

UNRECOGNIZED REFUGEES: CHILDREN, YOUTH, AND MOTHERS FLEEING VIOLENCE IN CENTRAL AMERICA

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The 9 year old girl had arrived from El Salvador two days before. Her mother was listening desperately to a lawyer giving an orientation to a group of women about how to file their own asylum applications. I had given the girl a coloring book and she was making beauty with careful strokes while she told me a horror story about the beating of her brother by the Marasalvatrucha and the police. “Sangre salio de su cabeza, de su boca, de sus oidos, mucha sangre” (Blood came out of his head, his mouth, his ears, lots of blood) she said with wide eyes. And then she whispered, “Pero ya estamos bien. Vamos a quedarnos aqui.” (But now we are ok; we are going to stay here.”)

Unfortunately, it is not likely that she will be ok. The Obama administration has prioritized the deportation of mothers and children from Central America if they have deportation orders. The vast majority with deportation orders have received deportation orders in absentia, as the result of missing a court date, not as a judgment on their case. If they have legal representation, the statistics are that 78% of them will be awarded asylum. Without a lawyer, 91% will end up with deportation orders back to hell. El Salvador is vying with Honduras and Syria for the most murders per capita in the world. In 2015, El Salvador reached the level of 108.5 murders out of 100,000 residents. In comparison, the U.S. hovers around 2–3. Our immigration system does not provide free

legal defense to other asylum-seekers, including unaccompanied children, regardless of the objective situation that they are fleeing.

The 9 year old little girl and her family are not an unusual case. Here are a few of the documented stories. First, I want you to meet the boys.

Josue

Josue is the grandson of Trinidad, the manager of the Lutheran Guest House in San Salvador. It is the place that you will stay if you come to El Salvador on a short-term mission trip with the Lutheran Church of El Salvador. When Josue was at high school, one day two members of the Marasalvatrucha (also known as MS-13) approached him and told him that he would become a member or die. MS-13 is often referred to as a gang but that may be a misnomer; it is one of the most powerful international mafias that has ever existed. It earns most of its money from trafficking—guns, drugs, people—and from the extortion of small businesses (\$600 million in 2015.) They are controlling increasingly large territories of Central America’s Northern Triangle (Honduras, El Salvador, and Guatemala.) The Marasalvatrucha recruits by force. Their threats are not idle. Josue is a Christian and he did not want to become a member of the MS-13. He ran home for his father’s protection, knowing that his father was spiritually and physically strong. His father had just returned from his shift as a bus driver; he stepped outside and said to Josue’s pursuers; “You cannot have my son.” One of the MS-13 took out his gun and murdered

Josue's father in front of his eyes. The next morning, Josue ran for relatives in the U.S.

Lucas

Lucas's uncle was killed by a gang in Guatemala; his brother was beat up a year after that by the same gang. After his brother was beat up, he left for the United States. One day Lucas was walking to church and the same gang approached him, beat him up, cut off his finger tips and told him this is the last time they would be beating him up. The next time they would kill him. He left for the states shortly after that. He has four brothers and one has just been detained at the Texas border. His lawyer, in cross examination, asked him if he would stop going to church if he went back. He said that he would never stop going to church because his love for God was too great. The judge has asked for more evidence.

Jose

Jose is 17 years old, from El Salvador. When he was 16, in his first year at the National University studying electrical engineering, the gangs in his neighborhood began threatening him and his family. They wanted him to join their gang, but he resisted. Finally, they told him that if he did not join, they would kill him, or his family, or both. His parents put him on the journey to the United States, where he has two uncles. He spent two months traveling across Guatemala and Mexico, many times hiding from the police; other times hiding from Mexican gangs. He finally reached the U.S. where he was detained for a month in the "Refrigerator" at a detention center in Texas. The temperature was a constant 60 degrees and he had only a blanket and his underwear. No shoes and socks; no

shirt or pants. It was miserably cold. He only got one meal a day, usually a white-bread sandwich with a piece of baloney in between—dry. Finally, he was allowed to travel to Los Angeles where he is now staying with his uncles and going to high school. His court date has not been set yet. He fears being returned to El Salvador, as he is sure he will be killed as soon as he arrives.

