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Refugees and U.S. Asylum
Seekers from Central America

Statement of
Nancy R. Kingsbury, Director,
Foreign Economic Assistance Issues,
National Security and International Affairs
Division

Before the Subcommittee on Immigration,
Refugees, and International Law Committee
on the Judiciary House of Representatives

Mr. Chairman and Members of the Committee:

We are pleased to be here today to discuss our observations on Central American conditions that are generating refugees and the rapidly growing flow of Central Americans seeking asylum in the United States. Our statement is based on recent and ongoing work concerning the economic and refugee situation in Central America and Immigration and Naturalization Service's (INS) data regarding Central Americans applying for asylum.

As you know, there is a similar standard for determining refugee status and adjudicating asylum -- namely whether or not the applicant for refugee protection or for asylum can demonstrate that he or she has a well founded fear of persecution because of race, religion, nationality, political opinion, or membership in a social group. While there are differences in the way the United Nations High Commissioner for Refugees (UNHCR), the first or temporary asylum countries, and the ultimate resettlement countries apply this standard, there are similarities in the reasons why people apply for refugee or asylum status.

A vast array of conditions and events, both natural and man-made, have led to economic crises and armed conflicts in Central America resulting in hundreds of thousands of people seeking refuge in neighboring countries and thousands more displaced within their own countries. Large numbers, estimated to be over 1.7 million in

this decade, have left their countries and about 1.2 million, or 70 percent, have entered the United States and Canada both legally and illegally.

The primary refugee generating countries are Nicaragua, El Salvador, and Guatemala, all of which have experienced internal conflicts and severe economic hardships, particularly since the early 1980s. The primary countries of first asylum or initial refuge are Honduras, Costa Rica, and Mexico. Belize has received some refugees, mostly Salvadorans; and Guatemala, despite its problems, has also recently become a refuge for some Nicaraguans and Salvadorans. The majority of Central Americans applying for asylum in the United States are from Nicaragua and El Salvador.

CONDITIONS IN REFUGEE GENERATING COUNTRIES

The economic and political situations in Nicaragua, El Salvador, and Guatemala are different, yet all three countries have difficulties with armed conflicts within their borders, extensive economic and social inequities, and the existence of human rights violations. The reduction of the level of conflict depends on current Central American peace efforts and the willingness of the affected countries and other involved parties to implement the Esquipulas II agreements. In addition, there are currently evolving situations with outcomes that can influence emigration from Central America, such as the approaching elections in El Salvador, the Nicaraguan economic crisis, the unknown future of

the Nicaraguan Democratic Resistance (contras), and the tenuous stability of the civilian government of Guatemala.

Conditions in Nicaragua

Since 1984, there has been a marked deterioration in the Nicaraguan economy because of adverse regional and extra-regional economic factors, the internal conflict, and disruptive economic policies. Inflation increased from an average of 32 percent per year from 1980 to 1984. In 1988, it stood at 20,000 percent and currently was increasing at a rate of about 100 percent per month.

The war and related military actions to depopulate certain areas of the country have displaced an estimated 200,000 families. In 1988, hurricane Joan compounded the problem, generating an estimated 300,000 displaced persons in Nicaragua and causing an estimated \$840 million in damages. An estimated 80,000 people left Nicaragua in 1988. We were informed during our December 1988 visit to Nicaragua that most of those emigrating are from the technical, professional and middle classes. Many went to Costa Rica and Honduras and, because Guatemala does not require visas, many reportedly went to Guatemala and then on to the United States by way of an "underground railroad" through Mexico. An estimated 150,000 to 200,000 Nicaraguans are believed to be in the United States illegally.

Conditions in El Salvador

El Salvador is currently the largest recipient of U.S. aid in Central America, over \$3 billion since 1981. The aid has been directed to support a civilian, democratic form of government, avert the overthrow of the government by insurgents, and prevent an economic collapse. These efforts, however, have been severely hampered by the extremely limited absorptive capacity of the Salvadoran government, the lack of success in eliminating the insurgency, increased population growth, a 1986 earthquake, a drought, and the continuing regional economic crisis.

