Violence Against Central American Migrant and Refugee Children*, which recounts the stories of children's reasons to flee to the U.S. The stories shared offer insight on what kind of influences these children's experiences have on their decision to migrate, as well as what kind of protection their governments offer them. In the study conducted by KIND, 21 of the 30 participants reported to have either experienced sexual and gender-based violence, or fear being a victim of it. The study collected stories from 96 Central American migrant children, and 78 interviews from government and civil society representatives in the region (KIND, 2017).

Sexual and gender-based violence is very common in El Salvador, Guatemala, and Honduras (KIND, 2017). Whether in their homes or in their communities, girls often lack protection from these types of violent crimes. Sexual abuse from family members, forced intimate relationships with gang members, sexual violence from gangs and organized crime, or workplace sexual harassment, are multiple forms of SGBV encountered by young girls. Rape is the most common form of SGBV reported by young girls. Girls often become the target of gang members who want them to become their “girlfriends.”

Children often are unable to attend school because of gang-related threats and recruitment. As children are on their way to school, they are stopped by gang members or recruited to join gangs inside their school. Girls face a rising dilemma between prioritizing attending school or their physical safety. Young boys who refuse to join a gang are victimized by gang members as they threaten them with hurting them or their families. Children living in poverty are seen as easy targets for gang members because their socioeconomic position already places them in vulnerable situations where they lack protection and basic needs.

Cross-border migration solution

This inability to protect citizens from gang violence makes cross-border migration the only way young people have managed to acquire basic protection from threats. Gang violence and organized crime in the Northern Triangle have made children in the region a vulnerable population, unprotected from gang recruitment or sexual and gender-based violence. Migrating to the United States is the only solution parents and family members, or children themselves, can think of when searching for safety. The inability of these

countries' governments to provide justice and basic security to children creates an unsafe setting where complying to gang activity is the only way to ensure survival.

The KIND report, *Childhood Cut Short*, shares the story of Sara, a 14-year-old girl from rural Guatemala, who was raped by a gang member living in her neighborhood. Her family did not believe her and instead of being there for her, her uncle beat her for "lying." Not only did the gang member continue to harass and threaten to rape her again, but other men in the community began to join in on the harassment (KIND, 2017, P. 21). The report also recounts the story of Maria, a 17-year-old Salvadoran girl who throughout her childhood was raped by her stepfather. When Maria ran away at the age of 11 she went to live with her grandmother who lived in a gang-dominated area. Gang members began to notice her more and more, so she went back to her mother's house. As her stepfather's attempts to sexually abuse her continued, she took action into her own hands and fled to the United States. Unfortunately, Maria was apprehended by Mexican border officials and is in the process of being deported back to El Salvador (KIND, 2017, P. 12). For children like Sara and Maria, staying in their country is not an option.

Legal Relief Available to UMC

UMC have four legal relief options for which they may be eligible: special immigrant juvenile status (SIJS), asylum, U visas for crime victims, and T visas for trafficking victims.

SIJS

If a state "juvenile court" has a minor who has been declared as a dependent in the United States decides a child is not able to be reunited with his/her mother or father because of "abuse, abandonment, neglect, or similar reasons under state law," the child

may be eligible for SIJS (USCIS, 2017). A state court must also find it is not in the child's best interests to return to his/her home country. Children under the age of 21 must be inside the United States and file an I-360 form as a special immigrant. Unless a child under the legal custody of the Department of Health and Human Services (HHS) is not placed somewhere else by a state court, they must request permission from HHS to be placed elsewhere.

Since many parents have left children behind in their country of origin at the care of a family member, UMC have the ability to file for legal relief offered under SIJS. Failure of parents to ensure their children with basic security, or neglecting them, is enough of a claim for a UMC to file for SIJS. SIJS is the only legal relief option that seeks to ensure a child's "best interest" through the juvenile court system. Yet obtaining SIJS is no simple task. State courts vary in laws and procedures, and some courts may not be aware of how SIJS can be obtained by a UMC. In order for SIJS to be properly applied to a case, an immigration lawyer must advocate for this status before even applying it. This presents a challenge for UMC when state courts require an adult to initiate guardianship proceedings (Chen and Gill, 2015).

Asylum

An individual who can prove he/she has suffered, or fears, persecution because of race, religion, nationality, membership in a particular social group, or political opinion, may file for asylum in the United States (USCIS, 2017). Asylum offers a form of international protection to refugees residing in the United States. In order to obtain asylum, the applicant must be able to prove a well-founded fear of being persecuted (American Immigration Council, 2015). UMC may apply for affirmative asylum through

the U.S. Citizenship and Immigration Services' (USCIS) Asylum Office rather than defensive asylum through an immigration court. Asylum is granted affirmatively by a USCIS asylum officer, but if the officer denies the asylum application, then the UMC will enter into formal removal proceedings. When a UMC enters formal removal proceedings he/she can renew their request for asylum defensively and appear in front of an immigration judge (American Immigration Council, 2016).

