

*Far from Safety:
Dangers and Limits to
Protection for Asylum
Seekers Transiting through
Latin America*

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Center for Gender & Refugee Studies

Far From Safety: Dangers and Limits to Protection for Asylum Seekers Transiting Through Latin America

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The **Center for Gender & Refugee Studies** is a national organization that provides legal expertise, training, and resources to advocates representing asylum seekers, litigates to expand protections for refugees, advances refugee law and policy, and uses domestic, regional and international human rights mechanisms to address the root causes of persecution.

INTRODUCTION

In recent years, migration in the Americas has increased as people are forced to flee political unrest, violence, poverty and economic sanctions, natural disasters, and the impacts of climate change. This has presented new challenges for countries in the region, including the forced displacement of millions of Cubans, Haitians, Nicaraguans, Venezuelans, and others. To help address these challenges, the United States and 22 other countries in North, Central and South America signed the Los Angeles Declaration on Migration and Protection in June 2022, promising to uphold the rights of migrants and refugees in the region.¹ Nevertheless, the Biden administration continues to rely on inhumane policies that prevent people seeking protection from being able to access asylum in the United States.

This report presents the legal and policy context for the administration's latest border proposal which would declare most people ineligible for asylum because they did not seek protection in another country on their way to the United States. It documents the inability of the most common transit countries to provide such protection, with a deep dive into nine common transit countries in the region. And it also offers recommendations to the U.S. government grounded in our legal and moral obligations to refugees.

LEGAL AND POLICY CONTEXT

The administration recently proposed a regulation entitled "Circumvention of Legal Pathways," under which people who have transited through another country on their way to the United States' southern land border (i.e., all non-Mexicans) will be ineligible for asylum, unless they fit within one of the limited exceptions to the ban.² This proposal echoes the previous administration's attempt to implement similar policies, which federal courts ultimately deemed unlawful.

The proposed regulation, set to go into effect on or before May 11, 2023, wrongly assumes that all, or even most, transit countries in the Americas have functioning asylum systems and are safe for refugees. Although some countries in the Americas have taken commendable steps to respect the rights of migrant populations in recent years, countless asylum seekers are left without protection due to the limitations of these efforts. The Biden administration is overlooking these shortcomings in an attempt to continue to limit asylum access at the U.S. border as a measure of deterrence.

Both U.S. and international law stipulate that a country must meet specific criteria to be considered a "safe third country."³ These requirements include providing access to full and fair asylum proceedings; ensuring the country does not pose a risk to the life or freedom of asylum seekers based on their race, religion, nationality, membership in a particular social group, or political opinion; and entering into a formal agreement with the United States.⁴

While the proposed rule does not use the term "safe third country," presumably to avoid having to meet these minimum requirements, there is no other basis for assuming that a person seeking protection is ineligible for asylum in the United States simply by transiting through another country. If the safe third country conditions are not met, the United States must consider asylum claims without presuming that the applicant is ineligible.

PROTECTION DEFICITS IN TRANSIT COUNTRIES

Our analysis of nine major transit countries – Mexico, Belize, Guatemala, El Salvador, Nicaragua, Costa Rica, Panama, Colombia, and Ecuador – reveals that they cannot be considered "safe third

countries” for asylum seekers. U.S. government sources confirm this assessment. As recognized by the Department of State in its Country Reports on Human Rights Practices, the asylum systems in most of these countries are either overwhelmed or almost non-existent, leading to significant challenges in accessing protection. Moreover, in many of these countries, asylum seekers encounter violence and discrimination. Additionally, asylum seekers and refugees in transit countries face serious barriers to accessing basic services such as healthcare, education, and employment. The second part of this report includes a detailed analysis of the protection systems and conditions for asylum seekers in each country.

Although some countries in the region, such as Colombia and Costa Rica, have implemented other temporary forms of protection, these are limited to specific nationalities, such as Venezuelans or Nicaraguans. While these programs have the potential to provide much-needed relief to some individuals, in practice they exclude a significant number of people, which does not reflect the reality of migration across the region. To illustrate, Haitians, among others, are frequently left out of these alternative pathways even though they face significant challenges. These programs also tend to limit access to refugee protection, which undermines the fundamental principle of international refugee law that temporary measures should not be a substitute for permanent refugee protection.

RECOMMENDATIONS

The United States has a legal and moral obligation to protect the rights of asylum seekers and refugees, both domestically and abroad. However, U.S. policies that restrict access to asylum and mandate individuals to seek protection in other nations violate U.S. and international law, and contradict commitments made in the Los Angeles Declaration on Migration and Protection. While several countries in the region are already doing more than their fair share to respond to refugees, the United States is shirking its own obligations to refugees and coercing neighbors to become "safe third countries" would only further burden their asylum systems and put refugees in danger.⁵ Rather than relying on failed policies, the Biden Administration must implement effective measures to protect asylum seekers, including at least the following:

- 1) Restore access to asylum at the southern border for all asylum seekers and refrain from implementing an asylum ban – including the proposed regulation “Circumventing Legal Pathways,” 88 Fed. Reg. 11704 (Feb. 23, 2023) – for those who have transited through third countries without seeking protection.
- 2) Coordinate with and fund community-based organizations at the border and throughout the United States to offer essential support and services for asylum seekers without resorting to detention.⁶ Prioritizing the needs of asylum seekers and partnering with community-based organizations can lead to a more dignified, compassionate, and effective system for processing and integrating asylum seekers into the country.
- 3) Expand existing humanitarian pathways and establish new ones for different nationalities, including those who come from countries impacted by climate or environmental disasters.
- 4) Refocus regional migration negotiations on developing asylum systems and expanding access to protection in countries able to provide safe haven, and refrain from enforcement-centered agreements and policies that limit transit and place asylum seekers at risk.

ANALYSIS OF CONDITIONS AND PROTECTION SYSTEMS IN NINE MAJOR TRANSIT COUNTRIES IN LATIN AMERICA

This section presents a detailed analysis of the deficiencies in the protection systems and other conditions in transit countries that place asylum seekers in danger. We begin with **Mexico**, as it is the country that every asylum seeker must transit in order to reach the U.S. southern border. From there, we move southwards through **Belize, Guatemala, El Salvador, Nicaragua, Costa Rica, Panama, Colombia, and Ecuador**, highlighting the challenges and shortcomings faced by asylum seekers throughout the region.



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Mexico

Dangers for Asylum Seekers

Mexico is an unsafe country for many asylum seekers, who are targeted by both government authorities and criminal gangs. The Department of State recognizes that “[t]he press, international organizations, and NGOs [have] reported targeting and victimization of migrants and asylum seekers by criminal groups.” There have been numerous instances of these groups extorting, threatening, or kidnapping asylum seekers and other migrants. “In many parts of the country, human smuggling organizations wield significant power, and media allege frequent collusion among local authorities.”⁷ As reported by CGRS and other human rights organizations, there are several instances of documented violence against asylum seekers transiting or returned to Mexico, particularly women, children, LGBTQ+ individuals, and others who are particularly vulnerable.⁸ Mexican immigration or law enforcement authorities are responsible for a large share of this violence and other crimes committed against asylum seekers.⁹



The combination of stringent immigration enforcement measures in Mexico and U.S. policies that restrict asylum seekers' access to the border have tragically resulted in many deaths. A recent example is the devastating fire that broke out at an immigration processing facility in Ciudad Juarez, Mexico, which claimed the lives of 39 individuals and injured many others. Shockingly, video footage of the incident shows uniformed officials passing by the flames without attempting to open the door or provide assistance to the trapped asylum seekers.¹⁰

Deficiencies in the Asylum System

The U.S. government asserts that Mexico has become one of the top countries receiving asylum applications due to the government's efforts to strengthen its international protection system.¹¹ It is true that asylum applications have increased exponentially in Mexico over the last few years.¹² However, this dramatic increase in asylum applications does not indicate that more asylum seekers feel safe in Mexico and are choosing it as a destination. Rather, it coincides with the U.S. government's implementation of policies that severely restricted access to the U.S. territory and asylum system,¹³ forcing thousands of individuals – particularly Black Haitian and African asylum seekers – to remain in a country through which they intended only to transit.¹⁴