In 1987, the Salvadoran government had reduced the level of insurgency and active support for human rights matters had produced a concurrent decline in politically motivated deaths. However, we reported in May 1987, that most Salvadorans were experiencing "a pervasive fear of random violence." Salvadorans were concerned about the consequences of being viewed as sympathetic to either government security or guerilla forces. Some officials reported a widespread Salvadoran mistrust of government judicial institutions and processes.¹ Since October 1987, the rate of political deaths has increased. Many observers see the current conflict situation, at best, as a stalemate and both U.S. and Salvadoran officials agree that the insurgency will not be completely eliminated until the social and economic conditions contributing to it are

¹ILLEGAL ALIENS: Extent of Problem Experienced by Returned Salvadorans Not Determinable GAO/NSIAD-87-158BR.

eradicated and the insurgents participate within the Salvadoran democratic system.

Over 200,000 persons, 4 percent of the Salvadoran population, are currently displaced. This represents a decline from an estimated 405,000 displaced in 1986, because they have returned to their homes, resettled, or emigrated. It is estimated that in this decade perhaps one quarter of El Salvador's population has emigrated, most illegally, into the United States.

Conditions in Guatemala

Between 1978 and 1985 Guatemala experienced a period of intensely violent civil strife. The western highlands were devastated as the military and guerrilla groups struggled for control of the countryside. Ruthless tactics employed by warring factions led to large scale movements of civilian populations seeking to escape the violence. Many displaced persons sought safety in less turbulent areas of Guatemala. Some fled as refugees to neighboring countries, especially Mexico, and others found their way to the United States.

The restoration of constitutional rule in 1986 under a popularly elected civilian administration has been accompanied by some economic stabilization, and a reduction in the reported level of human rights violations. However, Guatemala's overwhelming social and development problems, particularly among its indigenous Indian

population, have not been resolved and continue to make it vulnerable to a guerrilla threat.

The government is conducting programs and activities in the highland regions, which were the focal point of the guerilla insurrection, to encourage and assist resettlement of displaced persons and refugees. These efforts are hampered, however, by the Guatemalan government's resource constraints and limited absorptive capacity. In addition, the size, linguistic, and cultural diversity of the area and the logistical problems of delivering assistance to such remote regions make repatriation of refugees difficult. Finally, guerilla activity continues in some areas where returning refugees and displaced persons are settling.

Most of the villages we visited where repatriates and displaced persons have settled were characterized by limited economic opportunities and severely underdeveloped infrastructure. Lack of potable water is a major cause of disease among rural people with tuberculosis, malaria, and parasitical diseases the most common. Infant mortality for the indian children of these areas can reach 150 per 1,000 which is one of the highest rates in the world.

NUMBERS AND CONDITIONS OF REFUGEES

As of August 1988, about 120,000 refugees from the three generating countries were registered with the UNHCR to receive temporary shelter, food, health and other humanitarian services. A

description of the conditions and numbers of Salvadoran and Nicaraguan refugees in Honduras and Costa Rica and of the displaced persons in El Salvador receiving UNHCR assistance is covered in a recently issued GAO report which we are submitting for the record.²

Large numbers of refugees are not registered primarily because they blend into the population and economy of the host country or, for political reasons, they receive support from sources other than the UNHCR. Estimates of their number vary. For example, unregistered Nicaraguan refugees in Honduras are estimated from 75,000 to 200,000, not counting the 50,000 Nicaraguan Democratic Resistance (contras) fighters and families supported by U.S. humanitarian assistance. State Department and UNHCR officials estimate that between 60,000 and 75,000 undocumented Nicaraguans are in Costa Rica. However, Costa Rican government sources suggest numbers as high as 250,000. An estimated 150,000 unregistered Guatemalans are in the Mexican state of Chiapas and from 50,000 to 70,000 Salvadorans are estimated to be in Mexican urban areas.

Over 200,000 persons are currently displaced within El Salvador and estimates of displaced persons within Guatemala vary from 12,000 to 50,000. As many as 350,000 displaced persons are currently reported to be in Nicaragua.

²CENTRAL AMERICA: Conditions of Refugees and Displaced Persons, (GAO/NSIAD-89-54), March 1989.

While the flow of refugees has stabilized since the mid-1980s, conditions are such that they are generally unwilling to return to their homes until peace is restored and their safety and civil liberties can be guaranteed. Repatriations of some Salvadorans, Guatemalans, and Nicaraguan Indians are occurring from refugee sites in Honduras, Mexico, and Costa Rica.

Until recently, the primary refuge countries have willingly accommodated and assisted the refugees. However, economic and political strains from this are becoming evident. For example, the movement of families and supporters of the Nicaraguan Assistance fighters into Honduras is considered by the Honduran Government to be a major security issue. Honduras and Costa Rica cite refugees as a source of declining health, economic, and security conditions. Costa Rica has established joint border patrols with Nicaragua and recently turned back about 300 Nicaraguans at the border.