U Visas and T Visas

Victims who have suffered mental or physical abuse and can cooperate with law enforcement or government officials in the criminal prosecution, may be eligible for a U Nonimmigrant Visa. If a child is under the age of sixteen, he/she may have a parent, guardian, or next friend, cooperate with law enforcement in their place. U Visas are rarely used, though, because a child applicant is required to have a law enforcement agency provide a statement that the child is key to helping authorities investigate or prosecute a crime. If a child cannot provide this, (s)he may substitute his or her help in the case with the help of a "parent, guardian, or friend" (Chen and Gill, 2015: 121).

Victims of human trafficking may apply for a T Nonimmigrant Status (T Visa) in order to ensure their protection and grants them permission to remain in the United States as they assist with the investigation or prosecution of human trafficking. If an individual cannot cooperate because he/she is under 18, or has suffered extreme physical or psychological trauma, the individual must be able to demonstrate the hardships incurred if removed from the United States. Since UMC are under the age of 18, if they apply for a T Visa they must be able to prove the struggles they face in their country of origin.

The Process of Obtaining Asylum in the US

Upon reaching the U.S. border, UMCs reach out for help to Border Patrol agents, stating they face a credible fear, yet many are still charged with violating US immigration laws and are placed in deportation proceedings (Chen and Gill, 2015). UMC then begin their journey for asylum, or another form of legal status, in the United States. While in the hands of the Customs and Border Patrol (CBP), the child is screened by a USCIS Asylum Division officer to determine if (s)he has a credible fear; this becomes known as the “credible fear” interview. If the child is in fact identified with facing a credible fear, the child may either be released to a sponsor in the United States or will remain in the custody of the Office of Refugee and Resettlement’s long-term foster care setting. The child is then issued a notice to appear in an immigration court if deemed to have a credible fear of persecution or torture, after finding a sponsor or serving 60 days in custody of ORR. This gives the child the opportunity to apply for defensive asylum: fighting against being a removed from the United States.

Since Central American UMC are coming from noncontingent countries they have the right to be screened by the Health and Human Services Department. After apprehension at the border, CBP has 72 hours to place the child in custody of the HHS Department. A trained HHS provider interviews the UMC to identify if the child may be have suffered of abuse, a crime, or trafficking. This screening is also meant to identify if the child is indeed unaccompanied, in order to be placed in appropriate care settings (Chen and Gill, 2015). At HHS the UMC is also given a presentation over his/her legal rights, but the U.S. government is not required to provide the UMC with any legal representation.

Federal Custody of UMC

The 15 percent of UMC who are unable to find a sponsor in the United States remain in federal custody of ORR. Since the US immigration system was not able to care for the large influx of children arriving in 2014, ORR contracted a network of state licensed residential facilities across the US. From nonprofit organizations to private organizations, UMC were placed in facilities meant to provide them with education, health care, mental health services, access to legal services, and case management. When the number of UMC remained on the rise, though, military bases along the southwest border were opened as a temporary emergency response. Both the military base response, and to what extent the services listed above, have been criticized for their inability to meet the UMC's best interests (American Immigration Council, 2015).

Legal Representation

Regardless of whether the UMC has legal representation or not, the child must fill out an asylum application in English before the asylum process begins; this application is not provided in any other language. Language becomes the first barrier these children must overcome if they cannot read in English (Roubein, 2014).

Legal representation becomes a key component for a UMC's asylum quest. Yet many UMCs who do not have the resources to secure access to a lawyer are forced to attend their court hearing without a legal representative. Since 2014, nearly 90 percent of UMCs who did not have a lawyer present with them in their hearing were issued a removal order (KIND 2017). This means that even before a UMC presents him/herself in court, his/her chances of receiving asylum have already been significantly reduced. Contrarily, 54 percent of UMCs, who did have proper legal representation, were granted

permission to remain in the United States. The lack of representation puts a UMC in a position to fend for him/herself, and eliminates his/her chances of justice. This brings us to a bigger question: does the full story of these children get told in the court?

Nonprofit Legal Services

UMCs are expected to navigate the complex US immigration system on their own if they decide to pursue any kind of legal standing in this country. Without the financial resources to hire a lawyer, nonprofit organizations become the only hope for a UMCs legal representation. The work of pro bono lawyers and nonprofit organizations, like Kids in Need of Defense (KIND), has played a significant role in providing aid for UMCs. Other community-based organizations have also emerged to provide legal services such as screening detained UMC for legal relief eligibility; recruiting and training pro bono counsel to represent UMC from law firms or the private bar; providing detained UMC with referrals to potential free or low-cost counsel; and educating all detained and released UMC about relevant immigration law and legal processes. Whether a UMC secures a lawyer for representation or a nonprofit extends these services pro-bono, a report recounting the UMCs reasons for credible fear must be created. This report forces the minor to recall past traumas he or she may have experienced in his/her country of origin. In the minor's court appearance this is the type of information that will be presented in front of the immigration judge.