In practice, Mexico's asylum system is overwhelmed despite efforts to increase its capacity. COMAR (“Comisión Mexicana de Ayuda a Refugiados”), Mexico's refugee agency, has modestly increased its staffing and field presence. Yet despite these efforts, the agency cannot meet the demand resulting from an increasing number of applications. COMAR's budget has increased over the years, but only modestly and not commensurate with the increase in asylum applications.¹⁵ For 2023, COMAR was assigned a budget of around 2.5 million U.S. dollars. This represents only a 5.8 percent increase over the budget for 2022, and an 8.8 percent increase as compared with 2021.¹⁶ In practice, the unprecedented number of asylum seekers in Mexico has overstretched COMAR's capacity to process

asylum requests.¹⁷ This lack of capacity has become one of many obstacles to accessing international protection in Mexico.¹⁸

An illustration of COMAR's lack of capacity is the limited number of requests it adjudicates, in comparison with the total number of applications received. Between 2020 and 2022, COMAR resolved on average 32,189 cases per year, while it received 183,555 asylum applications during the same period.¹⁹ Further, while COMAR granted asylum or complementary protection in around 74 percent of cases adjudicated, it is important to note that the agency treats asylum seekers differently depending on their nationality. For example, COMAR may grant protection to many Hondurans, Venezuelans, and Salvadorans, "while rejecting most applicants from Haiti, saying they do not qualify as refugees."²⁰ The approval rate among applicants for Haiti was only 12 percent in 2022.²¹

Additional barriers to accessing protection in Mexico include a limited period of 30 days to file asylum applications after entering the country,²² as well as a series of practices and policies that prevent asylum seekers from filing their claims or obtaining proper support during the process. For instance, human rights organizations have documented cases where immigration agents have dissuaded asylum seekers from applying for refugee status and instead pressured them to agree to voluntary returns, "even when they said they would be at risk of violence and persecution in their home countries."²³ At airports, Mexican immigration authorities have turned around individuals intending to seek protection in Mexico.²⁴ Mexican authorities have also illegally expelled asylum seekers from the interior of the country and from its southern border.²⁵

Further, Mexican law forces asylum seekers to remain in the jurisdiction in which they applied for protection during the duration of their proceedings.²⁶ This has caused a bottleneck of cases at Mexico's southern border. In 2021 and 2022, on average over 66 percent of those who applied for asylum in Mexico did so in Tapachula, Chiapas, where conditions are dire. Shelters in Chiapas have been stretched beyond their capacity, jobs are nearly impossible to find, and individuals waiting for appointments or decisions are provided little to no assistance, forcing many to live in the streets.²⁷ Asylum seekers in Tapachula are also prevented from accessing healthcare services, as providers often require them to provide documentation they do not have.²⁸ Further, not only have asylum seekers experienced violence in Tapachula, but many have also reported feeling unsafe due to its proximity to the Guatemalan border, where some of the gangs they have fled operate.²⁹

Detention

Mexico's immigration detention system presents another serious barrier to accessing or receiving protection. While the national Migration Law sets a maximum of 60 days for immigration detention, the implementing regulation provides that asylum seekers can be detained for the entire duration of their proceedings.³⁰

Asylum seekers in detention face overcrowding, unsanitary conditions, lack of services, and inadequate food and healthcare, forcing many to drop their claims in order to be released.³¹ Most of them never receive information about their right to apply for asylum or complementary protection while in detention.³² During 2021, foreign nationals arriving at airports to seek protection were detained by Mexican migration authorities and held in detention for weeks, without any opportunity

to apply for asylum.³³ There have also been incidents of torture reported in immigration detention centers.³⁴

Discrimination and Access to Basic Services

The asylum-seeking population in Mexico has also shifted over the last few years, with an increasing number of both Black and non-Spanish speaking applicants.³⁵ These asylum seekers face racism and increased xenophobia.³⁶ For example, as documented by CGRS and other organizations, discrimination and racial profiling prevents Haitian asylum seekers from accessing employment, housing, or even public transportation in Mexico.³⁷ Non-Spanish speakers face language barriers further prevent access to both the asylum system and services such as education and healthcare.³⁸

In short, Mexico does not meet the requirements of a safe third country under U.S. law and international standards.

Belize

Deficiencies in the Asylum System

Although Belize is a country with lower levels of violence, and greater respect for human rights than many of its nearby neighbors, its asylum system is barely functional. By December 2022, Belize had granted asylum to fewer than 100 individuals, resulting in a backlog of over 4,000 cases.³⁹

Asylum seekers in Belize face an inaccessible and inefficient asylum system. First, the actual process is cumbersome as it involves a single Eligibility Officer who oversees gathering and reviewing claims before passing them on to the Refugee Eligibility Committee, a 9-member group that reviews only a limited number of cases at monthly meetings.⁴⁰ According to the



Department of State, out of 640 positive recommendations, the Ministry of Immigration has granted asylum in only 15 percent of them.⁴¹ Second, more than 50% of asylum seekers report not applying for asylum in Belize due to not knowing it was an option or not having information on how to do so, a clear barrier to accessing the system.⁴²

Worse, there are also reports that Belizean authorities prevent asylum seekers from seeking protection or discriminate against them. For example, the Human Rights Commission of Belize reported that 26 individuals filed complaints for not being allowed to apply for refugee status in 2022, while the true number is believed to be much higher.⁴³ And while the Belizean Refugee Law recognizes the right to seek asylum regardless of the matter of entry into the country, there have been cases reported of asylum seekers being denied this opportunity because they entered irregularly.⁴⁴ During 2022, “the government repatriated Cuban nationals who claimed their lives or freedom would be threatened due to their opposition to the government. Belize and Cuba have an agreement that requires Belize to return to Cuba all irregular migrants with Cuban citizenship.”⁴⁵ Additionally, one government study reported that 15 percent of asylum seekers claimed to have entered Belize irregularly after being rejected at ports of entry due to their nationality.⁴⁶

Discrimination and Access to Basic Services

Discrimination also extends to access to basic services.⁴⁷ For example, lack of access to education and employment in Belize is a serious barrier to integration for asylum seekers, in particular due to their inability to obtain employment authorization.⁴⁸ As of January 2023, only 222 asylum seekers in the entire country had work permits.⁴⁹

Deficiencies in the Amnesty Program

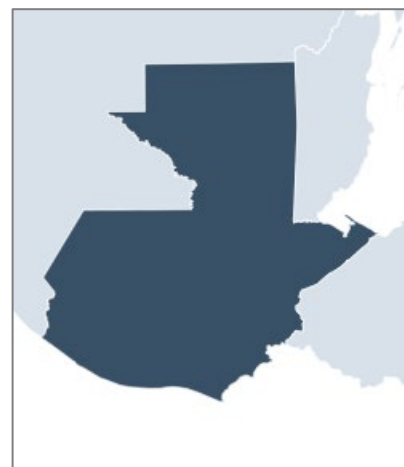
Finally, while the Government of Belize has launched an amnesty program, this measure will benefit only a limited number of individuals. The amnesty is available solely to asylum seekers who filed their claims before March 31, 2020, and for migrants who entered irregularly before 2017.⁵⁰ In practice, this means that the total number of asylum seekers eligible to apply for amnesty is fewer than 5,000, including individuals whose claims have been rejected.⁵¹

In short, Belize fails to meet the requirements of a safe third country under U.S. law and international standards.

Guatemala

Dangers for Asylum Seekers

It must be noted first that Guatemala itself is a refugee-producing country. Indeed, in 2021, Guatemalans filed 23,000 asylum cases in the United States, accounting for 12% of the total number of applications filed that year.⁵² The conditions that force so many to flee Guatemala can also make it a dangerous country for asylum seekers. According to the State Department's own human rights report, rape, femicide, violence against women, trafficking in persons, violent attacks against LGBTQ+ persons, gang recruitment of displaced children, and sexual exploitation of children are all serious problems in Guatemala.⁵³ Guatemala's high rates of violence in large part are due "to the presence of narcotrafficking organizations, particularly in border areas, as well as gangs that control urban neighborhoods. In this context, gender-based violence is particularly rampant, given that many of these groups use this form of violence in order to demonstrate control or power."⁵⁴



We know that asylum seekers suffer from this violence, as well. Individuals transferred from the United States to seek asylum in Guatemala under the now defunct Asylum Cooperative Agreement reported that:

they considered Guatemala to be no different than their home countries in terms of safety and opportunity. Indeed, many transferees noted that in their home countries they at least understood the context and had social networks that they could rely on. Few found

remaining in Guatemala to be a feasible option because it is a dangerous and poor country where they lack familial or social ties.⁵⁵

