

Humanitarian Pathways for Central Americans

Assessing Opportunities for the Future

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Executive Summary

The flight of hundreds of thousands of Central Americans from El Salvador, Guatemala, and Honduras since 2014 has changed the face of migration throughout the region, with many seeking protection from violence and persecution via increasingly strained national asylum systems. In Mexico, for example, asylum applications rose 3,739 percent between 2015 and 2021, and these Central American countries have been the origin countries of a large share of applicants. Refugee resettlement, which facilitates safe travel for vulnerable refugees from a host country to a destination state where they will receive protection, has so far played a limited role in addressing protection needs in the region. Between 2020 and 2021, around 1,100 Central American refugees departed for resettlement countries, according to data from the UN High Commissioner for Refugees (UNHCR).

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Yet resettlement's role in facilitating access to humanitarian protection in the region may be shifting. In February 2021, President Joe Biden announced the U.S. Departments of State and Homeland Security would review the refugee resettlement system,

with the goal of expanding its capacity to identify and process refugees from countries in northern Central America. And in fiscal year (FY) 2022, the quota for Latin America and the Caribbean within the U.S. resettlement program was raised to 15,000 places—three times the FY 2021 quota. Canada has also shown interest in expanding resettlement of Central Americans, alongside efforts to grow its economic mobility programs for refugees.

Expanding resettlement from the region will be challenging, however. To date, the largest share of resettlement from the region has occurred through in-country processing arrangements such as the United States' Central American Minors Program or the Protection Transfer Arrangement that seek to identify individuals at risk within their home countries and to facilitate their resettlement to countries where they will receive protection. But identifying individuals at risk can be difficult because of the lack of systematized data and information on refugee populations that are often available in other contexts, and thus the resettlement programs must rely on local partners, a network of nongovernmental organizations (NGOs), that are not always familiar with the requirements of such programs. Waiting for resettlement processing in one's home country can also be dangerous. A limited number of the most at-risk individuals are relocated to a facility in Costa Rica to await resettlement processing, but the risks associated with transferring cases before

they are fully vetted, and the high cost of the agreement make it prohibitive to use the facility for all but the most at-risk cases. Although resettlement also occurs out of Mexico, concerns about potentially undermining efforts to incentivize and support refugees' local integration in Mexico by raising the prospect of resettlement to the United States (and creating a pull factor for more arrivals) have kept resettlement operations in Mexico limited to especially vulnerable cases.

To address these challenges, policymakers in the United States and Canada and officials at UNHCR could consider the following strategies:

- ▶ **Continue to expand resettlement quotas for the region.** Targets for resettlement from Central America and Mexico have grown substantially since 2021. Yet, needs assessments by UNHCR and NGOs in the region suggest that the need for protection pathways may still outpace the number of spaces available each year. Thus, there is likely to be a need to continue growing resettlement quotas for the region to both the United States and Canada for the next several years.
- ▶ **Invest in UNHCR and NGO processing and referral capacity.** Even if resettlement quotas from the region rise, as they seem likely to do, the number of refugees who can benefit from these spaces will be limited by NGOs' capacity to identify eligible refugees and UNHCR's capacity to prepare their cases and refer them to resettlement countries. UNHCR and their NGO network in Central America are already operating at capacity. If resettlement countries wish to resettle larger numbers of refugees, they will need to ensure that they are funding and supporting both UNHCR and the NGO network at a level sufficient to meet this demand.
- ▶ **Build the capacity of local NGOs to provide protection to individuals during processing.** The NGOs that refer at-risk individuals for resettlement consideration play a critical role in protecting refugees in country while their cases are processed. Their ability to refer new cases is limited by the capacity of safe houses and local case management and protective services. If resettlement is to increase, these services will need to be funded at sufficient capacity. Efforts to improve the protection of internally displaced persons are growing in the region, and there may be room to collaborate with such programs and benefit from economies of scale in protective services.
- ▶ **Shorten processing times and address resettlement backlogs.** Lengthy resettlement processing times put refugees in a precarious and at times dangerous position while they await processing and place additional strain on local NGOs and UNHCR. The United States has one of the longest processing times of any resettlement country, and pandemic-related delays have exacerbated this. The U.S. government should continue to dedicate resources to identifying ways to streamline and simplify resettlement screening. There may be lessons learned from efforts to speed up processing for Afghans in Qatar that could be applied to Central America.
- ▶ **Continue to grow other humanitarian pathways such as private sponsorship of refugees and family reunification.** The private sponsorship program the United States plans to launch could play a valuable role in supporting refugee identification efforts by allowing diaspora and civil-society groups connected to the region to participate in nominating individuals who

may be eligible for resettlement. While Central Americans have typically been less represented in the Canadian private sponsorship program, civil society and diaspora in Canada could similarly make use of that program to provide another pathway to Canada. Expanded family reunification possibilities, such as the P-3 resettlement category in the United States (open to family members of people who entered the country as refugees or were granted asylum), could play a similar role. In Canada, efforts to expand the Economic Mobility Pathways Pilot, which opens employment visas to refugees, could be a valuable addition, if the program requirements and recruitment mechanisms were sufficient tailored to the skills and needs profiles of individuals in the region.