ASYLUM APPLICATIONS

The conditions in Central America have contributed to large numbers of Salvadorans and Nicaraguans, and lesser numbers of other Central Americans, entering the United States and applying for asylum. In July 1987, the Attorney General directed INS to take a number of steps affecting Nicaraguans living in the United States. One step was to encourage those Nicaraguans whose asylum claims have been

denied to reapply. The purpose of this directive was to ensure that Nicaraguans with a well-founded fear of persecution would be able to remain here. To our knowledge, no other special guidance was provided for other Central American nationals.

INS reports a seven fold increase in Central American asylum requests over the past four years--from about 7,000 in 1985 to over 50,000 in 1988. Further, INS received 60,700 total applications for asylum in fiscal year 1988. The Los Angeles District Office received the most applications (28,500) and the Miami District Office was second (8,200). INS estimated that the 10 districts with the largest volume of applications will receive about 76,900 in fiscal year 1989.

INS has taken measures to cope with this unanticipated influx. In February 1989, INS implemented actions in South Texas through a task force to stem the flow of what INS Commissioner Alan Nelson called "frivolous asylum claims." These actions include expedited asylum adjudications for qualified applicants to gain asylum, and detention and deportation for unqualified applicants. To carry out these actions, 500 personnel from throughout the country were to be sent to South Texas. Two other task forces have been established in Miami and Los Angeles.

According to INS statistics, of the 13,420 aliens applying for asylum in INS Harlingen District in Texas between January 9 and

February 20, 1989, about 95 percent (or 12,743) came from 4 countries--Nicaragua (35 percent), El Salvador (30 percent), Honduras (18 percent), and Guatemala (13 percent). The aliens reported the most frequent destination to be Miami (29 percent) of which the majority were Nicaraguans. Second was Los Angeles (19 percent).

STATUS OF ALIENS DURING ASYLUM PROCESSING

According to INS officials in recent discussions, INS adjudication and denial of aliens' asylum applications may not result in their immediate deportation. Therefore, denial of an application cannot be equated with routine deportation.

For those aliens whose asylum claims are denied in an INS district office, their cases are to be forwarded to the Executive Office of Immigration Review for scheduled deportation hearings. As of February 28, 1989, none of the denied asylum applications in Los Angeles had been sent to this office. We found from previous work at INS that few aliens denied asylum have been deported. Our report (Asylum: Uniform Application of Standards Uncertain--Few Denied Applicants Deported, GAO/GGD-87-33BR Jan. 9, 1987) pointed out that about 2 percent of aliens whose asylum applications had been denied ~~were~~ deported. We have found instances in our work at INS where aliens have had their deportation hearings transferred to their ultimate destinations. Transfer of cases and the ability to

avoid deportation may also occur with the recent influx of Central Americans applying for asylum.

Aliens, including Central Americans, may request from INS temporary work authorization, while having their cases, such as their asylum applications, reviewed. Prior to the Immigration Reform and Control Act of 1986 (IRCA), employers could not be penalized for hiring aliens not having work authorization. Under IRCA, employers are subject to penalties for hiring unauthorized workers. The act, therefore, may encourage aliens to apply for asylum to obtain temporary work authorization.

In the last session, Congress attempted to address the problem of aliens who fear returning to their country because of the severe conditions existing there, such as local insurgencies or hurricane devastation, through legislation entitled the "Temporary Safe Haven Act of 1988." Under existing law, such aliens would not qualify for asylum unless they could individually demonstrate a well-founded personal fear of persecution. The Safe Haven Act would have amended the Immigration and Nationality Act to permit aliens who are nationals of certain foreign states determined to be in crisis to remain temporarily in the United States and to work.

IMPACT OF ADDITIONAL ALIENS ON MIAMI

Based on recent discussions with local Miami officials, the financial impact of the influx of aliens will continue to affect

local service providers. For example, the Dade County School District is beginning a massive school construction and renovation program to accommodate student growth. However, its plans did not consider the substantial increase in Nicaraguans. The District has tapped all available state and local funding sources and now must address the influx of aliens. According to the District, its present student space is already 20 percent less than what is needed for its current enrollment. Also, the alien influx is affecting other social services such as health care.³

CONCLUSIONS

In summary, our work has shown that continuation of the unsettled conditions in Central America will result in more challenges to the effective maintenance of U.S. immigration policies. We have just completed a major review of U.S. programs and activities in Central America which suggests that reduction of the numbers of Central Americans migrating to the United States will be more directly affected by the ability of the Central American governments to regionally achieve peace and economic stability, and for several of these nations to individually increase political stability, reduce social and economic inequities, and protect and promote respect for human rights. U.S. foreign policy initiatives, in conjunction with other nations and international organizations, should continue to work towards these objectives.