Over the last few years there has been a moderate increase in the number of individuals seeking asylum in Guatemala.⁵⁶ However, there is no indication that asylum seekers seek refuge in Guatemala because they feel safe. In reality, the dramatic increase in asylum requests filed in Guatemala occurred at a time when both the U.S. and Mexican governments had implemented increased enforcement measures, such as expulsions, designed to keep asylum seekers from reaching the U.S. border.⁵⁷

Deficiencies in the Asylum System

Guatemala has taken some steps to develop its asylum system. For example, in February 2021 the government created the Refugee Status Recognition Department (DRER), an office dedicated to “establishing an appropriate mechanism to receive asylum requests.”⁵⁸ However, the mere creation of an office does not meaningfully address other structural deficiencies in the asylum system.⁵⁹

The asylum system in Guatemala is inefficient; claims go through an extended bureaucratic process. Asylum requests are reviewed by the National Commission for Refugees (CONARE), which is composed of delegates from the Ministry of Labor and Social Security, Ministry of Foreign Affairs, Ministry of Interior, and Guatemalan Migration Institute. CONARE then makes recommendations to the National Immigration Authority (INM) which approves or denies the asylum requests.⁶⁰ UNHCR is deliberately excluded from the process, preventing the agency from voicing its position on asylum cases.⁶¹ This “interministerial process contributes to major delays on final case decisions and an increased backlog.”⁶² At the end of 2022, Guatemala had recognized only 773 refugees in the prior 20 years.⁶³

Even with the DRER in place, access to the asylum system is out of reach for many. The Department of State noted that in 2021 some vulnerable individuals in need of protection required the intervention of “central authorities” and the Human Rights Ombudsman (PDH) to be able to apply.⁶⁴ Similarly, “UNHCR reported that identification and referral mechanisms for potential asylum seekers were inadequate.”⁶⁵ Following the initial asylum request—which can be made at immigration control posts at the border or in DRER offices—the asylum seeker must travel to Guatemala City to complete the process.⁶⁶ In practice, this onerous travel requirement limits access to asylum.⁶⁷

Access to asylum is also restricted by enforcement practices that limit access to territory. For example, Guatemalan authorities have violently repressed peaceful migrant caravans. Authorities have also illegally expelled potential asylum seekers *en masse*, particularly those from Haiti or Venezuela.⁶⁸

Work Permits and Access to Employment

The Guatemalan government also created a process to issue work permits as another step to improve the protection system. Yet by no means does this new process fully address the basic survival needs of asylum seekers. In reality, the centralized process to issue work permits, the existence of a cap on the number of foreign workers that companies can employ,⁶⁹ and lack of knowledge in the public and private sectors about refugee rights, are all obstacles to economic

integration.⁷⁰ This has a direct impact on asylum seekers in Guatemala, who “struggle to meet their most basic needs.”⁷¹

Access to Basic Services

Further, “access to effective personal documentation for asylum-seekers and refugees is the main obstacle” to obtaining services such as education, health, welfare, and financial services.⁷² In particular, the Department of State reports that access to education for asylum seekers is difficult due to “the country’s onerous requirements for access to formal education, including documentation from the country of origin.” Relatedly, the Department of State noted that “[a]dult asylum seekers often could not obtain accreditation of their foreign university degrees to practice their profession.”⁷³

Guatemala does not meet the requirements of a safe third country under U.S. law and international standards.

El Salvador

Dangers for Asylum Seekers

Like Guatemala, El Salvador is traditionally a refugee producing country. In 2021 alone, nearly 15,000 Salvadorans applied for asylum in the United States, accounting for 9 percent of total applications.⁷⁴ El Salvador is also a dangerous country for asylum seekers.

The Department of State reports that UNHCR and humanitarian organizations that attempt to aid asylum seekers and refugees find it difficult to do so in certain areas due to the control of gangs over neighborhoods.⁷⁵ Additionally, human rights conditions in El Salvador have deteriorated over the last year. In 2022, the government of El Salvador instituted a state of emergency as an alleged response to increased gang violence. The state of emergency, initially imposed for one month, has been repeatedly extended for nearly a year now.⁷⁶



During this time, NGOs have documented an increase of human rights violations, including mass arbitrary detentions, torture and other cruel treatments of detainees, enforced disappearances, degrading treatment or punishment by security forces; harsh and life-threatening prison conditions, and corrupt prosecutions.⁷⁷ Making matters worse, the state of emergency has also been used as an excuse to limit the right to access public information, advance the closure of civic space, and facilitate acts of corruption.⁷⁸ The Department of State has also recognized persistent additional human rights issues such as “serious problems with the independence of the judiciary. . . lack of investigation and accountability for gender-based violence; significant barriers to accessing sexual and reproductive health services; and crimes involving violence against [LGBTQ+] individuals.”⁷⁹ These factors all impact the ability of vulnerable populations, such as refugees and asylum seekers, to be safe in El Salvador.

Deficiencies in the Asylum System

Furthermore, according to the Department of State, El Salvador’s asylum system “has major regulatory and operational gaps” that restrict access to protection.⁸⁰ First, there is an exceptionally

short deadline of 5 business days to apply for asylum, so few people are able to apply in the first place.⁸¹

Second, the entity in charge of adjudicating asylum claims, *Comisión para la Determinación de la Condición de Personas Refugiadas* (or CODER),⁸² does not have its own budget, which hampers its capacity and operations. Additionally, CODER is not structured to process asylum requests in a streamlined manner. CODER is made up of the Ministers of Government and Foreign Relations, or their representatives, and in order to grant asylum to individuals, their decision must be unanimous.⁸³ Between 2014 and 2019 CODER granted asylum to an average of 6 people per year.⁸⁴

Third, El Salvador's asylum system has limited due process guarantees. For instance, "the criteria for case decision [are] unclear"⁸⁵ and asylum denials cannot be appealed to a higher authority. At best, asylum seekers can request a revision of the decision from the same body that adjudicated their case, CODER, within three business days of being notified of the denial.⁸⁶

El Salvador fails to meet the requirements of a safe third country under U.S. law and international standards.

Nicaragua

Dangers for Asylum Seekers

Thousands of Nicaraguan individuals and families have sought refuge in countries like Costa Rica and the United States, among others. Conditions are so dire that Nicaragua is one of the very few countries in the world that benefit from the new country-specific U.S. parole program.⁸⁷

The Department of State reports significant human rights violations and other abuses in Nicaragua, including arbitrary killings; torture and cruel, inhuman, or degrading treatment; government harassment of human rights organizations; sexual and gender-based violence perpetrated with impunity; violence against Indigenous communities, trafficking in persons; violence against LGBTQ+ individuals; and "the worst forms of child labor."⁸⁸



Deficiencies in the Asylum System

The asylum system in Nicaragua has been *de facto* suspended since 2015, with a significantly reduced protection space for both asylum seekers and refugees.⁸⁹ The Department of State confirms that the Nicaraguan government has not provided updated information on refugees or asylum seekers since 2015.⁹⁰

UNHCR has expressed serious concern about conditions in the country, stating that the:

current situation in Nicaragua is severely affecting refugees and asylum-seekers. As the socio-political crisis deepens, refugees and asylum-seekers in Nicaragua lack access to basic services, such as education or medical care, a fact which has increased their socioeconomic

vulnerability. Many have lost their jobs or have been forced to close their small businesses as the inflation and the reduced demand are not allowing them to make a profit. The insecurity and the protests have also negatively impacted their freedom of movement. As a result, many refugees and asylum-seekers have started to leave the country. Some of them have preferred to return to their country of origin, while others are looking for international protection in neighboring countries.⁹¹

Since 2017, UNHCR has documented “several cases of refoulement and/or denial of entry of Honduran and Salvadoran families. The persons that are affected include: recognized refugees and asylum-seekers, and persons with international protection needs who could not access the asylum procedures due to the suspension of the asylum system.”⁹²

Nicaragua fails to meet the requirements of a safe third country under U.S. law and international standards.

Costa Rica

Costa Rica is a country known to welcome asylum seekers and migrants, but it already has a per capita rate of asylum claims ten times that of the United States.⁹³ Further, its asylum system is overwhelmed. Just in 2021, over 108,000 asylum seekers filed claims in Costa Rica.⁹⁴ As of September of 2022, there were over 200,000 pending asylum applications, and over 50,000 individuals waiting for their appointments to make formal applications.⁹⁵ Between 2017 and 2021, Costa Rica granted asylum to only 6,035 individuals.