While resettlement of Central American refugees seems set to continue to grow in the near term, there are likely limits to the role it will play as a protection tool in the region. Reviewing eligibility criteria and bars (such as the material support bar and the serious nonpolitical crimes bar) that disqualify many vulnerable individuals from refugee status in the United States could help to expand the pool of refugees who could benefit from resettlement. But even with such legal adjustments, the majority of individuals seeking to migrate to or claim asylum in Mexico or the United States are unlikely to qualify for refugee status and thus be eligible for resettlement. In short, while there is a case for further growing resettlement in the region to address unmet needs, resettlement and similar humanitarian pathways are likely to remain a targeted tool most suited to providing protection for the most vulnerable individuals.

1 Introduction

Since 2014, hundreds of thousands of Central Americans—primarily from El Salvador, Guatemala, and

Honduras—have left their home countries due to an intertwined set of factors, including poverty, food insecurity, gang-related and gender-based violence, human rights violations, and other socioeconomic grievances exacerbated by natural disasters.¹ Many of these people on the move take perilous journeys by land in an attempt to seek protection in neighboring Mexico and the United States.

The scale and diverse profiles of asylum seekers arriving at the borders of both countries have surpassed governments' management and processing capacities, leading to strained asylum systems and leaving thousands of asylum seekers adrift while they await the resolution of their cases. The number of asylum applications submitted in Mexico increased by 3,739 percent from 2015 to 2021,² with northern Central American countries (Honduras, El Salvador, and Guatemala) being the countries of origin for a large proportion of applicants. Between December 2021 and January 2022, nationals of these countries filed about 36 percent of asylum applications in Mexico.³ Central Americans have also comprised a substantial share of those seeking protection at the U.S. southern border. In U.S. fiscal year (FY) 2021 alone, northern Central American families and unaccompanied children and adolescents made up 23 percent of all encounters at the U.S.-Mexico border,⁴ and 44 percent of all asylum claims submitted in U.S. immigration courts were filed by Guatemalans, Hondurans, and Salvadorans.⁵

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For most Central Americans fleeing their homes, traveling by their own means to Mexico or the United States to seek asylum is the only avenue to access

international protection. While refugee resettlement programs allow states to vet and select individuals who have fled their country and are living in a host country and to facilitate their safe travel to the resettlement country, resettlement has typically been deployed on a very limited basis in the region. Throughout 2020, more than 550 individuals from Honduras, El Salvador, and Guatemala were resettled to any destination country, primarily the United States and Canada, via programs facilitated by the UN High Commissioner for Refugees (UNHCR).⁶ While pandemic-related travel restrictions and logistical delays affected many aspects of resettlement worldwide, the number of resettlement departures by refugees from these three countries actually saw an increase of 33 percent from 2019 to 2020.⁷

As asylum seekers have moved through the region in large numbers and national asylum systems have come under strain, some policymakers have begun to reconsider the role that resettlement could play in addressing these protection needs. An executive order issued by President Joe Biden in February 2021 directed the U.S. Departments of State and Homeland Security to conduct a review of the refugee resettlement system, with the goal of improving procedures for identifying and processing refugees from Central American countries who could benefit from the program.⁸ Moreover, the United States' FY 2022 resettlement ceiling expands the

number of places available for Central Americans substantially. Of the 125,000 slots available for the fiscal year, 15,000 are allocated to Latin America and the Caribbean⁹—triple the amount allocated in FY 2021 for the region.¹⁰ The interest in expanding the protection pathways available to Central Americans beyond asylum has not been limited to the United States. In June 2021, Marco Mendicino—then Canada's Minister of Immigration, Refugees, and Citizenship—committed to taking additional refugees from the region through Canada's resettlement program, though he stopped short of committing to a specific number.¹¹

This has prompted questions regarding whether resettlement and other pathways could—or should—play a greater role in addressing these needs.

Although these commitments are promising, resettlement and other humanitarian pathways remain extremely limited relative to the scale of protection needs in the region. This has prompted questions regarding whether resettlement and other pathways could—or should—play a greater role in addressing these needs, and how resettlement and humanitarian pathways could be scaled up, if so.

BOX 1 **A New Approach to Regional Migration**

This publication is part of a series that focuses on the region from Canada to Panama, looking at the changing landscape of migration trends and policies. The series aims to develop actionable ideas, suggest implementation strategies, convene stakeholders inside and outside of government, and foster dialogue across issues, sectors, and countries on shared regional priorities. This work presents a new approach to managing regional migration that is centered around four specific pillars: effective humanitarian protection systems, targeted legal pathways, professionalized migration management, and informed investments in development and governance in countries of origin, transit, and reception. Such strategies should build on existing capacities of governmental and nongovernmental actors, as well as harmonized efforts across stakeholders.

To learn more about this series, see bit.ly/MPI-RegionalMig.