UMCs Court Appearance

A UMC's court appearance has the power to end the minor's right to stay in the U.S. and force the minor to return to a country that threatens his/her safety. A child may

either be allowed to remain in the U.S., voluntary return to the home country, or be forced to return to the home country because of a deportation order (Chen and Gill, 2015). The court appearance is thus the only hope for the UMC to remain in the United States and stop his/her deportation. A minor's complete story may not be told, however. Factors like inability to give detailed information about traumatic experiences and lack of legal representation, decrease a child's chances to demonstrate a credible fear in court.

The impacts of trauma

Remembering past traumas, like sexual and gender-based violence and gang violence, is difficult for a minor (Chen and Gill, 2015:123). It is common for children to avoid talking about these types of traumas or completely avoid speaking about them, and rather state poverty as their reason for leaving their home country. Children may begin to exhibit nervous behaviors like avoiding eye contact, shaking, or blushing (Roubein, 2014). These non-verbal communications may be wrongly interpreted to state the child is lying. If a child is legally represented, by a lawyer or nonprofit, supplemental information like medical records or witness interviews, both in and outside the U.S., may be collected.

Methodology

This paper draws on interviews conducted by Dr. Sarah Blue (Texas State), Amy Thompson (University of Texas-Austin), Dr. Rebecca Torres (University of Texas-Austin), Dr. Kate Swanson (San Diego State University), and Oscar Misael Hernandez Hernandez (*El Colegio de la Frontera Norte (COLEF)-Matamoros*). While analyzing the 27 interviews conducted by these scholars in the Summer of 2015, my goal was to

identify the reasons minors were leaving the Northern Triangle as UMC, and analyze whether or not their reasons would be enough to grant them asylum in the United States. Additionally, in May 2017 I travelled to El Salvador and Guatemala to gain first-hand insight on the region's violence, poverty, and other reasons that may be influencing minors to migrate without their parents to the United States. In San Salvador, El Salvador I had the opportunity to do field work (participant observations) with a nonprofit called FUNDAHMER. My observations will supplement the interviews, since they gave me broader insight into the migrant minor's lives.

The analysis of this paper is organized in the following order: factors influencing migration; evidence of survival migration and credible fears; my personal observations in El Salvador and Guatemala; findings; recommendations; and a conclusion. This paper argues that there are many factors, such as gang violence or lack of socio-economic opportunities to overcome poverty, that may cause someone to seek refugee status or asylum. While analyzing the motivations for UMC fleeing to the U.S., I will address the arguments some UMC interviewed could use if they had an asylum case in the U.S. If an argument for a possible asylum claim was not identified, I will instead analyze the degree to which the UMC fits the definition of a survival migrant. Additionally, I use the UN Convention on the Rights of a Child, to identify which rights the child is being deprived of in his/her country.

Factors Influencing Migration

Extortion threats by gangs

Kenia, a 14-year-old girl from San Salvador, El Salvador, was forced to flee from her country because of continuous threats by Mara Salvatrucha (MS-13) female gang members in her school. The Maras began extorting other girls in Kenya's school and when she and her classmates refused to give them any money, they began to receive death threats. The girl who initially tried to extort Kenya had her entire family as members of MS-13. Soon enough, Kenya's family began to be threatened by MS-13. It was after this incident that her mother paid for Kenya and her younger sister to make the journey to the U.S.

Gang recruitment

Christian, a 15-year-old boy from Tegucigalpa, Honduras described life in his country as dangerous because of the MS-13 gang. His grandfather had been selling drugs for MS-13 for approximately 20 years, and after a dispute with them, he was murdered. Christian was then recruited by the same gang to take over his grandfather's empty position and sell drugs. Christian did not agree to their demands so the death threats against him and his family began. It was then that Christian's father decided he should come live with him in the United States.

Juan Jose is from one of the most violent cities in the world: San Pedro Sula, Honduras. He left his country because the MS-13 gang in his community continuously tried to get him to be part of the gang. Juan Jose recounted how the gang would look for him and taunt him with their requests to join the gang. He continued to refuse and eventually he had to flee to the U.S.

Yoshua from El Salvador shared that he too had been recruited by gangs, but he had no interest in joining them. He mentioned how gangs would first approach one with a friendly attitude and offer them all they can have: money, materialistic items, and security. If someone accepted their gifts and later said no to their membership offer, the murder threats began.

Child has family who has been the victim of a crime

Scarlet is a 15-year-old girl from Juticalpa, Honduras whose step-sister and her three children were killed by an enemy of their family. When her father, whom she has little to no contact with, got involved in a feud, his enemies attempted to rob Scarlet's stepsister but ended up killing her and her children ages 12, 9, and 2. In Honduras, Scarlet had lived with her aunt since she was 8 years old, since her mother lived too far from the city center and Scarlet was afraid her father's enemies would come looking for her in the isolated house.