Worse, forcing Costa Rica to become a safe third country would likely result in a dramatic increase of asylum applications. According to the former president of Costa Rica, such a policy would increase the burden for the country and make it less welcoming by fueling xenophobia.”⁹⁶

Deficiencies in the Asylum System

Aside from increased numbers of applicants, structural and systemic deficiencies limit Costa Rica’s asylum system. According to Obiora C. Okafor, U.N. Independent Expert on human rights and international solidarity, despite the increasing number of asylum seekers there has been a “decrease in access to international development assistance and other forms of international cooperation received from donors,”⁹⁷ which negatively impacts Costa Rica’s capacity to welcome asylum seekers. In line with this, civil society organizations “have reported significant gaps on the ground in the social protection of migrants and refugees.”⁹⁸ Also, “[d]ue to the insufficiency of the number of officers processing their applications, migrants and refugees also experience long delays before their applications for the regularization of their status [are] determined.”⁹⁹

According to the Department of State, “while the law requires authorities to process claims within 3 months of being filed, in practice there [is] an average two-month wait for appointments to file an

asylum claim, and it [takes] up to 10 years to complete the review and appeals processes.”¹⁰⁰ UNHCR also reports that Costa Rica’s asylum system does not have a clear prioritization mechanism for applicants with special needs, lacks standard operating procedures, and provides insufficient information to applicants about the process.¹⁰¹

Temporary Protection and Measures to Deter Asylum Seekers

In response to its backlog, Costa Rica’s new government has severely curtailed eligibility and discouraged people from seeking asylum. In December 2022, President Rodrigo Chaves stated that the asylum system was being abused and announced sweeping reforms and policies to curb this perceived abuse.¹⁰² First, the government issued a decree modifying the country’s refugee regulation to enact the following restrictions: a new one month-term to apply for asylum;¹⁰³ bans to asylum for reasons such as working without authorization and/or transiting through “safe countries” - as determined by the General Migration Directorate - without requesting asylum and receiving a denial;¹⁰⁴ and expanded the bases for finding claims to be fraudulent or unfounded.¹⁰⁵

Second, an accompanying regulation restricts access to employment authorization for asylum seekers. Before the new regulation, applicants in most cases were automatically able to work 3 months after filing their claim. Now individuals must apply separately for a work permit after waiting the 3-month period.¹⁰⁶ With the new regulation, work authorization is now tied to a specific employer and requires a detailed job offer.¹⁰⁷ These represent significant restrictions, especially because “refugees and asylum seekers reported that job opportunities were scarce” before the new regulation.¹⁰⁸ Prior to these reforms, at least 3,225 asylum seekers or refugees in Costa Rica already lived in a situation of poverty or extreme poverty.¹⁰⁹

Third, while Costa Rica is extending a new Special Temporary Category (STC) to Cuban, Nicaraguan, and Venezuelan asylum seekers, it requires them to withdraw their asylum applications once the STC is granted.¹¹⁰ This form of temporary protection will benefit only nationals from the three countries who requested asylum between 2010 and September 2022 and whose cases were denied or are pending.¹¹¹ Further, the STC does not allow for family reunification.¹¹² All of this indicates that, even if the STC will benefit Nicaraguans, Cubans, and Venezuelans already in Costa Rica, it was also created to dissuade people from seeking asylum and will leave countless people unprotected.

Discrimination and Access to Basic Services

Additionally, despite its welcoming reputation, Costa Rica can be an unwelcoming place for many asylum seekers. Xenophobia and discrimination have increased as the number of refugees from Nicaragua and other places has grown over the years.¹¹³ The Department of State reports that “access to public services and social welfare is hampered, among other reasons, due to xenophobia. Access to health services is difficult.”¹¹⁴ Nicaraguans in particular face discrimination in the education system to varying degrees. This includes demotion of academically successful children and teens under the pretense that education levels in Nicaragua are lower than in Costa Rica; social exclusion and harassment, particularly because of their accents; and hostile treatment and denial of information by academic officials.¹¹⁵

Work Permits and Access to Employment

Furthermore, refugees and asylum seekers in Costa Rica “reported that job opportunities [are] scarce. In the case of professionals, refugees, and asylum seekers [face] significant bureaucratic processes in obtaining a license to practice locally.”¹¹⁶ In turn, “these labor prospects have placed Nicaraguan migrants in an unusually vulnerable economic situation, particularly during the pandemic, with many becoming food insecure and having to sleep in the streets.” For example, a report highlights that “[i]n mid-2020, more than three-quarters of Nicaraguan immigrants were going hungry.”¹¹⁷ The Department of State has also pointed out that the “forced labor of migrants occurs in the agricultural and domestic service sectors” and that the Government does not enforce minimum wages in rural areas, especially “where large numbers of migrants [are] employed, and in the large informal sector.”¹¹⁸

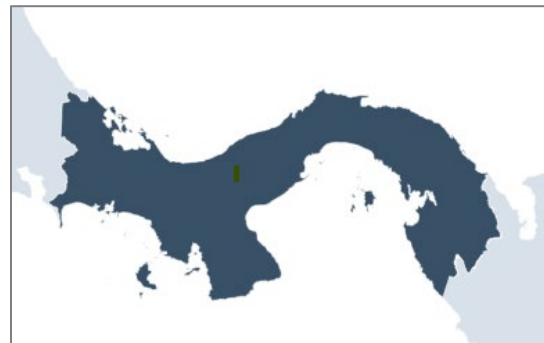
Dangers for Asylum Seekers

According to the Department of State, “[g]roups of exiles in Costa Rica alleged harassment and political oppression by parapolice and [Ortega regime] sympathizers who crossed the border to target exiles, as well as by intelligence officials within the Nicaraguan embassy in Costa Rica.”¹¹⁹

Costa Rica does not meet the requirements of a safe third country under U.S. law and international standards.

Panama

Large numbers of individuals make the treacherous journey through the Darién Gap into Panama every year. From January 2021 through December 2022, over 382,000 individuals entered Panama irregularly.¹²⁰ However, despite the high number of individuals transiting through the country, very few opt to seek refuge in Panama. In 2021, Panama received only 542 asylum applications, and the number increased modestly to 703 in 2022.¹²¹ This



responds largely to policies and structural deficiencies that prevent asylum seekers from accessing protection in Panama.

Deficiencies in the Asylum System

The country’s migration policy is focused on transit, not on hosting migrants nor much less on protecting asylum seekers. As witnessed by CGRS and partner organizations during a fact-finding trip to Panama in October 2022, the country’s main stated and actual policy is to facilitate the transportation of migrants from the Darien region to the border with Costa Rica.¹²²

Those who do decide to seek asylum face what advocates on the ground believe is “the single most difficult pathway to regularize in Panama.”¹²³ In practice, Panama’s asylum infrastructure lacks procedural guarantees and basic safeguards, leaving asylum seekers largely unprotected.¹²⁴ First, individuals can file their claims only in Panama City and must do it within six months after entering the country.¹²⁵ Second, according to UNHCR, the National Office for the Attention of Refugees (ONPAR)—the agency charged with receiving claims and determining their admissibility—is not applying the lower

“manifestly unfounded” admissibility standard, but instead is deciding on the merits, which is inappropriate at this stage.¹²⁶ As an illustration of the impact of this, in 2022, ONPAR admitted only 11 cases while rejecting 957.¹²⁷

In turn, the National Commission for Refugees (CONARE)—the body charged with considering and adjudicating asylum claims referred by ONPAR—is highly inefficient. This committee is composed of representatives of eight different government agencies that meets around four times a year and historically has adjudicated on average fewer than 50 cases annually.¹²⁸ In 2021, CONARE recognized only 13 refugees (nine from Ukraine and four from Nicaragua).¹²⁹ On average, the Panamanian asylum system has an extremely low one percent admission and approval rate.¹³⁰ Moreover, Panama has a backlog of over 11,000 cases.¹³¹

Documentation and Access to Basic Services

This backlog “leaves asylum-seekers in precarious circumstances without the right to work and without social assistance.”¹³² When individuals apply for asylum, they receive a certificate that allows them to remain in the country while their case is reviewed for admission. However, in 2022, ONPAR only issued 208 of these certificates.¹³³ “[A]s a result of the long wait times to be entered into the asylum system, many applicants encountered difficulties accessing basic services such as health care, financial services, and appropriate housing.”¹³⁴ Additionally, the certificate issued by Panamanian authorities to asylum seekers is “not always recognized by the National Police and by health and education authorities,” and “contains only the main claimant’s information, placing the rest of the accompanying family members at risk as they do not have individualized identification.”¹³⁵