This brief seeks to address these questions by analyzing the role resettlement and humanitarian pathways—including in-country processing mechanisms such as the Protection Transfer Arrangement, third-country refugee resettlement, and other humanitarian pathways—have played in the region to date and the opportunities and obstacles for scaling up these programs.¹² It concludes by reflecting on the role resettlement and humanitarian pathways could play in the region going forward and offers recommendations for specific actions that could strengthen and grow these programs. The brief focuses on the potential of a regional approach to humanitarian programs for Central Americans. For this reason, it primarily considers the current and potential role of resettlement and humanitarian pathways to the United States and Canada—two countries within the region with well-established humanitarian protection systems and a long history of refugee resettlement.

2 Resettlement and Humanitarian Pathways from the Region: State of Play

Nationals of Central American countries have typically comprised a relatively small proportion of the resettlement cases processed by UNHCR globally. Between 2010 and 2021, UNHCR submitted 5,065 individuals from El Salvador, Guatemala, and Honduras to resettlement countries for consideration—about 0.005 percent of submissions worldwide during this period¹³—and only 1,653 were eventually resettled (see Table 1). Most of these refugees were resettled to the United States, with smaller numbers resettled to Canada. Australia, Brazil, Sweden, and Uruguay have sometimes resettled refugees from the region as well.

Several pathways exist for admitting refugees to the United States and Canada under humanitarian programs:

- ▶ **Third-country resettlement.** UNHCR in Mexico identifies refugees who are at risk of further harm in Mexico or particularly vulnerable due to their health or other circumstances. These individuals are then referred to U.S. or Canadian officials, who review their cases for eligibility for admission.
- ▶ **Protection Transfer Arrangement.** In addition to resettlement for those who have already fled to Mexico, UNHCR collaborates with civil-society groups in El Salvador, Guatemala, and Honduras to identify individuals at risk of persecution who have not yet left their country of origin, a program known as the Protection Transfer Arrangement. As with traditional resettlement, cases are referred to U.S. or Canadian officials for review. Individuals who are particularly at risk are transferred to a special facility in Costa Rica under the Protection Transfer Arrangement while their cases are processed; the remaining cases are processed in country.
- ▶ **Non-resettlement humanitarian pathways.** Aside from traditional resettlement, there are some other options for admitting refugees to the United States and Canada. Canada offers a private sponsorship option, through which a group of five or more individuals can sponsor a refugee for admission. The United States plans to launch a similar program in FY 2022. Another Canadian program, the Economic Mobility Pathways Pilot (EMPP), enables refugees to travel to the country on labor immigration visas if they have an employer sponsor.

TABLE 1

Refugee Cases Submitted by UNHCR to Resettlement Countries for Consideration and Number of Resettlement Departures, by Applicant Nationality, 2010–21

	Submissions	Departures
Total for Latin America	19,527	8,965
Total for El Salvador, Guatemala, and Honduras	5,065	1,653
Third-country resettlement cases	433	245
Protection Transfer Arrangement cases	4,632	1,408

Notes: These data include only UNHCR referrals and do not capture the full extent of resettlement that occurs, including resettlement done through embassies, nongovernmental organizations for the U.S. Refugee Admissions Program, and those admitted to Canada via the country's Private Sponsorship of Refugees and Blended Visa Office-Referred Programs. Based on UNHCR data on resettlement, all cases listed with different countries of origin and asylum are considered third-country resettlement, whereas cases with the same country of origin and asylum are included in the in-country processing and Protection Transfer Arrangement category.

Source: Data received by the authors from UNHCR, November 24, 2021.

Since 2010, the majority of Central Americans who were resettled through UNHCR programs were processed through the Protection Transfer Arrangement and a smaller number through third-country resettlement from Mexico (see Table 1).

The subsections that follow explore each of these pathways in turn.

A. *In-Country Processing and the Protection Transfer Arrangement*

While refugees are traditionally resettled after they have fled their home country, the U.S. resettlement program allows for individuals to be referred for resettlement from within their countries of origin.¹⁴ Nationals of El Salvador, Guatemala, and Honduras were first designated for in-country processing in FY 2015 as part of the Central American Minors (CAM) Program, which allowed parents who were lawfully present in the United States and who had a child living in El Salvador, Guatemala, or Honduras to apply for the child to be considered for refugee resettlement and, if not eligible to enter the United States as a refugee, to be considered for parole into the country (see Box 2).¹⁵ As of FY 2017, eligibility for in-country processing was expanded to include

other at-risk individuals in these countries.¹⁶ More than 90 percent of in-country processing cases that led to resettlement from the region between 2016 and 2021 involved individuals being resettled to the United States.¹⁷

Canada has also admitted small numbers of Central Americans through in-country procedures, though Canadian law limits the use of these procedures to exceptional cases. According to Canada's *Immigration and Refugee Protection Act* of 2001, refugees generally must be outside their country of origin to be eligible for admission.¹⁸ However, the law allows the Canadian minister of immigration, refugees, and citizenship to waive this requirement and grant admission and temporary or permanent residence status to individuals and their families who do not otherwise qualify under existing immigration authorities, based on: (1) humanitarian and compassionate consideration (granted based on factors such as family ties to Canada or the best interests of any children involved)¹⁹ and (2) public policy consideration (granted as a group designation for individuals facing similar barriers to international protection, such as Yazidi women and children displaced by Daesh).²⁰ In the past, the minister has waived regulatory requirements by means of public policy consideration to resettle 100 people from El Salvador, though this measure has ended and not been renewed.²¹

