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A series of "unprecedented" bilateral meetings between US and Salvadoran officials has brought renewed attention to an issue with major economic and human rights implications in both countries. Immigrant detention and deportation. In recent years, US authorities have detained and deported a growing number of Salvadoran immigrants, roughly 20,000 in 2009 as part of a post-911 security-oriented crackdown that pushed the overall number of immigrant deportees from 190,000 in 2000 to nearly 360,000 in 2008. Mexicans and Central Americans together accounted for just over 90% of the forced removals in 2008, according to the US Immigration and Customs Enforcement (ICE), a powerful and controversial branch of the Department of Homeland Security that operates with an annual budget of more than US$4 billion. The deportations have long been a concern for Salvadoran President Mauricio Funes, a former television journalist and member of the leftist Farabundo Marti para la Liberacion Nacional (FMLN), who took office in June 2009 (see NotiCen, 2009-06-04). Speaking in Los Angeles, California, in 2008, Funes called the deportations a "sad reality that day in and day out affect hundreds of thousands of Salvadoran residents in the US." Studies have shown that the deportations literally tear families apart, sometimes leaving the US-born children of immigrants "orphaned," psychologically scarred, and struggling to support themselves. Such children suffer "substantial economic hardship and emotional difficulties," the Washington, DC-based think tank Urban Institute revealed in a report published earlier this month. "Worksire raids have received the most attention, both from the press and in terms of community responses, but other forms of arrest...have similar impacts on children long-term family separation, economic hardship, and changes in children's behavior," the study, Facing Our Future: Children in the Aftermath of Immigration Enforcement, concluded. Tackling the tide of deportees

The approximately 400 deportees arriving from the US to San Salvador every week also place a major strain on the receiving country, whose already beleaguered economy struggles to handle the constant influx of displaced people. Last year, the Salvadoran economy contracted by roughly 3%, as remittances from the US home to between 2 million and 2.5 million Salvadorans who collectively send an estimated US$3.5 billion home every year fell by 8.5%, El Diario Exterior reported. The job market, in other words, is hardly in a position to absorb 20,000 deportees annually. Another pressing concern for El Salvador is crime. Salvadoran police reported 4,365 homicides last year, 37.3% more than in 2008, when the country's murder rate (52 per 100,000 residents) was already close to six times the world average (see NotiCen, 2009-10-29). Many of those killings are blamed on violent street gangs, which, according to researchers, find easy and willing recruits among the thousands of desperate and unemployed deportees sent to El Salvador every year. Studies suggest many of the gangs actually began in the US and spread to El Salvador specifically through deportation. "Introduced into war-ravaged El Salvador, the gang [Mara Salvatrucha, or MS-13] spread quickly among demobilized soldiers and a younger generation accustomed to violence," journalist Mathew Quirk wrote in the 2008 Atlantic Monthly article, How to Grow a Gang. "Many deportees who had been only loosely affiliated with MS-13 in the US became hard-core members after being stranded in a country they did not know, with only other gang members to rely on. As the gang proliferated and El Salvador tried to crack down on it, some deportees began finding their way back into the US in many cases bringing other, newly recruited gangsters with them. Deportation,
incubation, and return: it's a cycle we've been caught in ever since." Last November the Funes
government announced measures to assist the arriving deportees, promising jobs on a highway
project and in a new milk-products factory. At the same time, the president began lobbying officials
in Washington to issue a moratorium on deporting Salvadorans. His government has since agreed
to a more "integral" approach and, starting in December, participated in series of meetings with
US officials. Last month members of the Binational Working Group on Removals and Migration
Topics visited ICE's 2,000-bed Willacy Detention Center in Texas. Later they accompanied a group
of 120 Salvadoran deportees on a plane flight to San Salvador, where the two delegations signed a
nonbinding Memorandum of Understanding, agreeing to speed up the deportation process as well
as seek alternatives to detention. "The [Barak] Obama administration has opened up and received
us in an unprecedented way," said Juan Jose Garcia, head of the Salvadoran contingent. "This is the
first time these two governments have formed a working group to take an integral approach to the
migration issue that goes beyond just the matter of deportations, or the infrastructure involved in
these deportations." The top US representative in the meetings, Alonzo Pena, ICE deputy assistant
secretary, said the Obama administration is looking to review his agency's operating procedures "so
that immigrants are detained in a civil manner and not in a detention center or following a model
that's like prison." He added, "We're moving toward that as quickly as we can." Investigating the
investigators For many rights groups in the US, the reforms are already long overdue. Questioned
for years, ICE's detention and deportation practices have come under particularly intense scrutiny
of late in large part because of a handful of scathing media reports that highlight the agency's
less-than-transparent operating procedures. An ongoing investigation by The New York Times
revealed that, in recent years, not only have numerous people died in immigrant-detention facilities,
but officials from the agency went to great lengths to hide that information from the public. ICE
now admits 107 people have died in their facilities since the agency was created in October 2003.