Work Permits and Access to Employment

Only after cases are formally admitted by ONPAR can asylum seekers apply for a work permit. However, this process can take several years, which also limits access to basic rights and leaves asylum seekers at risk of exploitation.¹³⁶ In 2022, only 48 work permits were issued to asylum seekers.¹³⁷ Aside from difficulties obtaining permission to work, asylum seekers and refugees alike have a challenging time finding work opportunities.¹³⁸ “In fact, the exclusion of refugees and migrants from economic participation and other forms of integration into Panamanian life are codified in law.”¹³⁹ The Panamanian Constitution allows the exclusion of foreigners from certain activities and the law in fact “forbids foreigners, even with a work permit, to labor in [certain] professions.”¹⁴⁰ At present, there are as many or more than “56 protected professions, which only Panamanian-born and naturalized citizens can practice” including “a wide variety of skilled and unskilled professions, ranging from doctors, accountants, and lawyers, to cosmetologists, security agents, and gardeners.”¹⁴¹

The protracted length of the asylum process, the inability to access work permits and job opportunities, and limited available humanitarian assistance, place asylum seekers in Panama at heightened risk.¹⁴² Conditions for refugees and asylum seekers were further exacerbated by the COVID-19 pandemic, where many individuals who had achieved some degree of stability had to rely on humanitarian assistance to meet their most basic needs.¹⁴³ As the Department of State acknowledges, there are thousands of individuals in Panama with international protection needs. These

include “persons in the asylum and refugee process, persons denied refugee status, and persons who did not apply for refugee status due to lack of knowledge or fear of deportation.”¹⁴⁴

Dangers for Asylum Seekers

Finally, there are alarming rates of sexual violence committed against refugees and migrants who cross the Darién Gap. This violence has been largely committed with impunity against Black women and girls, who are generally unable to access justice, law enforcement, or even health services.¹⁴⁵

For these reasons, Panama does not meet the requirements of a safe third country under U.S. law and international standards.

Colombia

Dangers for Asylum Seekers

While in recent years Colombia has gained notoriety for being among the top 3 countries in the world hosting forcibly displaced individuals, it is also a refugee producing country.¹⁴⁶ As of 2021, there were more than 400,000 Colombian refugees abroad.¹⁴⁷

Colombia is also a dangerous country for many asylum seekers and refugees. For example, during the first half of 2021 alone, Venezuelans in Colombia were targets of violence, including 1059 assaults, 362 homicides, and 335 incidents of sexual violence, although it is widely believed that crimes against migrants are severely underreported.

In the same period, there were seven reported events of forced displacement due to violence or conflict that impacted 115 Venezuelans.¹⁴⁸ The Department of State also reports that “Venezuelan migrants, and inhabitants of marginalized urban areas, were at the highest risk of forced labor, domestic servitude, forced begging, and forced recruitment. Authorities did not make efforts to investigate cases or increase inspections of forced labor.”¹⁴⁹



According to the Department of State, there are other serious human rights violations in Colombia, including arbitrary killings; torture and arbitrary detention by government security forces; serious abuses in a conflict, violence against and forced displacement Black and Indigenous persons; and violence against LGBTQ+ individuals.¹⁵⁰ Further, armed groups are known perpetrators of violent crimes such as “. . . human trafficking, bombings, restrictions on freedom of movement, sexual violence, unlawful recruitment and use of child soldiers, and threats of violence against journalists, women, human rights defenders.”¹⁵¹ All of these human rights abuses present a risk for refugees and asylum seekers.

Deficiencies in the Asylum System

Colombia’s asylum system is deficient, bureaucratic, and cumbersome. A single body, *Comisión Nacional para la Determinación de la Condición de Refugiado* (CONARE), which is made up of nine representatives from different government agencies, reviews asylum applications, conducts

interviews, and makes non-binding adjudication recommendations.¹⁵² The Minister of Foreign Relations, a high-level cabinet position, then makes final determinations.¹⁵³ Between 2017 and mid-2022, Colombia's refugee agency granted asylum in only 1,313 cases.

Furthermore, there is little infrastructure to support the asylum system or services for refugees.¹⁵⁴ These factors, added to the increasing number of asylum requests, have resulted in a backlog of over 42,106 pending cases.¹⁵⁵

In addition, numerous difficulties prevent access to the asylum system. General lack of awareness and information about the asylum process is a significant barrier.¹⁵⁶ The two-month deadline to apply for asylum after entering Colombia presents another substantial roadblock.¹⁵⁷ The process can last for an undetermined amount of time, sometimes years, before an application is adjudicated.¹⁵⁸ While they wait, asylum seekers receive a document (*salvoconducto*) that allows them to remain in the country, sometimes restricted to specific areas, but without the possibility to work or access basic services.¹⁵⁹ This leaves asylum seekers in Colombia in a vulnerable situations where they are unable to provide for themselves or their families for extended periods of time.

While the current Colombian government has promised to expand its protection system, this does not seem to represent a serious commitment. On the contrary, in the national development plan for the next four years (*Plan Nacional de Desarrollo 2022-2026*), which the government submitted to Congress in February 2023, there is no mention whatsoever of policies for refugees or migrants.¹⁶⁰ The new government also dismantled the President's Office of Attention and Socioeconomic Integration for Migrants, the department in charge of coordinating integration policies at the national level, and instead dispersed its duties within the Ministry of Foreign Relations, an agency that is not charged with developing domestic policy.¹⁶¹

Deficiencies in the Temporary Protection Program

It is noteworthy that Colombia has enacted the Statute of Temporary Protection for Venezuelans (ETPV), an effort to regularize over 2 million Venezuelans. However, this program leaves many vulnerable individuals out and limits access to permanent protection, such as refugee status, in favor of temporary regularization.

Significantly, the ETPV is not available to all Venezuelans in Colombia. It excludes those who entered Colombia irregularly after January 31, 2021, and will cover only Venezuelans who enter Colombia with recognized travel documents up to May 28, 2023.¹⁶² While the goal of this measure may be to disincentivize irregular migration, it does not respond to the reality of conditions in Venezuela and the reasons that force its nationals to flee.¹⁶³ Further, even those who are eligible for the ETPV may have difficulty meeting its stringent requirements and deadlines.¹⁶⁴ In particular, the policy ignores the special needs of elders, individuals with disabilities, survivors of trafficking, or Indigenous peoples.¹⁶⁵ In turn, the exclusions and restrictions in the ETPV will further overwhelm the asylum system as newly arriving Venezuelans will have no options to regularize other than to seek asylum.

While asylum seekers are eligible to apply for the ETPV, if approved, individuals must choose between receiving the ETPV or continuing their asylum claims.¹⁶⁶ This hardly a voluntary choice given the deficiencies in the asylum system described above. Forcing asylum seekers to make this choice is very concerning, especially given that the ETPV provides only temporary protection on a

discretionary basis.¹⁶⁷ Colombian authorities can cancel an individual's ETPV for a variety of ambiguous reasons, including when "*Migración Colombia* considers that the presence of the foreigner in the national territory is inconvenient . . ."¹⁶⁸ A decision to cancel an ETPV status cannot be appealed.¹⁶⁹ This indicates that Venezuelan asylum seekers that choose the ETPV are at risk of *refoulement*, especially as advocates have reported that Colombia's migration agency regularly abuses its discretionary authority and violates the due process rights of migrants and refugees, including by conducting mass expulsions.¹⁷⁰

Relatedly, former Colombian President Juan Manuel Santos has recently voiced his opposition to proposals that would restrict asylum seekers' access to protection in the United States if they have passed through third countries. He cautioned that such measures would place additional pressure on his country, which could undermine the policies that have been successful in supporting migrants.¹⁷¹

Colombia does not meet the requirements of a safe third country under U.S. law and international standards.

Ecuador

Dangers for Asylum Seekers

An increasing number of Ecuadorans have been increasingly forced to leave their country.¹⁷² In FY 2022, Ecuadorans were apprehended over 24,000 times at the U.S. southern border.¹⁷³ Ecuador also poses dangers for many asylum seekers. As the Department of State points out, according to UN agencies and NGOs on the ground, migrants and refugees—especially women, children and LGBTQ+ individuals—face sexual and gender-based violence.¹⁷⁴ Human rights organizations have found that "Venezuelan refugee women face an even greater risk of physical, psychological, sexual, patrimonial, gynecological-obstetric and cyber violence in public and private spaces.