BOX 2**The United States' Central American Minors Program**

The Central American Minors (CAM) Program has been a key, but limited, protection mechanism in the region and follows the direct-access model. The Obama administration launched the program in December 2014 in response to an increase in the arrival of unaccompanied children at the U.S.-Mexico border from March to July of 2014. The program was designed to offer certain children affected by violence in El Salvador, Guatemala, and Honduras a legal and safe alternative to reunite with their parents living lawfully in the United States, instead of embarking on the dangerous journey from Central America to the United States.

In 2017, the Trump administration announced that it would terminate the CAM Program. Then in March 2021, the Bureau of Population, Refugees, and Migration within the U.S. Department of State under the Biden administration announced that the program would be restarted and improved. The relaunched program has two main focuses: to reopen eligible cases that were closed when the program ended and to accept new applications using expanded eligibility criteria. Under the new eligibility rules, legal guardians living lawfully in the United States, in addition to biological, adoptive, and step parents, can apply for the CAM Program on behalf of their children. The original program was restricted to parents who had lawful permanent residence, Temporary Protected Status (TPS), parole, deferred action, deferred enforced departure, or withholding of removal, but the expanded program also allows parents and legal guardians who have a pending asylum application or pending U visa petition that was filed before May 15, 2021, to apply. The U.S. government began accepting applications under these new rules in September 2021.

Sources: Mark Greenberg et al., *Relaunching the Central American Minors Program: Opportunities to Enhance Child Safety and Family Reunification* (Washington DC: Migration Policy Institute, 2021); author interview with officials from a nongovernmental organization, September 23, 2021.

Most individuals being considered for resettlement under these types of procedures must remain in their country of origin while their application is processed. However, some especially vulnerable individuals have another option. In 2016, UNHCR and the International Organization for Migration established a Protection Transfer Arrangement with the government of Costa Rica.²² The agreement allows individuals who are especially at risk in their country of origin to be transferred to a facility in Costa Rica to await the processing of their resettlement application. Resettlement countries typically prescreen these individuals' resettlement applications to ensure they have a high likelihood of being resettled. This is done to avoid the legal jeopardy of transferring a person whose resettlement case ends up being rejected and who then needs to be returned to their country of origin.²³ Most Protection Transfer Arrangement cases result in applicants being resettled to the United States (nearly two-thirds of cases

between 2016 and 2021),²⁴ but other countries including Australia, Brazil, Canada, and Uruguay have also resettled some of these cases.²⁵

For the Protection Transfer Arrangement, a consortium of designated local partners plays a key role in identifying people at risk who may be eligible for resettlement. Referrals are reviewed and processed by UNHCR, which then submits cases to resettlement countries for consideration. The local nongovernmental organization (NGO) referral partners must meet basic standards for resources, staffing, and budget size and have proven experience working with refugees and migrants.²⁶ UNHCR provides partners with financial support and regular technical and capacity trainings, and consortium members are regularly evaluated.²⁷

The Protection Transfer Arrangement and other modalities of in-country processing have been key mechanisms for providing protection closer to home

for Central Americans who face heightened risk. Yet to date, the scale of these programs has remained small for several reasons. One major limiting factor has been the small number of resettlement submissions requested by resettlement countries for the region. The number of submissions requests has grown in recent years, particularly from the United States, but as this has occurred, other challenges related to the capacity of UNHCR and its partners and to the processing capacity of resettlement countries themselves have come into play.

First, the capacity of UNHCR's local partners plays a critical role in its ability to identify and refer sufficient numbers of cases to fill the quotas offered by resettlement countries. In other regions of the world where traditional resettlement takes place, UNHCR relies on data on refugees collected through its humanitarian assistance and registration operations to identify refugees who may be eligible for resettlement.²⁸ In northern Central America, UNHCR works with communities at risk, through community-based protection interventions with local partners. These organizations identify cases that are likely to meet resettlement countries' admissions criteria and properly prepare case files for submission. However, NGOs usually have small staffs and high turnover rates, and it can thus be difficult to maintain this institutional knowledge.²⁹ UNHCR has also struggled with human resource constraints. Staffing at UNHCR's regional office has not kept pace with resettlement countries' demand for more submissions, due in part to funding constraints.³⁰ Without enough staff, it is difficult for UNHCR to increase the number of submissions it makes to resettlement countries.³¹

Another factor that has limited the scale of the Protection Transfer Arrangement's operations comes from the nature of its different modalities. A considerable proportion of individuals awaiting resettlement under the Protection Transfer Arrangement must remain in their countries of origin while their cases are under consideration. To ensure the

safety of these individuals while their cases are in processing, local partners provide services such as safe houses where individuals can seek shelter and temporary protection from the dangerous circumstances they face. Yet maintaining and providing this shelter has proved difficult in practice, partly because resettlement procedures are often lengthy. Even before the COVID-19 pandemic caused further delays in resettlement processing, wait times for resettlement to the United States were typically up to 18 months. For local partners, it can be difficult and expensive to provide shelter and security for vulnerable individuals for such a long period of time.³² Moreover, lengthy wait times mean that local partners have limited capacity to take on and refer new cases.