Child has family who has been the victim of a crime by a gang

Jacob is a 16-year-old boy from Chalatenango, El Salvador whose cousin was shot eight times by a gang and died as a result of the bullets. The murder was done in error as his cousin was leaving his job one afternoon. Marari is an 18-year-old girl from El Salvador whose community is controlled by gangs. The gangs killed her uncle and two of her cousins, only to proceed to threaten her and her entire family.

Isis is a 16-year-old girl from Honduras, who had one of her uncles murdered two years prior to her departure. Her uncle was married to a woman who had been once been part of the MS-13 gang. The gang killed her uncle for being with their former member.

Isis felt that as long as she stayed out of the gang's way, perhaps she could ease the harassment and avoid a situation like her uncle's.

Oswaldo's family in Honduras had been targeted by gangs and the only ones who survived were he and his mother. Out of the ten uncles he had, all eight that were living in Honduras were killed by gangs. One of the surviving uncles lives in the United States, and the other one still lives in Honduras.

Education has been affected by violence or poverty

After Kenia began receiving the death threats because of refusing to comply with the gang's extortion, she would beg her grandmother to not force her to go to school. Kenia feared running into the girls in the restroom, and that they would ask her for money she did not have. For four months Kenia lived in constant fear when she went to school.

Daniela from El Salvador was forced to drop out of school because she refused to join the MS-13 gang. A girl who was part of MS-13 told Daniela to join, but when she said no, the gang member threatened to kidnap her 10-year-old and 15-year-old cousins. Daniela stated in her interview that the "Mara rules everything," in this case even her education.

Schools are not safe

Cheri and her sister are originally from El Salvador, but after girls from a gang began to threaten her sister, they fled to the U.S. Both girls lived in an area that belonged to one gang, but some of her sister's friends lived in an area that belonged to a rival gang. Since the rival gang wanted to control the school the girls attended, its members told

Cheri's sister she had to pay a large sum of money. When her sister was not able to pay the amount, the gang members brought a gun to school and threatened to use it on her.

Jacob mentioned how in El Salvador, gang members were allowed to hang out around the school. The school's leadership did not prohibit them to enter on the campus because they feared becoming their target. Instead, gang members often lingered outside the school and watched the students who were attending school.

In a similar manner, the teachers in Kenia's school could not say or do anything to the girls committing extortions, because they were aware of the girls' membership with MS-13 and also received threats from them. Rather than addressing the situation, the teachers continued to pass them to the next grade level. Kenia was aware that if the teachers did not comply with the gang's demand, the gang would eventually take over the school and use it as a house to live in. The teachers did not contact the police because Kenia said even the police fear the gangs.

In Search of Economic Opportunity

Marari, who is a single mother of a 2-year-old daughter in El Salvador, left to the U.S. in search of an opportunity. Her hopes were to find a job through family connections in a restaurant, and send money back to her mother for her daughter.

Yoshua from El Salvador was also in search of an opportunity that would allow him to save money and then go live a decent life in his country. His goal was to come to the U.S. and send money back to his parents because in El Salvador there are no jobs or opportunities to create a better life for oneself.

Like the two minors listed above, Kelvin also left El Salvador because he wanted to "*salir adelante*," a common phrase in Spanish that means he wanted to live a better life

than the one he currently had. When asked why that was his goal, he Kelvin said he wanted to help his family, in particular his mom and his siblings.

In Search of a Better Life

Oscar from Honduras said that in addition to leaving to the U.S. to escape the country's insecurity, he was in search of a better life. To him, a better life meant he would receive a better education and have a better job--two factors that are the key to a decent standard of living.

Brigitte is a 17-year-old girl from Honduras who left her country with her 2-year-old daughter. She made the attempted journey to reach the U.S. on her own because she wanted to provide her daughter with a better life than the one she would have in El Salvador. Brigitte did not want her daughter to grow up with the increasing violence in the country.

Credible Fears and Survival Migration Evidence

Gang recruitment

Out of the thirteen interviews, three of them could be used as direct evidence of gang recruitment in the Northern Triangle. All three of the children who had been recruited by gangs were male teenager who were attending school at the time they were approached. One of the boy's grandfather was killed by a gang, and was being recruited to take over his grandfather's former job: selling drugs. The child's refusal to sell drugs and the gang's threats against his life, could be used as evidence to prove his credible fear. An attorney could make the claim that the child is being persecuted because of his

political opinion to refuse membership to a particular group, which is one argument that many attorneys have begun to use.

In accordance with the preamble of the UN Convention on the Rights of the Child, a child has the right to grow up in an environment with peace and freedom. Threats made to influence a child's decision to accept a gang's offer eliminate the child's freedom from attending school, walking with a sense of security, and living in an environment with peace. Due to the differences between a child's political opinion and that of the gang's, the same argument could be used for the other two boys who had refused induction to a gang, too. The persecution the two boys received from gangs signifies how their different opinions were not accepted by the gang and led to harassment. These threats limit their ability to live a normal life.