This vulnerability to violence is exacerbated for women in an irregular migratory situation, as is the case for the majority of Venezuelan women in Ecuador."¹⁷⁵ Additionally, asylum seekers face forced labor and forced recruitment into illegal activities ". . . particularly by transnational criminal organizations and criminal groups that also operated in Colombia."¹⁷⁶ Last, ". . . Colombian refugees, and Venezuelan and Chinese migrant workers are particularly vulnerable to trafficking in Ecuador, as well as Haitians migrating through Brazil into Ecuador. . ."¹⁷⁷



Deficiencies in the Asylum System

The Government of Ecuador has taken some steps to expand protection for asylum seekers, in practice there are significant barriers to access protection in Ecuador. These include a short 90-day period to apply, as well as a general lack of publicly available information about asylum proceedings.¹⁷⁸ Additionally, Ecuadoran migration officials reportedly discourage asylum seekers from applying for refugee status.¹⁷⁹ As an illustration of these barriers, "[b]etween 2018 and 2022, a

total of 27,889 Venezuelans applied for refugee status in Ecuador.”¹⁸⁰ This is an astoundingly low number of asylum applications, considering that—as the Departments recognize—Ecuador is currently hosting over 500,000 displaced Venezuelans.

Asylum seekers in Ecuador also face barriers to pursuing their asylum proceedings. For example, while individuals may apply for asylum online, they must travel to certain large cities for their interviews, a sometimes hours-long journey for applicants in rural areas and even mid-size cities.¹⁸¹

Discrimination and Access to Basic Services

Furthermore, migrants and refugees in Ecuador have a hard time accessing basic necessities. According to UNHCR, 82.8 percent of migrants and refugees in Ecuador need access to food and 64.4 percent need housing or shelter.¹⁸² More than half of asylum seekers have a hard time finding employment,¹⁸³ and the Department of State highlights that refugees report employers do not accept government issued work authorizations.¹⁸⁴ According to NGOs on the ground, children also face barriers accessing education services, including due to lack of information about the education system, costs, lack of capacity in schools, and xenophobia or discrimination.¹⁸⁵

Ecuador does not meet the requirements of a safe third country under U.S. law and international standards.

¹ The White House, *Los Angeles Declaration on Migration and Protection* (June 10, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/06/10/los-angeles-declaration-on-migration-and-protection/>

² Circumvention of Legal Pathways, 88 Fed. Reg. 11704 (Feb. 23, 2023).

³ UNHCR, *Legal considerations regarding access to protection and a connection between the refugee and the third country in the context of return or transfer to safe third countries* (Apr. 2018), <https://www.refworld.org/docid/5acb33ad4.html>.

⁴ U.S.C. Sec. 1158 (a) (2) (A). (“Safe third country Paragraph (1) shall not apply to an alien if the Attorney General determines that the alien may be removed, pursuant to a bilateral or multilateral agreement, to a country (other than the country of the alien's nationality or, in the case of an alien having no nationality, the country of the alien's last habitual residence) in which the alien's life or freedom would not be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion, and where the alien would have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection, unless the Attorney General finds that it is in the public interest for the alien to receive asylum in the United States.”).

⁵ Karen Musalo, *Biden's Embrace of Trump's Transit Ban Violates US Legal and Moral Refugee Obligations* (Feb. 8, 2023), <https://www.justsecurity.org/84977/bidens-embrace-of-trumps-transit-ban-violates-us-legal-and-moral-refugee-obligations/>

⁶ For a compilation of solutions to restore access to asylum, see Welcome With Dignity, *Ending Asylum is Unacceptable – Expert Recommendations On What To Do Instead*, <https://welcomewithdignity.org/solutions/>

⁷ Department of State, *2022 Country Reports on Human Rights Practices: Mexico* (Mar. 20, 2023), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/mexico/>.

⁸ See, e.g., CGRS, Hastings to Haiti Partnership, Haitian Bridge Alliance, *Mocking a Mockery of Asylum: The Proposed Asylum Ban, Relying on the CBP One App For Access to Ports of Entry, Will Separate Families and Deny Protection* (Mar.

27, 2023), <https://cgrs.uchastings.edu/our-work/publications/making-mockery-asylum-proposed-asylum-ban-relying-cbp-one-app-access-ports> (“The Perez family . . . is too afraid to apply or wait for their asylum claim to be adjudicated in Mexico. A politically connected cartel kidnapped the family in southern Mexico, repeatedly raped the mother, and—before releasing them on a ransom—threatened to kill them should they report anything to the authorities. They are now living in hiding in Tijuana awaiting reunification with family in the United States.”); Human Rights First, *Fatally Flawed “Remain in Mexico” Policy Should Never Be Revived* (Sept. 2022), <https://humanrightsfirst.org/wp-content/uploads/2022/10/FatallyFlawed.pdf> (Forty-one percent of the interviewed asylum seekers and migrants (1,109 people) initially enrolled in RMX 2.0 reported attacks in Mexico, including kidnapping, rape, torture, and other violent assaults. Kidnappings made up 36 percent (401 reports) of these attacks.); WRC and IMUMI, *Stuck In Uncertainty and Exposed to Violence: The Impact of US and Mexican Migration Policies on Women Seeking Protection in 2021* (Feb. 2022), <https://www.womensrefugeecommission.org/wp-content/uploads/2022/02/Stuck-in-Uncertainty-2.pdf> (Women who are returned to Mexico alone or with their families experience many types of violent attacks.); Human Rights Watch, *Every Day I live in Fear – Violence and Discrimination Against LGBT People in El Salvador, Guatemala, and Honduras, and Obstacles to Asylum in the United States* (Oct. 7, 2020), <https://www.hrw.org/report/2020/10/07/every-day-i-live-fear/violence-and-discrimination-against-lgbt-people-el-salvador> (“The fear of violence leads some LGBT asylum seekers, especially trans women, to avoid leaving the shelters in Tijuana in which they are staying, in a kind of self-imposed house arrest.”).

⁹ See, e.g., LAWG, CGRS and others, *Memo: Impacts of U.S. and Mexican migration enforcement on migrant and refugee rights in Mexico* (Sept. 2021), <https://cgrs.uchastings.edu/sites/default/files/NGO-Memo-Impacts-of-Mexican-U.S.-Migration-Enforcement-9.20.21-1-1.pdf> (“The INM, National Guard, and Mexican army are using anti-riot gear and vehicles to intercept these migrant groups, disperse them, and detain their members, which include families, young children, pregnant women, as well as many individuals – such as refugees . . .”); WRC and IMUMI, *Stuck In Uncertainty and Exposed to Violence: The Impact of US and Mexican Migration Policies on Women Seeking Protection in 2021* (Feb. 2022), <https://www.womensrefugeecommission.org/wp-content/uploads/2022/02/Stuck-in-Uncertainty-2.pdf> (In August 2021, Mexican immigration authorities and the Mexican National Guard were filmed kicking migrants, violently pushing women and children into vehicles, and threatening family separation as tactics to break up large groups. . . In October 2021, a Haitian woman was found dead along a highway in Chiapas. Her clothes had been removed and she had been raped and strangled. Four municipal police officers were detained in relation to the crime.”); Human Rights Watch, *Mexico: Asylum Seekers Face Abuses at Southern Border* (June 6, 2022), <https://www.hrw.org/news/2022/06/06/mexico-asylum-seekers-face-abuses-southern-border#:~:text=People%20applying%20for%20refugee%20status,appointment%20for%20a%20residence%20visa> (“In some cases, efforts to apprehend undocumented migrants have led to serious violence and even deaths. In October 2021, National Guard troops opened fire on a truck carrying migrants, in an apparent attempt to detain them, killing two. . . In March 2021, soldiers shot and killed a Guatemalan man who failed to stop at a checkpoint.”).

¹⁰ Jose Luis Gonzalez, *Mexico border fire: at least 38 die during protest at Juarez migrant center*, Reuters (Mar. 29, 2023), <https://www.reuters.com/world/americas/least-ten-dead-after-fire-migrant-facility-mexicos-ciudad-juarez-sources-2023-03-28/>

¹¹ Circumvention of Lawful Pathways, Notice of Proposed Rulemaking, 88 Fed. Reg. 12345 (Feb. 23, 2023).

¹² From 2018 to 2019, the numbers of applications went from 29,569 to 70,210. The numbers decreased to 40,912 in 2020, largely due to the pandemic, but grew to 129,780 in 2021 and 118,756 in 2022. See COMAR, *La COMAR en números – Estadística enero 2023* (Feb. 16, 2023), <https://www.gob.mx/comar/articulos/la-comar-en-numeros-327441?idiom=es>.