One victim, 22-year-old Salvadoran Nery Romero, committed suicide in 2007 while being held
in New Jersey's Bergen County Jail. At the time of his arrest, Romero who had no prior history
of mental illness was recovering from a serious leg injury, for which he was taking powerful pain
killers. After his detention, however, authorities refused Romero pain medication, causing severe
pain that, according to an internal inquiry, was a likely factor in the suicide. In a Jan. 10 article,
New York Times reporter Nina Bernstein went on to explain how medical personnel tried to cover
their tracks by falsifying a medical report, noting only after Romero died that they had given him
Motrin. Another recent expose by journalist Jacqueline Stevens in The Nation revealed that ICE in
addition to its extensive network of known facilities operates nearly 200 "secret" jails: unmarked
and unregistered "subfield offices" that are often located in office parks or other commercial spaces.
"Designed for confining individuals in transit, with no beds or showers, subfield offices are not
subject to ICE Detention Standards," she wrote. Stevens drew much of her material from a 2009
Amnesty International (AI) report, Jailed without Justice, whose author, Sarnata Reynolds, was
present during a 2008 police and sheriffs conference that was also attended by ICE's then executive
director, James Pendergraph. "If you don't have enough evidence to charge someone criminally but
you think he's illegal, we can make him disappear," Pendergraph boasted during the meeting. But
the biggest problem, say critics of the system, is that the approximately 30,000 immigrants in custody
on a given day simply do not have basic due-process rights. Breach of immigration law is a civil,
not criminal, matter. Yet, unlike people charged under criminal law, people accused of immigration
violations have no right to a government-appointed attorney. Nor are they allowed to post bail.
Instead, an immigrant detainee must simply wait days, weeks, in some cases even years for their
case to finally go before an immigration judge. "The purpose of holding someone in immigration
detention is completely different from the purpose of holding someone in a criminal jail or prison," Alison Parker, a deputy director with Human Rights Watch (HRW), told NotiCen. "Immigrant detainees are not being punished. They're being held so that they can be processed through removal proceedings and then subsequently deported if that's the ultimate result. But for all intents and purposes, for the person being held, it feels like they're being held in a prison." ICE, whose self-proclaimed mission is "to protect the security of the American people and homeland," prides itself on its pursuit of "criminal aliens," foreign-born people with criminal convictions on their records. A 1996 law makes any immigrant convicted of a crime, be it shoplifting or murder, eligible for deportation. But while ICE's public-relations department is quick to advertise the numerous rapists, drug dealers, and gang bangers the agency nabs, it downplays the fact that many of the "criminal aliens" being detained are legal residents who at some point in the past committed only minor, nonviolent offenses. The majority of immigrant detainees have no criminal record at all. An investigation by the Associated Press, which used data gathered through a Freedom of Information Act (FOIA) request to present a single-day "snapshot" of the national immigrant-detention system, found that 58% of detainees had no criminal history. The AP also found that nearly one-third of the 32,000 detainees being held that particular day had already exceeded the 31 days that ICE considers the average length of detention. Approximately 950 people in the sample had been locked up more than six months and counting. "From an advocate's perspective, the way it works often seems backward," said Parker. "The people sometimes with the strongest cases, the most arguments to make, the people who've lived lawfully in the country for 20 years, served in the US military, who have US-citizen children, who have all kinds of reasons for wanting to remain, they may be the ones who fight the hardest. And those who fight the hardest are the ones who will end up spending the most time in immigration detention. That's because they need to stay detained until their case is resolved." "Even if they win, at one of the lower-court levels, the government will always appeal, so they have to stay in detention while the government appeals the case," Parker added. "Those people can end up staying in detention for two or three years. At a certain point they say, 'You know what? I just can't do this any more. I can't sit in here. I can't talk to my family over the phone and listen to my children crying. I can't do it. I'm going to sign [a voluntary deportation form].""