³POLITICAL ASYLUM APPLICANTS: Financial Effect on Local Services in the Miami Area, (GAO/GGD-89-54FS), Feb. 23, 1989).

A "get tough" policy by the INS regarding asylum applications may have an impact on reducing the number who apply, but does not have an impact on the very severe conditions that are motivating Central Americans to come to the United States and thus may not reduce the number of illegal Central American aliens entering our country. The Safe Haven legislation passed by the House of Representatives during the last session of Congress appears to us to be a practical and humane approach to dealing with the U.S. immigration issues posed by Central America.

Mr. Chairman, this concludes my prepared statement. I would welcome any questions you and other members of the Subcommittee may have.

Refugees and U.S. Asylum Seekers from Central America.
GAO/T-NSIAD-89-16, March 9.

Pipeline Safety Risk Assessment Program Could Help Evaluate
Inspection Cycle. GAO/T-RCED-89-15, March 9.

Bank and Savings and Loan Insurance Funds: Financial
Condition and Proposed Reforms. GAO/T-AFMD-89-3, March 10.

Resolving Texas Thrift Problems. GAO/T-GGD-89-10, March 11.

ON CAPITOL HILL

March 7, 1989

Carl Wisler, PEMD, and Jim Duffus, RCED, testified on reclamation and bonding requirements for active mining operations, before the Subcommittee on Mining and Natural Resources, House Committee on Interior and Insular Affairs. They were accompanied by Jim Solomon and Robert White, PEMD; and Robert Wilson, RCED.

Jim Johnson, NSIAD, testified on procurement of the MK 48 and MK 50 torpedos, before a closed hearing of the Subcommittee on Seapower and Strategic and Critical Materials, House Committee on Armed Services. He was accompanied by John D'Esopo and Roderick Rodgers.

Eleanor Chelimsky, PEMD, and Bill Gainer, HRD, testified on reauthorization of the Vocational Education Act, before the Subcommittee on Elementary, Secondary, and Vocational Education, House Committee on Education and Labor. They were accompanied by Robert York and Frederick Mulhauser, PEMD; Fred Yohey, HRD; and Thomas Hubbs, Philadelphia.

Allan Mendelowitz, NSIAD, testified on foreign trade zones, before the Subcommittee on Commerce, Consumer, and Monetary Affairs, House Committee on Government Operations. He was accompanied by Curtis Turnbow and Michael McAtee.

March 9, 1989

Janet Shikles, HRD, testified on board and care homes for the elderly, before the Senate Special Committee on Aging. She was accompanied by Al Schnupp, HRD; and Christopher Rice, Norfolk.

Frank Conahan, NSIAD, testified on U.S. programs and activities in Central America, before the Subcommittee on Western Hemisphere Affairs, House Committee on Foreign Affairs. He was accompanied by Tom Schulz.

Nancy Kingsbury, NSIAD, testified on Central American refugees seeking asylum, before the Subcommittee on Immigration, Refugees, and International Law, House Committee on the Judiciary. She was accompanied by Tom Schulz, NSIAD; and Jim Blume, GGD.

Donna Heivilin, NSIAD, testified on mine warfare, before the Subcommittee on Seapower and Strategic and Critical Materials, House Committee on Armed Services. She was accompanied by Joseph Brown.

March 10, 1989

Fred Wolf, AFMD, testified on the financial condition of the Federal Savings and Loan Insurance Corporation and the Federal Deposit Insurance Corporation, before the House Committee on Banking, Finance, and Urban Affairs, in San Antonio. He was accompanied by Bob Gramling, Sharon VanderVennet, and Jay Gremillion.

March 11, 1989

Comptroller General Bowsher testified on FSLIC's bailouts of insolvent savings and loan institutions in Texas, before the House Committee on Banking, Finance, and Urban Affairs, in San Antonio. He was accompanied by Fred Wolf, AFMD; Dick Fogel and Alison Kern, GGD; and Jim Hinchman, OGC.