¹³ These policies include metering, include the now defunct Migrant Protection Protocols, third country transit rule (or “Transit ban”), processes like Prompt Asylum Claim Review (PACR) and Humanitarian Asylum Review Process (HARP), and the continued use of the Title 42 expulsion policy.

¹⁴ See, e.g., Zefitret Abera Molla, *The Experiences of Black African and Haitian Migrants Forced to Remain in Mexico Due to Restrictive U.S. and Immigration Policies*, Oxford Monitor of Forced Migration (Vol 11, No. 1) (Feb. 2023), <https://www.sogica.org/wp-content/uploads/2023/02/OxMo-Volume-11.1.pdf>.

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- ¹⁵ Department of State, 2021 *Country Reports on Human Rights Practices: Mexico* (2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/mexico/>.
- ¹⁶ La Razón, *Crece migración 60% y a COMAR le dan sólo 2.6 mdp más para 2023* (Oct. 9, 2022), <https://www.razon.com.mx/mexico/crece-migracion-60-comar-le-dan-2-6-mdp-2023-497779>.
- ¹⁷ Department of State, 2021 *Country Reports on Human Rights Practices: Mexico* (2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/mexico/>.
- ¹⁸ Department of State, 2022 *Country Reports on Human Rights Practices: Mexico* (Mar. 20, 2023), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/mexico/>.
- ¹⁹ COMAR adjudicated 22,674 cases in 2020, 38,099 in 2021, and 35,749 in 2022. See COMAR, *La COMAR en números – Estadística enero 2023* (Feb. 16, 2023), <https://www.gob.mx/comar/articulos/la-comar-en-numeros-327441?idiom=es>.
- ²⁰ Human Rights Watch, *Mexico: Asylum Seekers Face Abuses at Southern Border* (June 6, 2022), <https://www.hrw.org/news/2022/06/06/mexico-asylum-seekers-face-abuses-southern-border#:~:text=People%20applying%20for%20refugee%20status,appointment%20for%20a%20residence%20visa>.
- ²¹ COMAR, *La COMAR en números – Estadística enero 2023* (Feb. 16, 2023), <https://www.gob.mx/comar/articulos/la-comar-en-numeros-327441?idiom=es>.
- ²² Estados Unidos Mexicanos, *Ley sobre refugiados, protección complementaria y asilo político* (Jan. 27, 2011), art. 18., https://www.gob.mx/cms/uploads/attachment/file/211049/08_Ley_sobre_Refugiados_Proteccion_Complementaria_y_Asilo_Politico.pdf.
- ²³ Human Rights Watch, *Mexico: Asylum Seekers Face Abuses at Southern Border*, *supra* n.114.
- ²⁴ WRC and IMUMI, *Stuck In Uncertainty and Exposed to Violence: The Impact of US and Mexican Migration Policies on Women Seeking Protection in 2021* (Feb. 2022), <https://www.womensrefugeecommission.org/wp-content/uploads/2022/02/Stuck-in-Uncertainty-2.pdf%20> (“Mexican immigration authorities also stepped up restrictive tactics at Mexican airports, where they denied entry to a record 72,895 foreigners in 2021, more than double the number of denials in 2019 (31,008)”).
- ²⁵ See LAWG, CGRS and others, *Memo: Impacts of U.S. and Mexican migration enforcement on migrant and refugee rights in Mexico* (Sept. 2021), <https://cgrs.uchastings.edu/sites/default/files/NGO-Memo-Impacts-of-Mexican-U.S.-Migration-Enforcement-9.20.21-1-1.pdf>.
- ²⁶ Estados Unidos Mexicanos, *Reglamento a la Ley sobre refugiados, protección complementaria y asilo político* (2012), art. 38.
- ²⁷ Human Rights Watch, *Mexico: Asylum Seekers Face Abuses at Southern Border* (June 6, 2022), <https://www.hrw.org/news/2022/06/06/mexico-asylum-seekers-face-abuses-southern-border#:~:text=People%20applying%20for%20refugee%20status,appointment%20for%20a%20residence%20visa>.
- ²⁸ WOLA, *Struggling to Survive: The Situation of Asylum Seekers in Tapachula*, Mexico (June 2022), <https://www.wola.org/wp-content/uploads/2022/06/FINAL-Struggling-to-Survive-Asylum-Seekers-in-Tapachula.pdf>.
- ²⁹ See, *Cfr.* Human Rights Watch, *Mexico: Asylum Seekers Face Abuses at Southern Border* (June 6, 2022), <https://www.hrw.org/news/2022/06/06/mexico-asylum-seekers-face-abuses-southern-border#:~:text=People%20applying%20for%20refugee%20status,appointment%20for%20a%20residence%20visa>; and WOLA, *Struggling to Survive: The Situation of Asylum Seekers in Tapachula*, Mexico (June 2022), <https://www.wola.org/wp-content/uploads/2022/06/FINAL-Struggling-to-Survive-Asylum-Seekers-in-Tapachula.pdf>.
- ³⁰ See Estados Unidos Mexicanos, *Ley de migración* (May 11, 2011), art. 111, <https://www.diputados.gob.mx/LeyesBiblio/pdf/LMigra.pdf>; and Estados Unidos Mexicanos, *Reglamento de la Ley de Migración* (Sept. 28, 2012), art. 235, https://www.diputados.gob.mx/LeyesBiblio/regley/Reg_LMigra.pdf.
- ³¹ WOLA, *Asylum Access*, IMUMI, *Key Issues on Access to Asylum in Mexico*, *Protection for Migrant Children*, and *U.S. Cooperation* (Mar. 23, 2021), <https://www.wola.org/analysis/key-points-migration-march-2021>; BAJI and IMUMI, *There is a Target on Us, The Impact of Anti-Black Racism on African Migrants at Mexico's Southern Border* (2021), <https://baji.org/wp-content/uploads/2021/01/The-Impact-of-Anti-Black-Racism-on-African->

[Migrants-at-Mexico.pdf](#) (“[I]nterviewees shared multiple accounts of anti-Black racism within immigration detention centers. In some cases, the interviewees were denied the basic necessities of water and access to medical care . . . The poor conditions in detention fostered the spread of illnesses, such as flus and fevers. As Adamo, a migrant from Cameroon, stated, ‘Black people are dying in detention and the Mexican officials do not even care enough to allow us access to proper medical care.’”)

³² WOLA, Asylum Access, IMUMI, *Key Issues on Access to Asylum in Mexico, Protection for Migrant Children, and U.S. Cooperation* (Mar. 23, 2021), <https://www.wola.org/analysis/key-points-migration-march-2021>.

³³ WRC and IMUMI, *Stuck In Uncertainty and Exposed to Violence: The Impact of US and Mexican Migration Policies on Women Seeking Protection in 2021* (Feb. 2022), <https://www.womensrefugeecommission.org/wp-content/uploads/2022/02/Stuck-in-Uncertainty-2.pdf%20>.

³⁴ Department of State, *2022 Country Reports on Human Rights Practices: Mexico* (Mar. 20, 2023), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/mexico/>. (“In June the MNPT received a report from the NGO Asylum Access indicating a Honduran migrant was tortured by immigration and National Guard agents in a migratory station in Piedras Negras, Coahuila”).

³⁵ Just between 2021 and 2022, over 50,000 Haitians applied for asylum in Mexico. See COMAR, *La COMAR en números – Estadística enero 2023* (Feb. 16, 2023), <https://www.gob.mx/comar/articulos/la-comar-en-numeros-327441?idiom=es>.

³⁶ Zefitret Abera Molla, *The Experiences of Black African and Haitian Migrants Forced to Remain in Mexico Due to Restrictive U.S. and Immigration Policies*, *Oxford Monitor of Forced Migration* (Vol 11, No. 1) (Feb. 2023), at p. 83, <https://www.sogica.org/wp-content/uploads/2023/02/OxMo-Volume-11.1.pdf>. (“Black, non-Spanish speaking migrants face intersecting discriminations due to their status as migrants, their race, and their lack of Spanish language skills. These overlapping identities put Black, non-Spanish speaking people at a greater risk of extortion from criminals, hinders their access to justice and assistance from the Mexican government, and increases their vulnerability to racist attacks. In addition to facing discrimination from state agencies, Mexican law enforcement such as the National Guard and the local police, Black, non-Spanish speaking migrants also endure daily discrimination from the local population.” At p. 88).