If the boys were to have made it to the U.S. they could have turned themselves in to Border Patrol agents and stated their fears in their credible fear interview. Since all three minors had family members in the U.S., they would have been released to them. If granted a court date, the minors could have stated this in their appearance and used their families back in their countries of origin as witnesses of the threats. However, the minors would not have qualified for the CAM parole program because their parent in the U.S. was not a legal resident or citizen.

Extortion by Gangs

Extortion by gangs in Central America is far from uncommon. The young girl who could not comply with the gang's extortion began to face death threats, which expanded to her entire family. The insecurity in the girl's life forced her to stop going to

school and deprived her of an education. Under the UN Convention on the Rights of a Child, she is entitled to an education and protection from the state.

If she had made it to the United States she could have applied for asylum and established her credible fear deriving from these threats against her and her family. Not only did the threats impede her from basic life activities like going to school, they also deprived her from her human right to freedom. In the U.S., the girl could argue her need for international protection by claiming she is being persecuted because of lack of membership in a group; if she were part of the group she would not be extorted by them. Despite her mother being in the U.S., she could not have applied for the former CAM parole program because of her mother's undocumented status in the U.S.

Existing Threats Against a Child (not made by a gang)

The Northern Triangle of Central America has one of the highest murder rates in the world. Though many minors' death threats are from gangs, there is other violence in the country that influences minors to leave the region. The child whose step sister was murdered, along with her three children, by an enemy of their father, feared she would suffer the same fate. As a result, she was forced to move houses to a more populated area where she could be safer. Though the authorities were available she did not seek their protection, which can be interpreted as lack of trust in the law enforcement.

Unfortunately, Scarlet falls in the gray area of asylum. Though she is not facing persecution from a particular group, the country she lives in is unable to protect her. One of the basic functions of the State is to provide protection for its citizens, but for Scarlet the State of Honduras has failed to ensure her basic right to security. Scarlet could not qualify for asylum in the United States under the current definition of a refugee.

However, if the ‘survival migration’ definition were expanded, she may be able to establish a credible fear by referencing the threat her sister’s murderer and his family has placed on her. As a survival migrant Scarlet would have a greater chance of gaining protection in the U.S.

Victimized Family Members (by gangs)

Two of the minors interviewed, Isis and Oswaldo, had family members killed by gangs but did not receive direct threats by the gang, thus putting them in the gray area of asylum. Isis lost one uncle who had married a woman with former membership in the gang. Though she was not threatened by MS-13, she felt her safety relied on her staying out of the way of the gang. The need to do this limited her mobility and deprived her of living a life with basic security. Isis could not apply for asylum in the U.S. with the claim of persecution, but could be classified as a survival migrant. Isis is a survival migrant because her inability to live a life free of gang harassment.

Oswaldo, too is a survival migrant. Oswaldo did not receive any direct threats from the gang who killed eight of his uncles, but the gang was very much aware of him and his mother. Although he could not qualify for asylum because he received no direct threat, he could state a credible fear because of what his family has gone through. This credible fear could make him a survival migrant seeking basic security in the U.S.

Victimized Family Members and Gang Threats

Marari is the single mother whose uncle and two cousins were murdered by a gang, and later had her entire family threatened by them. In the U.S., she may qualify for asylum since she has received a threat because of her lack of membership in a group.

Mirari's credible fear is not only derived from the fact that she has a threat against her life, but also the fact that she has to protect her two-year-old daughter. The threat her family lives under deprives Marari from having life with security, and furthermore from providing her daughter with a life where her freedom and security are ensured.

Education of Child is Threatened by External Factors

Daniela, a 14 year-old girl, could file for asylum in the U.S. by establishing her credible fear from the gang persecution she lives under in El Salvador. Under the United Nations Convention on the Rights of a Child, Daniela is entitled to an education that allows her to pursue a life with opportunities. Daniela's credible fear, which she could state in her asylum case, has affected her entire life: from her ability to live freely to her opportunity to attain an education. Though her persecution does not stem from a politically-driven group, her lack of membership in the gang makes her a target for extortion in her school. Additionally, Daniela also could not have filed for the CAM parole program because her parents are undocumented, thus making asylum her only option for safety.

Gang Presence in Schools

Three of the minors included as evidence from the interviews above made statements regarding their school's inability to protect them against gangs in their educational establishment. The teachers did nothing to stop the gangs from entering the school grounds or calling the police on the students who were involved with gang activity because they, too, faced death threats. Gang activity in the Northern Triangle impedes children and youth from their right to an education. The definition of survival migration

definition acknowledges lack of socioeconomic advancement as a reason to leave from one's country. These children have no way of acquiring a better life if they do not receive an education, but in the U.S. this claim would not be reason enough to grant them asylum or protection from violent groups interfering with their education.