The gangs/mafias in Central America do not pressure girls to join. They pressure girls in other ways. Here is a story from a group of United States journalists on a 2015 fact-finding tour.

Marcela

The girl is dead. She's 15 years old and her name is Marcela. Witnesses tell us she was executed by a gang member. We can't see her face. All we can see is her plaid pants and gray T-shirt. Her family is across the street in a pickup truck. We can't tell you their names because it would put them in danger. Marcela's mother is too upset to talk. So, we talk to her grandmother. She says Marcela left the house that morning with her sister. The two worked in downtown San Salvador, the capitol of El Salvador, making tortillas. The grandmother tells us that Marcela's boyfriend was a bus driver in a gang-controlled neighborhood. First, he got threats. "Help the gang or we'll kill you." Then he disappeared. Then Marcela started getting threats. And now this: Marcela's body, lying on the ground, while people drive to work. We find the police investigator on the case. He says Marcela was attacked from behind and shot twice in the head. He says Marcela's sister witnessed the killing. She's now in police protection. We ask him why a gang member would kill a 15-year-old girl. He speculates that it's because she

didn't want to be someone's girlfriend or didn't want to do something for that gang. Is this normal, we ask? Does it happen to young women a lot? It happens every day, he says. The police later release Marcela's sister from their protection, even though local reporters tell us the gangs will probably go after her now. The family tells us their only option is to leave the country, ideally for the U.S. But they've got about \$200 to their name. It's not nearly enough to pay a smuggler.

Here are two stories of girls that we met in immigration courts:

Jasmine

Jasmine is 17 years old, originally from Guatemala. She is an unaccompanied minor who is under the care of her aunt, whom she met when she arrived to the United States. Jasmine appeared in court for the second time without a lawyer. The judge gave her an extension once again to give her a chance to look for an attorney. During her court session the judge decided to go off the record and have a conversation with her about her current living situation. It appears that Jasmine has found herself a boyfriend who is much older than her. Because of tensions in her aunt's home, she decided to move out of her aunt's house and go live with him. For this reason there are some organizations that are unable to help her since she is no longer under her legal guardian's protection. She is pregnant and no longer attends school. Like many other kids Jasmine seems to not understand exactly what she is facing.

Testimony of Maria, 17 years old

I left Guatemala after both of my parents were murdered by gang members. My father was a humble farmer who was gunned down while he was working in the fields. No one knows

why he was targeted. A few years later, I was home with my mother and my four siblings when a masked man holding a shotgun broke into our home. The man demanded all of the money we had in the house, but we didn't have enough for him so he shot and killed my mother in front of all of us. That was the hardest thing in my life, seeing my mother killed in front of me. I have a sister who is close to my age, but our other three siblings are very young. My sister and I didn't know how we were going to take care of them. After our mom was killed, my sister and I decided to move to another part of Guatemala. We knew that gang members will often break into houses where young women are staying alone and rape them, and we didn't want to stay in the place where we had seen our mother killed. We tried to make ends meet in another part of Guatemala, but we couldn't make enough to take care of our little brother and sisters. All of us were so affected by our parents' death but we weren't able to afford any kind of therapy; we could barely afford enough to eat. We never felt safe wherever we went. So, we decided to come to the United States so that our younger siblings could feel safe, get an education, and have a better life than what my sister and I could offer them after our parents were taken away from us.

If the children come alone, they are covered under the Wilbur Wilberforce Trafficking Victims Protection Reauthorization Act. The Act requires that unaccompanied minors arriving from non-contiguous countries receive a full legal assessment for potential asylum. Instead of going straight to immigration court, their case can first be heard at the Asylum Office, a less hostile environment. However, legal representation is still

necessary for most Central Americans to win an asylum case. The Asylum laws are rooted in a response to the refugee crisis of World War II. Most of the nations in the world, horrified by the Holocaust, signed a United Nations High Commission on Refugees agreement in 1948 to welcome individuals and families fleeing violent persecution in their home countries. If they apply for refuge in a center overseas, they can become official refugees, eligible for a variety of resettlement benefits. If they instead apply for refuge at the border, they can become asylees; the criteria for refugee status or asylum status are the same but there are no resettlement benefits for asylum recipients. However, this system was created to respond to governments that are persecuting their citizens as a result of their race, religion, class or political associations. The system was not designed to protect children running from gangs. It takes a lawyer to prove eligibility.

