



## Department of Justice, Peace and Human Development Office of International Justice and Peace

### **Background on Root Causes of Migration and the Church's Response (January 2016)**

*At this time we think of the many migrants, the many refugees, of their sufferings, of their life, often without work, without documents, with such grief. And we can together say a prayer for the migrants and the refugees who live in the worst and most difficult situations.*

*--Pope Francis, January 20, 2014*

#### **BACKGROUND**

Since 2011, the United States has seen an unprecedented increase in unaccompanied children and families from Central America migrating into the country. A series of interrelated factors, a “perfect storm” of these root causes, has contributed to this dramatic increase. Push factors include: violence exacerbated by gangs, the drug trade and economic desperation; weak rule of law and low trust in government institutions; unemployment; the lack of quality education and access to it; and the resulting inability for individuals to support themselves and their families in their home countries. The desire to reunify with family in the United States, in part driven by these forces, also has contributed to the rise in migration. In all these countries, the role of free trade agreements with the United States has also led to an adversely impacted agriculture sector and has harmed labor.

In the U.S., many migrants are detained in an already overburdened immigrant detention system, which grew more than fivefold between 1994 and 2013. The average daily detained population rose from 6,785 to 34,260. The number of persons detained annually increased from roughly 85,000 persons in 1995 to 440,557 in 2013. More persons pass through the U.S. immigrant detention system each year than through Federal Bureau of Prisons. Reflecting on the current state of the U.S. immigrant detention system, Bishop Nicholas DiMarzio of Brooklyn noted that “there are ways to create a humane system and also ensure that immigrants are complying with the law, but we have created a detention industry in this country which preys upon the vulnerability of our fellow human beings, the vast majority of whom are not criminals.”

#### **USCCB POSITION AND POLICY RECOMMENDATIONS**

The U.S. bishops have stated that all persons have the right to remain in their homeland and to find there the means to support themselves and their families in dignity. Migration flows should be driven by choice, not necessity. To achieve this goal there is a need to develop the economies of sending nations. In addition, the treatment of those who do migrate to our country must be dramatically improved and made more humane.

The following policy recommendations have been proposed:

***Trade policy must reflect principles of just development.*** The United States, as a wealthy country, should reduce the subsidies, tariffs, and quotas that severely constrict the ability of poorer countries to market their products and sustain their agriculture. Trade agreements should lead to economic and social improvements at home and abroad, particularly for poor and vulnerable workers and their families. Trade agreements should include internationally agreed upon labor standards and ensure a safety-net in sectors that would be adversely affected by the agreements.

***International assistance efforts must support key public policy innovations for poverty reduction and inclusive development.*** The U. S. should focus its aid programs on expansion of partnerships

with local governments, the private sector, and civil society to identify and develop innovations that demonstrate substantive poverty reduction, social inclusion and disaster risk reduction.

***Expansion of employment opportunities in the region would help reduce poverty and the incentive for many migrants to look for employment in the United States.*** Implementation of economic policies that create living-wage jobs is vital, especially for those without advanced skills. Investments in health, housing and educational systems will help enhance employment opportunities.

***Civil society and governments must support democratic political systems throughout the continent.*** More emphasis on the institutions of sound governance needs to be encouraged by international and national policies. Civil society can help hold governments accountable to their people.

***Governments must act to protect human rights, including religious freedom.*** The U. S. can support civil society in Latin America and elsewhere by supporting the work of the Church and other religious organizations that are major and willing partners in efforts to promote human development.

***Governments should recognize the importance of preserving the environment and the rights of indigenous populations.*** Economic development and opportunity must be fostered by the U.S. government in a context that protects the environment and indigenous peoples.

***External economic factors, including excessive levels of foreign debt, must be addressed.*** U.S. government policies at both the national and international level must address the role of excessive debt as a destabilizing element in the economy of a nation.

***It is critical to address the underlying causes of violence.*** U.S. policies must reflect the importance of controlling the flow of illicit drugs, curbing corruption at every level, and curtailing the arms trade and human trafficking.

***The U.S. should desist from using detention as a “deterrent” to illegal migration and de facto refugee flows.*** The increase in adult immigrant detention and return of family detention will not (as intended) deter imperiled persons from seeking refuge in the United States, but will invariably lead to the return of de facto refugees to their persecutors in violation of international law.

***Unrepresented, indigent persons, particularly vulnerable groups such as unaccompanied children and women with children, in removal proceedings, should be provided with legal representation at the government’s expense.*** As numerous studies have revealed, legal counsel is one of the most important factors in influencing asylum and other immigration protection-based case outcomes.

***Detention reform requires the expansion of meaningful Alternative to Detention (ATD) programs.*** In 2014, Immigration and Customs Enforcement (ICE) devoted less than 5% of its detention budget to ATD programs, although nearly 40% of the persons in ICE custody on a given night were enrolled in these programs. DHS should seek to engage in true alternatives to detention programs that utilize case management systems and are operated exclusively by community based service organizations.

***Congress should pass legislation to repeal mandatory detention in all but the most egregious criminal and national security cases.*** In the overwhelming majority of cases, Immigration Judges or judicial officers should be permitted to consider the full range of equities and release options for persons in removal proceedings, whether formal court proceedings or non-court, administrative and summary processes.

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