Similar limitations affect cases transferred to Costa Rica. At times, prolonged processing times exceed the 12-month authorization granted under the tripartite Protection Transfer Arrangement. These lengthy wait times as well as high operational costs also limit the number of individuals who benefit from the transfer facility, which makes it an option in only the most at-risk cases. Costs include transportation to the facility, maintenance of the facility, provision of high-quality services while awaiting processing (education, predeparture orientation, health services), and security services.³³

B. Resettlement from Third Countries

Traditional third-country resettlement numbers for Central Americans have typically been small, and it has been a relatively minor pathway compared with in-country processing and the Protection Transfer Arrangement. From 2010 to 2021, UNHCR submitted 433 cases for resettlement of individuals from El Salvador, Guatemala, and Honduras, and there were only 245 departures (see Table 1). Nearly all resettlement from the region has occurred from Mexico,

though isolated cases have also come from Costa Rica, Ecuador, and Guatemala. In recent years, approximately 100 cases per year have been resettled from Mexico.³⁴

Resettlement out of Mexico is reserved for people in two main categories: people whose agents of persecution have found them in Mexico, and LGBTQI people who have been targeted despite being granted protection in Mexico.³⁵ Canada is the main country resettling Central Americans out of Mexico, but the quota set by the government has typically been limited to 50 cases per year.³⁶ Australia and Sweden have also resettled small numbers. The United States has recently indicated that it will resume its resettlement program out of Mexico, which was suspended in 2016. In 2021, the U.S. government granted UNHCR Mexico a quota to resettle 150 cases out of Mexico, mainly for protection seekers from El Salvador, Guatemala, and Honduras as well as certain other nationalities, including Venezuelans. For 2022, the U.S. government has indicated it will increase the quota to 200 cases.³⁷

A major factor limiting third-country resettlement of Central Americans has been the limited quotas that resettlement countries have made available for resettlement from Mexico. As noted above, resettlement from Mexico is seen as a protection tool reserved for individuals who continue to face danger even though they have left their origin country and those with a low likelihood of successful local integration. Some government and international organization officials have expressed reservations about scaling up third-country resettlement for two reasons: the risk of undermining local efforts to strengthen integration initiatives and asylum capacity in Mexico;³⁸ and concerns about creating security and fraud risks for people who travel to Mexico to receive protection but are aware of the likelihood of being resettled in the United States, Canada, or an-

other country, and how this may contribute to pull factors.³⁹ Thus, while quotas for resettlement from Mexico have increased, they remain very small in relative terms.

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Resettlement from Mexico also faces several of the same capacity and operational issues as the Protection Transfer Arrangement. The number of cases identified and referred to resettlement countries depends to some extent on UNHCR staff capacity to vet potential cases and prepare case files. Because resettlement from Mexico has historically been small in scale, UNHCR Mexico does not have a large, established resettlement team and would require additional staff capacity to scale up referrals further. Lengthy processing times have also been a challenge. As in Central America, processing times—particularly for resettlement to the United States—have stretched to more than 18 months, and even longer during the pandemic. UNHCR must provide services, support, and shelter to refugees while their cases are in processing, which it has done so far through its local integration programs. Providing these services requires resources, however, and the more individuals there are waiting for extended periods in the resettlement pipeline, the fewer spots may be available to new resettlement cases. There is also a risk that individuals who face a lengthy processing time will choose to take matters into their own hands and travel onwards to seek asylum directly in the United States.

C. *Non-Resettlement Humanitarian Pathways*

Policymakers around the world have recently begun to experiment with creating other humanitarian pathways outside of traditional resettlement. These programs are typically additional and separate from UNHCR-referred resettlement programs,⁴⁰ and their eligibility criteria differ from those of resettlement programs, which typically focus on vulnerability and extreme protection needs. Instead, non-resettlement humanitarian pathways (sometimes referred to as complementary pathways because they are complementary to resettlement) use other forms of admission, such as education or employment visas or family reunification, to grant admission and status to refugees who can meet the requirements for these forms of admission (such as having a job offer, admission to a university, or a family member in the destination country). Some countries also have programs that provide opportunities for private individuals, such as extended family members or community organizations, to sponsor specific refugees for admission, again in addition to the admission of refugees referred by UNHCR. These private sponsorship programs typically require sponsors to take on some responsibility for the costs of admitting and supporting refugees after arrival.