Lack of Opportunity in Country of Origin

Though the reasons these minors have for leaving to the U.S. are different, they all acknowledge that their country is unable to provide them with opportunities to advance. Brigitte, the young mother who attempted to reach the U.S. with her two-year-old daughter, is a prime example of a survival migrant. In her home country of Honduras, she has no future to provide for her daughter. If Brigitte does not make the attempt to obtain a life with a decent socioeconomic standing, her daughter will be subjected to grow up in the same violence and poverty that Brigitte grew up in. Though Brigitte would not qualify for any legal standing in the U.S. because she does not fit under the strict definition of a refugee, she could be considered a survival migrant not in search of economic opportunities, but rather a life where her basic rights to a decent and fair life are ensured.

State Failure

The Northern Triangle countries of El Salvador, Honduras, and Guatemala, have failed to protect minors facing violations to their human rights, particularly those listed under the Convention on the Rights of the Child. The preamble of the Convention states, "the child, by reason of his/her physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth." However,

the three countries have failed to address situations, like gang violence and extreme socioeconomic disadvantages, that their young people are forced to live under. The three countries have violated part two of Article 2 of the Convention which states that:

“State Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members.”

The minors who are persecuted because of their opposition to become a member of the gangs recruiting them, should be protected by their respective State. Yet their countries have allowed for gangs to dominate entire regions and have been unable to ensure the safety of their children. Many children and youth are left to take safety into their own hands, by avoiding gangs or dropping out of school, because either they do not trust the police’s ability to protect them or believe they cannot do much to protect themselves from gangs.

Furthermore, these three States are in violation of Article 6:

“1.) States Parties recognize that every child has the inherent right to life.

2.) State Parties shall ensure to the maximum extent possible the survival and development of the child.”

This failure leads minors to pursue safety in the U.S. with relatives, or in some cases for their parents to pay a human smuggler to reunite with them in the U.S. The minors who have family members who have been victims of gang crimes or violence in their countries have had their survival in the country threatened. Threats extended to minors in school not only affect their survival, but also their development in their societies. The

States have failed to create safe spaces in schools, where children do not have to worry about gang recruitment, extortion, or death threats.

Personal Observations

Personal observations in the summer of 2017 helped me better understand and analyze the interviews discussed above. My experiences are composed of my time spent with the nonprofit FUNDAHMER, my time in the capital of El Salvador and Guatemala, and my time in rural communities in both countries.

In San Salvador, El Salvador, Fundación Hermano Mercedes Ruiz (FUNDAHMER) gave me the opportunity to visit one of the rural communities the nonprofit is present in. The rural community of Las Mesas is located in La Libertad Department, forty-minutes on the outskirts of San Salvador. Las Mesas is where I met with youth ages 13 to 20. Upon arriving, it was apparent that the community lacked access to water and had limited access to electricity. The day I visited the community, I sat in on one of the women's empowerment meetings; these women were the mothers of the youth living in Las Mesas.

During the meeting, the women mentioned several statements about the lack of opportunities in their children's lives and migration as a solution for their families. The mothers of the youth in Las Mesas expressed their concern for their children's safety as gangs continued to control El Salvador. They constantly worried about their child's well-being, even if the child was attending school, because the youth had become the main target of the gangs. The women acknowledged that their families were living in poverty and could not afford their children's education, but remained hopeful that their children

would be able to have a better life. They also stated that if they had the money, they would have left to the United States. Most women had family in the U.S. or knew someone in the U.S.

That same night, I stayed for the youth's meeting. While in the youth circle, the young attendees told me how it was dangerous for them to go to the equivalent of high school because the closest high school to them was located in the port (downhill from their community). The port was a known site of gang activity and prostitution. The boys discussed how they either knew a close friend or had heard stories of gang recruitment. Though their community remained relatively safe from gangs, the boys feared becoming their target. Many had already dropped out of school for these reasons, as well as for their inability to pay tuition. Similarly, the girls were afraid of being a victim of the types of crimes gangs were known for.

When I asked the youth what they most wanted in their lives, they answered "opportunity." They expressed how El Salvador was a country where the youth had been forgotten and even an education was far from their reach. Without a scholarship, these minors could not attend the equivalent of high school. A university-level education was even further from their reach, since there is only one public university, but it often requires both money and connections to be accepted. The youth communicated to me a feeling of hopelessness and desperation.

In San Salvador, the capital of El Salvador, people lived a life different from Las Mesas. While in Las Mesas the community lacked access to basic things like water and electricity, in San Salvador people lived a life concerned about their safety. After 6 o'clock, it was extremely dangerous to be out in the city. Many businesses closed early,

residential gates were closed with restricted access. Throughout the city, private security was militarized and trusted more than the public law enforcement. Salvadorans were often asked by gang members to show their “D.U.I.”, or national identification card. Since a D.U.I. has an individual's address listed on it, gangs used it to determine to which gang an individual belonged to, even if they had no membership to a gang. Salvadorans living in the capital lived in a constant fear of being assaulted or killed by delinquents.