In 2015, when the numbers of children and youth fleeing Central America jumped from 9,000 a year to 70,000 over 18 months, voices in the press criticized parents who could send their children on this dangerous journey unaccompanied. However, if the parents accompanied their children, those children ceased to be covered by the Act. Both mothers and children end up facing an adversarial immigration court. Hear a testimony from one of the mothers.

A Mother's Story

I cannot return to El Salvador or the MS-13 gang will kidnap my daughter and kill me. I come from a humble background and worked hard to open my own small store to support my family.

MS-13 started taking over my neighborhood, and everyone lived in fear of the gang members. The gang members would come into my store and take things without paying. They would also ask for money almost daily and raise the amount they demanded constantly. They were demanding more than what I could give, so I was forced to close my store. The MS-13 gang was very angry that I closed the store and demanded \$7,000 or they would kidnap my 8 year old daughter. They said she was very pretty and they could do a lot of things with her. They also said that if I were to go to the police, they would kill me and my other children. I would not have gone to the police anyway because they are connected with the gangs and often tell the gang members when victims report crimes. The gangs have killed many people who have tried to cooperate with the police. I know I can't go anywhere else in El Salvador because MS-13 is everywhere, and others who have tried to flee to other parts of the country following similar threats have been found and killed. After the gangs threatened to kidnap my daughter, I could not send her to school anymore. We fled to the United States and asked for protection at the border. We were detained in freezing cold rooms and given very little food to eat. The gangs have now started targeting my mother, and I am afraid that she will be hurt or killed because I left.

It is hard to listen to these stories. Most people, even most Christians, want to cover their ears, to run away in horror. It is easy to feel overwhelmed: one more terrible need; one more burden to take on—or not. Privilege means being able to choose your burdens. If you are born in this country and you are not related to anyone from Central America, you don't ever have to

think about what is happening in Central America or to Central Americans.

That's not the Jesus way, however. I became a Christian in the Jesus Movement of the '70s. Part of the attraction of Jesus to me was his compassion. "Jesus looked at the crowds and had compassion on them" (Matt 9:36). Compassion is not pity. (Pity would have held no attraction for me.) Compassion is an English or Spanish word consisting of two Latin words, "passio" (to feel or to suffer), and "com" (with). Jesus feels our pain as if it were his pain, our hopes and dreams as if they were his hopes and dreams. When everyone else is running away from the suffering, Jesus is running toward the suffering of others, with healing in his hands.

Of course, there is a step that Jesus takes a step in Matthew 9 before he has compassion: a critically important step. He looks at the crowds. He looks deep into people's hearts and he see why they are suffering. He looks deep into their lives and he sees the dreams they long for. We do not really have a compassion problem in the church but we often have a vision problem. We don't see the suffering of the people around us very clearly—let alone people who are far away. If we are to share Christ's compassion, we must see through his eyes.

Hebrews 13:2 tells us that we must not neglect to show hospitality to strangers because by doing so, we may entertain angels. The word for angel in Koine Greek does not merely refer to celestial beings. It refers to any messenger of God, sent to bring a blessing. Jesus does not just see people through the lens

of their need; he sees the potential gift of the person in front of him. He sees the possible divine messenger. He also sees the connection between us. If we have one heavenly Father, we are all brothers and sisters. We cannot cease to be family; we can just be functional or dysfunctional family, healthy or unhealthy family. In healthy and functional families, family members are responsible to and for each other. We are our “brother’s keeper.”

If Central Americans are believers, then we are even more than just members of a common family. We are members of the same body, the Body of Christ. We need to feel the pain in our arms and legs. Lepers do not feel the pain in their extremities – but Jesus cures lepers. For us to be fully alive as the Body, we must feel and live our connection. John 17:21 tells us that the world knows that Jesus has come because of the unity of his followers. This has to mean more than Methodists and Baptists getting together. (I have noticed that denominational ecumenism doesn’t seem to convince the world that the Messiah has come.) If our compassion does not cross the boundaries of national identity, we are not followers of the One who loved friend and foe alike.

It is only from that place of seeing and having compassion that we can move to the next step of effective action. What do we need to do for the Central American children, youth and mothers seeking refuge?