Several complementary pathways and private sponsorship programs exist in Canada (and a private sponsorship program was recently announced in the United States), but so far these have received relatively little use as admission pathways for Central American refugees. Canada has two programs in which private individuals or groups sponsor refugees: the Private Sponsorship of Refugees (PSR) Program and the Blended Visa Office-Referred (BVOR) Program.⁴¹ Together, these programs amount to a substantial portion of resettlement to Canada—between 2015 and 2021, nearly 60 percent of refugee admissions to Canada came through the BVOR or

PSR Program. However, relatively few nationals of Central American countries have arrived through these channels.⁴² In fact, between 2015 and 2021, just 30 individuals admitted to Canada through the BVOR and PSR Programs were from El Salvador, Guatemala, or Honduras.⁴³ This is likely, at least partly, because PSR submissions are driven largely by family connections. Nationalities that already have large refugee populations in Canada tend to submit the most applications for refugee sponsorship. Afghans, Iraqis, and Syrians, for example, have comprised the largest numbers of PSR submissions in recent years. The much smaller Central American diaspora in Canada—which includes few people who are themselves refugees, making them less likely to be familiar with sponsorship programs—has generated far fewer PSR submissions.⁴⁴ For its part, the U.S. private sponsorship program, though a promising development, has not yet launched officially, and many of the program's details are still to be determined.⁴⁵ It may yet offer an important avenue for admission of Central American refugees, but this will depend on exactly how the program is designed and implemented.

Although the private sponsorship program is one of Canada's main avenues for extended family reunification for refugees, the country has two additional avenues for this purpose. The Family Class Immigration Program allows Canadian citizens and permanent residents to reunite with their dependent family members.⁴⁶ Moreover, the One-Year Window of Opportunity Provision allows refugees to apply for family reunification within one year of their resettlement to Canada. This provision applies to family members who were unable to travel with the resettled person and who are then processed as dependents of the person who arrived in Canada as a refugee.⁴⁷ In the United States, the P-3 category of the U.S. Refugee Admissions Program is one tool for family reunification for refugees, though it is reserved for immediate family members. This includes the parents, spouse, or children under age 21 of the

person requesting reunification. Under this category, refugees who have been resettled in the United States can file an application on behalf of their immediate family members, who, in most, cases must be outside of their country of origin, be registered or have legal status in a country of asylum, and meet other criteria. In previous years, the P-3 category has been reserved for some nationalities at the discretion of the executive branch. In 2021, however, the P-3 category was expanded to allow admissions from all nationalities.

In addition to its sponsorship program and these family reunification schemes, Canada also operates an economic mobility program targeted at refugees. In 2018, Canada launched the Economic Mobility Pathways Pilot (EMPP) with the objective of opening migration channels for skilled refugees to move to Canada through the country's economic immigration programs. The EMPP currently operates through the Provincial Nominee Program and the federal Atlantic Immigration Pilot visa program.⁴⁸ To qualify for EMPP, refugees must fully meet the requirements of the visa program to which they are applying.⁴⁹ However, immigration staff facilitating the implementation of the EMPP assist refugee applicants with overcoming barriers to accessing these programs that they may encounter because of their situation as refugees, such as a lack of travel or identity documents or documents verifying their education or professional credentials. During the first phase of the pilot program, the Canadian government and UNHCR coordinated with implementing partners in East Africa and the Middle East to identify, select, and refer 10–15 refugees whose skill sets matched Canada's labor market needs.⁵⁰ For the next phase of EMPP, Canada has committed to admitting up to 500 refugees and their family members through economic immigration programs. In this new phase, the Canadian government has also expressed interest in expanding the EMPP to recruit candidates from Central and South American countries.

The EMPP could provide an important pathway for some refugees in the region, but it is also likely to encounter several challenges that are specific to the situation of Central American refugees. First, the visa programs that the EMPP relies on require applicants to have a certain level of education (e.g., a university degree) and/or language proficiency in English or French. Meeting these educational and language requirements will likely be difficult for most Central American refugees, thus limiting the pool of potential candidates. Second, the EMPP is likely to encounter a set of challenges in identifying eligible refugees similar to those faced by resettlement programs. There is no central database recording the skills and qualifications of refugees in the region that the program could use to identify qualified candidates. Instead, NGO partners working on livelihoods development or education initiatives are likely to be an important source of information. This will require building these organizations' capacity to identify candidates and support their applications for admission.

3 What Role Should Resettlement and Other Humanitarian Pathways Play in the Region?

Two central questions face policymakers regarding the use of resettlement and other humanitarian pathways in the region. First, what role should these channels play alongside other tools in addressing protection needs? And second, if the use of resettlement and humanitarian pathways should be expanded, is there actually capacity to do more?

It is clear that resettlement has an important role to play in the region going forward. The prevalence of various forms of violence, corruption, and discrimination—many of which amount to persecution—in

northern Central American countries creates a clear need for better protection mechanisms for those at risk of harm. Although there has been growing interest and investment in providing protection and security for individuals within their home countries, not all of these needs for protection can be met within the country of origin. Moreover, the overstretched capacity of asylum systems in the region and the transnational nature of some of the gangs and other networks that are sources of persecution mean that seeking safety in a third country is the only viable protection option for many individuals. Resettlement and other humanitarian pathways are and will continue to be an essential tool for these populations. Because resettlement efforts in the region have been very limited until recently, there is also scope to expand resettlement efforts substantially—if there is sufficient political will and operational capacity-building to support this growth. Yet resettlement alone is unlikely to meet the region's protection needs and should instead be viewed as one important tool among many (with others including building out protections for internally displaced persons and improving the capacity of asylum systems).