Though public law enforcement in El Salvador was known for their inability to protect, in Guatemala City I first hand experienced how the police has no power. When two gang members approached the bus I was on to ask for a “donation,” the policeman outside the bus did not to stop them from committing such act. Assaults and extortion were common. Almost every business in El Salvador and in Guatemala, was forced to pay a “quota”, or rent fee, to a gang or organized criminal group. Even the woman selling pupusas or atol (similar to Mexico’s atole) had to pay a percentage of her income to a gang.

In the rural communities of Guatemala, I met a 19-year-old girl who mentioned to me how she had dropped out of the equivalent of high school because of gang threats. When she was 15, she began dating a boy who turned out to be in the MS-13 gang. Throughout their relationship he verbally and physically abused her, which led her to end the relationship. However, his new girlfriend, who was part of MS-13, began to threaten to kill her if she did not join the gang. For an entire year, the girl lived under threats and fears. During this time, she dropped out of school and did not leave her home. Eventually, the girl threatening her moved to another town.

While in Guatemala, I also traveled to Chichicastenango, where I stayed in the home of an indigenous woman living high up in the mountains. The woman's son, age 24, had recently been deported from the United States back to Guatemala. This had been her son's second attempt: the first time he only made it to Reynosa, Tamaulipas, Mexico, the second time he made it to McAllen, Texas. The woman had used the title of her humble home as collateral to pay for her son's journey. Now, every dime they earned that did not go to food, went to paying off his debt. Out of all the places I visited during my trip, her community is the one that by far faced the most severe poverty.

The situations I encountered in El Salvador and Guatemala are the types of settings most survival migrants come from. These settings lack access to three basic things: security, education, and opportunity. My personal experiences in the two countries helped me formulate the recommendations that will follow later in this paper.

Findings

The following findings are derived from both the 27 interviews I analyzed and my personal observations:

1. Nearly 50% of all interviewees explicitly stated being in search of basic security;
2. Approximately 30% of interviewees had first-handedly been a victim of gang violence;
3. Family reunification of UMC with parents or other family members, was mainly prompted by escalating violence;
4. The majority of UMC were in search of a life with economic opportunity; and
5. Violence has become normalized for the youth in the Northern Triangle.

As their governments are unable to provide them with safety, cross-border migration serves as a solution to seek safety. The reigning insecurity in the Northern Triangle can be determined as the factor leading half of the minors interviewed to be in the search for basic security. Of the minors interviewed, some had either experienced direct threats by gangs, had their family members threatened or killed by gangs, had been recruited by gangs, or were living in gang-controlled regions. Prior to making the decision to leave El Salvador, Guatemala, or Honduras, and be reunited with family, in the majority of the interviews there was a factor (usually violence) that triggered the desire to migrate. Their journeys had been funded by their parents or family members, with half of the minors knowing their ‘coyote’. Most minors were enrolled in school before they embarked on the journey, but others had dropped out and were currently working to support themselves or their families. Regardless if they were working or not, the majority of minors remained hopeful of finding economic opportunities in the United States.

My last finding communicates that all youth interviewed were aware of the violence their countries are experiencing, yet it seemed to be a topic that is normalized for them. When violence is normalized, it becomes part of daily life and young people assume it is their responsibility to create their own safety. This normalization of violence leads minors seeking asylum in the United States to claim economic reasons or family reunification, as their reason for migrating. As a result, many minors end up not qualifying for asylum in the U.S.

Recommendations

Expanding ‘credible fear’ factors

A recommendation for the U.S. is to ratify the UN Convention on the Rights of a Child. The UN Convention on the Rights of a Child promotes the safety of children in emergency situations to be taken into consideration by the international community. If the U.S. were to ratify the Convention it would take on a greater responsibility to protect the status of minors seeking refugee status on its soil. The minors who were interviewed and had parents living in the United States were not seeking family reunification, rather their family reunification was a result of the child’s persecution by gangs in their country of origin. In these special circumstances, the Convention would extend protection to minors seeking to reach their parents for a safe haven. More so, the minors navigating through the United States immigration system would have increased chances to acquire asylum in the U.S.

Religion, race, nationality, membership of a particular social group, or political opinion, are the factors currently used to determine eligibility for asylum in the United States. If these factors were expanded to include ‘internal violence by non-state actors’, many of the minors who were interviewed could receive asylum in the United States. The outdated definition of a refugee must be expanded to provide safety to minors who are in dire need of protection from rising violence in their countries. The failure of a State to provide its citizens with basic security in their life forces these minors into a gray area that is not acknowledged by the current refugee regime. Gang violence in El Salvador, Guatemala, and Honduras, should be recognized as a source of credible fear when minors from the Northern Triangle are attempting to obtain asylum in the U.S.

Alexander Betts' survival migration definition would acknowledge the increasing violence in the Northern Triangle as a reason for minors to seek international protection in the United States. The definition would also accommodate minors in search of socio-economic advancements their country has been unable to provide. If adopted, Betts' definition of survival migrants, or "persons who are outside their country of origin because of an existential threat for which they have no access to a domestic remedy or resolution," would expand the refugee framework utilized by the United States. Those minors who are currently trapped between being classified as a refugee or an economic migrant would receive the form of protection that meets the best interests of the minor.