First, we have to accompany them. Our Guardian Angels project sends volunteers into the courts in T-Shirts marked by

an iconic picture of a guardian angel. We monitor the court process to make sure that the rights of the children and mothers are respected. (Our presence effectively stopped “rocket docket,” the process of rushing children and youth through the court process in order to deport them.) We also refer these mothers and children to lawyers when possible or to a pro se legal clinic operated by the non-profit legal provider Carecen, where lawyers can coach them in submitting their own initial application. Of course, we also pray for them and sometimes with them.

A hopeful story: In the midst of an economic recession several years ago, Sandra came from El Salvador to work and send money home to her family. She left little Christian with her family. When he was 12, he left for school one day only to find out that his school was now in gang territory and that they would not let him enter. Determined to attend school, he recruited his aunt to walk him to school. The gang members stabbed her. Terrified, he cowered in the house until his uncle took him north to the border. He was placed with his mother and she took him to court. The judge gave her a list of lawyers; the least expensive asked for an initial installment of \$1,200. Sandra earns less than \$1,000 a month making “pupusas” (a Central American popular dish). She could not afford a lawyer. Desperate, she returned to court and asked for time to save the money. The judge scolded her and sent her and Christian into the hallway. Terrified and crying, she was tapped on the shoulder by Guillermo, a Guardian Angels volunteer. He returned with her to court and told the judge that the Guardian Angels would find her a pro bono lawyer. They found the

lawyer, she took on Christian's case, and he has now been granted asylum. Sandra says that Christian is doing very well in school, with the goal of becoming a lawyer, and he has great faith. "We now believe in guardian angels" Sandra says.

Of course, there are not enough legal resources to provide pro bono services to all of the Central American children, youth, and mothers that need them. The UCARE coalition (managed by Clergy and Laity United for Economic Justice—CLUE) is a local collaboration of faith leaders and non-profit organizations, including legal services providers. The UCARE coalition is determined to develop and advocate for more legal resources. There is a court case by a number of non-profit legal services providers attempting to obtain free and affordable legal representation for asylum-seekers, particularly for minors seeking refuge. Our Guardian Angels in their court watch activities gather evidence for this court case. However, we have also all come together to start the Pro Se Clinic at the Carecen offices (a Central American Resource Center dating back to the 1980s.) The Clinic accompanies the families in taking the first steps of their legal process without legal representation. The Guardian Angels try to encourage the families to go to the Pro Se clinic rather than falling prey to the "tiburones" (sharks)—lawyers or notary publics who claim that they will represent the families for whatever money they can muster but who actually do nothing to win their cases (so that the people will be deported and they can just keep the money.)

However, none of these activities will actually solve the broader problem. We need to engage the problem at its roots.

In Matthew 9, Jesus does not only see individuals; he sees the crowd. We understand the problem and the solution differently if we do not only see individuals but also see the crowd. It is not enough to help a few individual Central Americans if it is possible to impact Central America. The first foreign aid response by the federal government to this crisis was to increase funding to the Mexican government to stop the children and youth from arriving at our border. For about a year, this was a successful strategy from the viewpoint of the U.S. Government; while the same numbers were leaving, far fewer were arriving at our border. I met teenage girls, of course, who had fled rape by MS-13 only to be raped by the Mexican police. This was not a humane or effective solution from our perspective. We then joined many others around the country in advocating for our foreign aid funding to go towards international policing and international development. When the civil wars ended in Central America in the early '90s, there was no Marshall plan. (The Marshall plan after WWII provided resources to Germany for economic development.) While we have made some advances in this area, it is still insufficient. More advocacy is necessary. Advocacy is democracy at work, citizens calling on our representatives to represent our true values and beliefs. In a democracy, advocacy is an exercise in the stewardship of our influence. When we advocate in a way that is biblically based, we actually minister to our legislators, calling on the better angels of their nature to decide and act in ways that are pleasing to God.

That little 9 year old Salvadoran girl is one of us. She is God's child; she is our little sister. Josue, Luis, Jose, Jasmine, Maria .

. . all of them are our family members and many are fellow members of the Body of Christ. May we do all that is in our power to keep them safe from harm—just as we would for ourselves and our families. May we follow the Lord who calls us to love our neighbor as ourselves, and the stranger as the native-born.