Several factors inherently limit the extent to which resettlement can be used to meet regional protection needs. First, the nature of the conditions driving Central Americans to leave their homes are often at odds with the legal definition of who a refugee is, as enshrined in international law and used by resettlement countries. Both the United States and Canada have adopted the definition from the 1951 Refugee Convention, which stipulates that a refugee is a person who is outside their country of origin and who has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion, or membership in a particular social group.⁵¹ However, most people in need of protection in northern Central America do not fit neatly into these limited categories. Instead, many are victims of persecution based on their gender identity, gender-based or domestic

violence, or they face extortion and kidnapping, murder, or rape threats by gangs. Depending on the circumstances, these cases are not always considered valid grounds for recognition as a refugee under one of the five criteria listed above, limiting the pool of candidates who are likely to be eligible for resettlement.

Resettlement alone is unlikely to meet the region's protection needs and should instead be viewed as one important tool among many.

In the United States specifically, other challenges exist to expanding eligibility for resettlement. Under U.S. asylum law, the “material support asylum bar”⁵² and the “serious nonpolitical crimes asylum bar”⁵³ set out in the *Immigration and Nationality Act* make individuals ineligible for refugee protection if they have paid bribes or extortion fees to criminal gangs or if they have committed prostitution. These bans are significant barriers as many in northern Central America have done so as a matter of survival.⁵⁴ In some cases, applicants who have engaged in prostitution have made this argument and managed to have their cases processed, though this has been done case by case.⁵⁵ In addition, both policymakers and other stakeholders in the region remain wary of the potential adverse effects that expanding resettlement or other humanitarian pathways could have on efforts to grow asylum capacity in countries within the region and investments in local integration initiatives—efforts that could potentially benefit a larger population than resettlement alone. The prospect of resettlement in the United States or Canada could create incentives that discourage individuals from participating in local integration programs or encourage them to undertake dangerous journeys that they may not otherwise have made in search of access to a resettlement placement.

Resettlement and other humanitarian pathways are thus likely to remain an important tool in the region, but one that is limited to use for specific populations whose needs cannot be readily met in a country neighboring their own. Even within this limited use, however, there is scope to grow these efforts, if operational challenges can be overcome. First, even if U.S. and Canadian resettlement quotas for the region continue to grow, the ability to fill these quotas relies on the capacity of UNHCR and its partners to identify eligible individuals and make referrals. Both the UNHCR regional office in Panama and UNHCR Mexico would require additional staffing for officers to process and support cases if their referral and submission operations are to grow further.⁵⁶ In Central America, more investment would also be needed in the NGO referral network that UNHCR relies on to refer cases. Although UNHCR is actively working to expand its referral network, including to new cities and geographies within the target countries, doing so requires additional financial resources to vet, train, and support these organizations.⁵⁷ More capacity is also needed to support and expand the protective services NGOs provide during resettlement processing. Without the ability to keep individuals safe while their cases are adjudicated, resettlement is of little use.

Finally, case processing times are a major challenge and one that the COVID-19 pandemic has exacerbated. Resettlement countries typically require in-person interviews and biometric screening for an individual to be approved for resettlement. Yet many countries, including the United States and Canada, suspended or delayed interviews during 2020 and 2021, creating a backlog of cases awaiting processing. This has been a challenge especially for cases being processed for resettlement to the United States. As of December 2021, for example, none of the 158 cases UNHCR Mexico submitted to the United

States in 2021 had gone through the interview process, nor was there an estimated date for when this would happen. For cases that have already been screened, the U.S. government estimates it will take 1.5 or 2 years until departures occur, given COVID-19 restrictions and administrative backlogs.⁵⁸ Canada is grappling with similar delays. In 2021, UNHCR Mexico submitted 53 cases to Canada for resettlement, but due to COVID-19-related delays, refugees have departed for Canada in only 34 cases.⁵⁹ Recognizing these challenges, the United States and other countries have experimented with measures such as conducting interviews remotely using video conferencing or allowing embassy staff to take biometrics rather than officials from U.S. Citizenship and Immigration Services, but delays remain.

4 Recommendations and Conclusions

Resettlement and other humanitarian pathways have a clear role to play in addressing the protection needs of Central Americans. Although resettlement is not likely to be a viable option for the majority of individuals in the region who are seeking safety, it can be a valuable tool—alongside in-country protection mechanisms and asylum capacity-building—for providing access to protection for people who cannot find security in their home or neighboring countries. The need for these pathways is likely to remain high in the near future and, thus, creates an argument for continuing to grow resettlement and other humanitarian pathways programs. However, doing so will require overcoming operational constraints such as understaffing and limited capacity on the part of UNHCR and its referral partners, reducing processing times, and improving safety mechanisms for refugees awaiting resettlement.