Though the recognition of survival migration as a valid criteria for granting asylum would expand the numbers of those who could receive a form of legal relief in the U.S., it is not a sustainable solution. Alexander Betts suggests the implementation of a program where survival migrants are able to receive temporary protection from violence in one's country of origin, or for temporary permission to work. A temporary employment program may be successful in creating circular migration where individuals have the ability to return to their countries of origin, while having employment opportunities in the U.S. However, a temporary program from violence still does not ensure that minors will be returning to safe conditions in their respective countries, or that they would receive a permanent legal status in the U.S.

Temporary Protected Status (TPS)

In the past, Temporary Protective Status (TPS) has left many Salvadorans without a pathway to citizenship in the U.S. Some have been fortunate to gain residency, but others have become part of the estimated 11 million undocumented immigrants in the

country. TPS can serve as an emergency response to the ongoing violence in the Northern Triangle, but it does not take into account that many of these minors have parents with established lives in the U.S. These factors should be taken into greater consideration when a child makes his/her claim for asylum. Unaccompanied minors need to have their full story heard in order for the Office of Refugees & Resettlement to make a decision with the child's best interest in mind.

Protect Children in the U.S. immigration System

Which brings us to a bigger point: unaccompanied minors, and children in general, must have more protection extended to them when navigating the U.S. immigration system. Language barriers, lack of legal representation, and half-told stories make minors seeking a safe haven a vulnerable population. The U.S. immigration system needs to prioritize the safety of these minors, some of whom have had traumatic experiences, rather than searching for ways to eliminate their opportunities to gain asylum. It is unreasonable for a minor to legally represent him/herself in a country (s)he knows nothing about, not even the language. No minor should face an immigration judge on their own, while a U.S. government attorney argues for their deportation. If the former Central American Minors (CAM) parole program had allowed for minors with parents or relatives in the U.S., whether documented or undocumented, to file for asylum while still in the Northern Triangle, many minors would not have had to make the dangerous journey through Mexico with a human smuggler.

In-Country Solutions

A final recommendation would be a two-part in-country solution: reduce the violence and create more opportunities for the youth. When I traveled down to Central America I learned that what many young people see as their biggest enemy is not gangs or violence, but rather lack of socioeconomic advancement. The failures of these States to provide their youth with opportunities to create a better life for themselves through education and employment is one of the main reasons gangs have been able to expand their influence so much.

Gangs in the region represent the failed U.S. immigration policies of the late 1990s and the lack of opportunity in the region. The governments of El Salvador, Guatemala, and Honduras need to begin by minimizing the violence with a police reform in which the police does not create ties with gangs or other criminals. A “*mano dura*” or strong hand approach, is likely to create more violence, so it is important to balance the arrest of gang members with the expansion of social programs where former gang members are able to receive treatment for drugs and are able to one day peacefully integrate back into society.

Another form of foreign intervention

Lastly, the United States needs to take responsibility for their role in the creation of the Central American humanitarian crisis. When the U.S. sent back gang members from the streets of Los Angeles to El Salvador, it set the ground for the instability in the Northern Triangle. The U.S. should be mindful of this when unaccompanied minors seek asylum. If the U.S. refuses to grant unaccompanied minors asylum, then it should seek to help fund sustainable programs in which the Northern Triangle countries are providing

opportunities for the socioeconomic advancement of its youth, while prioritizing their safety.

Conclusion

The definition of a refugee, established through the United Nations, was originally drafted to extend protection to those fleeing from persecution and seeking safety in the international community. However, the outdatedness of this definition has failed to account for unaccompanied Central American minors fleeing increasing violence and failure of their States to provide them with socioeconomic opportunities. The push factors like violence, poverty, and inability to pursue an education, have made migrating to the U.S. their only perceived solution. Though they seek asylum in the U.S., their stated reasons to establish credible fear in court fall into a gray area.

UMC are survival migrants who are excluded from the refugee regime. Both the interviews analyzed and my personal observations provide evidence that UMC fit the definition of survival migrants and are facing a credible fear. In 2015, 54% of UMC were granted asylum in the United States, but in 2016 this number dropped to 23%. These numbers help demonstrate the urgent need for children to be protected both from the violence in their countries and as they navigate the U.S. immigration system. Minors are expected to navigate through the U.S. immigration system on their own, despite this being their first time in the country. It is difficult enough for an experienced lawyer to win the asylum cases of these minors, thus it is cruel to have a minor argue for asylum against a government lawyer arguing in favor of their deportation. The U.S. immigration system must offer stronger protection for unaccompanied minors who have left a life

where violence is normalized. Ultimately, the current definition of a refugee used by the United States must be expanded to include factors listed under the definition of survival migration. If the definition of a refugee/asylee were expanded, survival migrants like UMC would have greater access to legal relief in the United States.

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