

Winning asylum in the U.S. is especially hard now for Central American migrants



Daniela, 19, checks her cell phone at a shelter in Tijuana, Mexico. Daniela talked about the difficulties that women can face El Salvador, including sexual assault and death threats. Daniela was living in a Tijuana shelter while in the process of applying for U.S. asylum. (Erika Schultz / The Seattle Times)



Jose David Castillo, with flashlight, helps find open beds for a family looking for a place to rest at night inside a shelter for for migrants and asylum-seekers in Tijuana. (Erika Schultz / The Seattle Times)



People walk up a ramp at the El Chaparral pedestrian border crossing in Tijuana, Mexico. Asylum-seekers can apply to enter the U.S. at this location. (Erika Schultz / The Seattle Times)

Winning asylum in the United States is far from a sure thing in ordinary times, but that's especially true for Central American migrants today due to a surge in migration, recent policy changes and overloaded border-security agencies and immigration courts.

A Syracuse University report based on 2018 asylum applications and immigration-court results shows that asylum-seekers from El Salvador, Honduras and Guatemala were granted asylum less often than the 35% acceptance rate for migrants overall.

For Salvadorans, the acceptance rate was 23.5%; for Hondurans, it was 21.2%; and for Guatemalans, it was 18.8%.

At the same time that it's gotten harder to win asylum, more and more migrants have been seeking protection in the United States without legal assistance.

Migrants who are represented by an attorney are far more likely to win their cases than those who are not; 90% of asylum-seekers without an attorney were denied in 2017. Roughly half of those with attorneys were denied, researchers at Syracuse found.

The migrant population itself has also dramatically changed.

The U.S. Department of Homeland Security released a border-crisis report in April raising the alarm about “the large-scale influx of (migrant families with children),” which the agency described as a new phenomenon compared to previous immigration waves.

Apprehensions of families with children represented just 1 percent of migrants in March 2017, the report says; today they make up nearly 60% of the total.

Some of those children, it says, are used as pawns by both criminal smuggling organizations and adult migrants to increase the odds of gaining entry into the United States.

More than 53,000 migrants with children in tow were apprehended by the Border Patrol in March of this year alone. DHS says that if numbers like this hold, apprehensions of families for this fiscal year could top half a million, a 600% increase over the previous fiscal year.

This new wave of migration from Central America has worsened to the point the Border Patrol isn't fully able to function, the DHS report says. It has “overwhelmed the entire government and brought our border security and immigration management systems to the point of collapse.”

Among other proposals, DHS says it wants Congress to allocate funds for hiring more immigration judges and for setting up three or four regional processing centers along the border to accommodate the increased influx. It's asking for new legislation to speed up the asylum process, so that hearings and final decisions happen in 20 or 30 days, compared to the current wait times of up to two years.

Complicating matters further is the Trump administration's shifting guidance on border security and immigration.

By law, the U.S. cannot turn away immigrants seeking asylum, though it can deny claims if they don't meet eligibility requirements. But in January, the

administration started requiring asylum-seekers at the southern border to go back and wait in Mexico until their scheduled hearings.

A federal judge in April ordered the Trump administration to halt the so-called “Remain in Mexico” policy, then ran up against court challenges soon after, but the next month the 9th U.S. Circuit Court of Appeals allowed the program to continue while the legal challenge proceeds.

Then, in July, the Trump administration made the most dramatic shift yet, putting in new rules that say that migrants who pass through another country on their way to the U.S. will be ineligible for asylum. That would make it all but impossible for the thousands of migrants who pass through Mexico from Central America, Haiti, and other countries to win asylum. The rule, which is also being challenged in court, also applies to children who cross the border alone.

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