To support and grow the role of resettlement as a protection tool in the region, policymakers in the United States and Canada could consider the following actions:

- ▶ **Continue to raise resettlement quotas for the region.** The share of resettlement spaces dedicated to the region by resettlement countries places an absolute ceiling on the number of refugees who can be referred and then processed for resettlement. It also informs the resources that will be dedicated to UNHCR processing and referral capacity in the region. The United States has begun to increase its quota for the region and has indicated that it will continue to do so over the next several years. Canadian policymakers should consider doing the same for its quota in Mexico.
- ▶ **Invest in UNHCR and NGO processing and referral capacity.** The capacity of the NGO referral network on the ground in Central America to identify individuals at risk and prepare high-quality case referrals is critical to filling the resettlement places that states make available. Funding should continue to be dedicated to supporting the growth of the NGO network, including to new locations within Central American countries, and to ensuring that NGO partners receive high-quality training on how to prepare case files. Similarly, UNHCR's referral and submission capacity out of UNHCR Mexico and UNHCR regional office in Panama should be funded at a level sufficient to meet the growing demand for submissions from resettlement countries.
- ▶ **Build the protection capacity of local NGOs.** The ability of referring NGOs to protect the individuals whose cases they have submitted for resettlement processing is critical to the resettlement program's mission, but it also constitutes a key bottleneck in the referral and processing system. NGOs should receive adequate funding to provide these services. As donor countries look to build the capacity of NGOs in Central America to protect internally displaced persons, there may be opportunities to collaborate or share capacity between NGOs providing similar functions.
- ▶ **Improve processing times and address backlogs.** One of the key challenges facing the U.S. resettlement system—lengthy processing times—is a central barrier to resettlement for Central Americans. The United States has one of the longest processing periods of any resettlement country. The U.S. government should continue to dedicate resources to speeding up processing times and addressing backlogs caused by the COVID-19 pandemic. Lessons learned in pilot programs to speed up the processing of cases from Afghanistan, for example, could be applied to also speed up the processing of cases from Central America.
- ▶ **Review eligibility criteria and bars for refugee status.** The material support bar and the serious nonpolitical crimes bar in U.S. asylum and refugee law, for example, exclude from resettlement many individuals who have a genuine need for protection. Reviewing and simplifying these rules would help to expand the number of individuals in need of protection who could benefit from resettlement.
- ▶ **Continue to grow complementary pathways, including sponsorship and family reunification.** Alongside resettlement, other humanitarian pathways have the potential to play an important role in providing Central Americans with access to protection. The new U.S. private

sponsorship program could become an important avenue for diaspora and civil-society groups in the United States to participate in identifying individuals in need of protection and supporting their resettlement. Family reunification could also be a valuable pathway. The expansion of the P-3 family reunification category in the U.S. resettlement program to allow admissions of any nationality is an important first step in this direction. In Canada, the expanded EMPP could provide another avenue of entry for humanitarian migrants, and private sponsorship could similarly be used to facilitate admissions, if there was sufficient engagement from civil society and the Central American diaspora in Canada.

In-country processing mechanisms, third-country resettlement, and other humanitarian pathways can serve as critical tools for helping Central Americans facing violence and persecution access protection closer to home. Addressing the legal, operational, and administrative challenges that have constrained their reach to date would enable these pathways to benefit a larger, though likely still targeted, share of those in need of protection. The recommendations outlined in this policy brief provide a starting point for policymakers, working with UNHCR and local NGO partners, to tackle these barriers. Pathways such as resettlement, family reunification, and private sponsorship are just one set of tools, however, for expanding protection in the region and should be deployed alongside other interventions such as efforts to reinforce asylum systems and investments to alleviate the causes of displacement.

Addressing the legal, operational, and administrative challenges that have constrained their reach to date would enable these pathways to benefit a larger, though likely still targeted, share of those in need of protection.

Endnotes

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- 18 Canada requires people to be a “Convention refugee” or “member of the country of asylum class” to be resettled. For both classifications, the individual must be “outside all of their countries of nationality and habitual residence,” as specified by the *Immigration and Refugee Protection Act of 2001*. See Government of Canada, “Resettle in Canada as a Refugee,” accessed February 11, 2021.
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- 40 Susan Fratzke et al., *Refugee Resettlement and Complementary Pathways: Opportunities for Growth* (Geneva and Brussels: UNHCR and Migration Policy Institute Europe, 2021).
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- 52 Title 8 of the *U.S. Code* § 1182 classifies as “inadmissible aliens” all individuals who give material support to terrorism, defined as “to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training” to an individual that has or plans to commit terrorist activity or to a terrorist organization. The U.S. Department of Homeland Security has applied this provision as grounds of inadmissibility to refugees and asylum seekers. See “[Inadmissible Aliens](#),” Title 8 *U.S. Code* § 1182(a)(3)(B)(iv). See also U.S. Citizenship and Immigration Services, “[Bars to Asylum and Inadmissibility Grounds Related to Terrorist Activity](#),” updated January 3, 2011.
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