³⁷ See, e.g. CGRS, Haitian Bridge Alliance, and IMUMI, *A Journey of Hope: Haitian Women’s Migration to Tapachula, Mexico* (2021), <https://cgrs.uchastings.edu/sites/default/files/A-Journey-of-Hope-Haitian-Womens-Migration-to-Tapachula.pdf>; WRC and IMUMI, *Stuck In Uncertainty and Exposed to Violence: The Impact of US and Mexican Migration Policies on Women Seeking Protection in 2021* (Feb. 2022), <https://www.womensrefugeecommission.org/wp-content/uploads/2022/02/Stuck-in-Uncertainty-2.pdf%20>; WOLA, *Struggling to Survive: The Situation of Asylum Seekers in Tapachula, Mexico* (June 2022), <https://www.wola.org/wp-content/uploads/2022/06/FINAL-Struggling-to-Survive-Asylum-Seekers-in-Tapachula.pdf>.

³⁸ See James Fredrick, *All the doors are closed to Afghans’: from fall of Kabul to limbo in Mexico*, *The Guardian* (Apr. 12, 2023), <https://www.theguardian.com/us-news/2023/apr/12/afghan-asylum-seekers-mexico-us-border>; and Zefitret Abera Molla, *The Experiences of Black African and Haitian Migrants Forced to Remain in Mexico Due to Restrictive U.S. and Immigration Policies*, *Oxford Monitor of Forced Migration* (Vol 11, No. 1) (Feb. 2023), <https://www.sogica.org/wp-content/uploads/2023/02/OxMo-Volume-11.1.pdf>.

³⁹ See Government of Belize Press Office, *Announcement of Amnesty 2022* (Dec. 2022), <https://www.pressoffice.gov.bz/wp-content/uploads/2019/12/Announcement-of-Amnesty-2022.pdf>; UNHCR, *Refugee Data Finder Belize*, <https://www.unhcr.org/refugee-statistics/download/?url=IG78Vk>.

⁴⁰ Submission by the United Nations High Commissioner for Refugees, *For the Office of the High Commissioner for Human Rights’ Compilation Report, Universal Periodic Review: 3rd Cycle, 31st Session, Belize*, <https://www.refworld.org/pdfid/5b56e1903.pdf>.

⁴¹ Department of State, *2021 Country Reports on Human Rights Practices: Belize* (Apr. 12, 2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/belize/>.

⁴² *Id.*

⁴³ Department of State, *2022 Country Reports on Human Rights Practices: Belize* (Mar. 20, 2023), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/belize/>.

-
- ⁴⁴ See Belize, Refugees Act Chapter 165 Revised Edition 2011 (Dec. 31, 2011), art. 8(1) [“Any person who is within Belize, whether he has entered Belize lawfully or otherwise, and who wishes to remain within Belize as a refugee in terms of this Act shall within fourteen days of his arrival in Belize apply to the Committee for recognition of his status as a refugee.”], <https://immigration.gov.bz/wp-content/uploads/2021/01/Refugees-Act-2011.pdf>; Department of State, 2021 Country Reports on Human Rights Practices: Belize (Apr. 12, 2022) (“HRCB claimed these persons were denied from applying for asylum because they entered the country illegally.”), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/belize/>.
- ⁴⁵ Department of State, *2022 Country Reports on Human Rights Practices: Belize* (Mar. 20, 2023), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/belize/>.
- ⁴⁶ MIRPS, Annual Report of the Comprehensive Regional Protection and Solutions Framework (Dec. 2022), p. 37, https://mirps-platform.org/wp-content/uploads/2023/01/MIRPS_ENG_WEB.pdf.
- ⁴⁷ Department of State, *2022 Country Reports on Human Rights Practices: Belize* (Mar. 20, 2023) (“Refugees and asylum seekers were able to use the education system and the socialized medical system, but the government offered no assistance with housing or food except in extreme cases that involved children and pregnant women. UNHCR reported that several refugees claimed health providers had discriminated against them when they accessed public clinics and hospitals.”), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/belize/>.
- ⁴⁸ See, UNHCR, *Belize Amnesty Operational Update* (Mar. 1, 2023), <https://reliefweb.int/report/belize/belize-amnesty-operational-update-january-2023>.
- ⁴⁹ MIRPS, *Annual Report of the Comprehensive Regional Protection and Solutions Framework* (Dec. 2022), p. 37, https://mirps-platform.org/wp-content/uploads/2023/01/MIRPS_ENG_WEB.pdf.
- ⁵⁰ See, Government of Belize Press Office, *Announcement of Amnesty 2022* (Dec. 2022), <https://www.pressoffice.gov.bz/wp-content/uploads/2019/12/Announcement-of-Amnesty-2022.pdf>.
- ⁵¹ See, UNHCR, *Belize Amnesty Operational Update* (Mar. 1, 2023), <https://reliefweb.int/report/belize/belize-amnesty-operational-update-january-2023>.
- ⁵² UNHCR, *Global Trends Report 2021* (2022), <https://www.unhcr.org/en-us/publications/brochures/62a9d1494/global-trends-report-2021.html>.
- ⁵³ Department of State, 2021 Country Reports on Human Rights Practices: Guatemala (2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/guatemala/>.
- ⁵⁴ Declaration of Claudia Paz y Paz (2019).
- ⁵⁵ Refugees International, *Deportation with a Layover, Failure of Protection under the US-Guatemala Asylum Cooperative Agreement* (May 19, 2020), https://www.hrw.org/report/2020/05/19/deportation-layover/failure-protection-under-us-guatemala-asylum-cooperative#_ftn151.
- ⁵⁶ During 2021, Guatemala received 1,046 asylum applications, a 115 percent increase over the average of the two prior years. The number went down to 962 asylum requests in 2022. See UNHCR, *Refugee Data Finder: Guatemala*, <https://www.unhcr.org/refugee-statistics/download?url=ID9x2z>.
- ⁵⁷ See, LAWG, CGRS, and others, *Impacts of U.S. and Mexican migration enforcement on migrant and refugee rights in Mexico* (Sept. 2021), <https://cgrs.uchastings.edu/sites/default/files/NGO-Memo-Impacts-of-Mexican-U.S.-Migration-Enforcement-9.20.21-1-1.pdf>; and WRC, CGRS, and others, *Doubling Down on Deterrence: Access to Asylum Under Biden* (Sept. 2021).
- ⁵⁸ See, Instituto Guatemalteco de Migración, *Funciones del Departamento de Reconocimiento de Estatus de Refugiado – DRER* (2021), <https://igm.gob.gt/funciones-del-departamento-de-reconocimiento-de-estatus-de-refugiado-drer/>; *Diario de Centro América*, *Guatemala fortalece atención y protección* (Oct. 2, 2021), <https://dca.gob.gt/noticias-guatemala-diario-centro-america/guatemala-fortalece-atencion-y-proteccion/>.
- ⁵⁹ For more information on the flaws of Guatemala’s asylum system, see *Declaration of Claudia Paz y Paz Bailey* (2019).
- ⁶⁰ *Migración Guatemala, Acuerdo No. 2-2019 Reglamento del Procedimiento para la Protección, Determinación y Reconocimiento del Estatuto de refugiado en el Estado de Guatemala* (2019), arts. 12 (about CONARE), 14 (CONARE’s duties), 17 (asylum procedure), <https://igm.gob.gt/wp-content/uploads/2017/09/ACUERDO-2-2019-Reglamento-Refugiado-1.pdf>.
- ⁶¹ Declaration of Claudia Paz y Paz (2019).

-
- ⁶² Department of State, 2021 Country Reports on Human Rights Practices: Guatemala (2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/guatemala/>.
- ⁶³ Instituto Guatemalteco de Migración, *Hasta el 30 de diciembre se recibieron 962 solicitudes de refugio en el país* (Jan. 2023), <https://igm.gob.gt/hasta-el-30-de-diciembre-se-recibieron-962-solicitudes-de-refugio-en-el-pais/>.
- ⁶⁴ Department of State, 2021 Country Reports on Human Rights Practices: Guatemala (2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/guatemala/>.
- ⁶⁵ *Id.*
- ⁶⁶ UNHCR, The Application Process for Refugee Status in Guatemala (2022), <https://help.unhcr.org/guatemala/en/solicitando-la-condicion-de-refugiado/solicitar-la-condicion-de-refugiado/>.
- ⁶⁷ Department of State, 2021 Country Reports on Human Rights Practices: Guatemala (2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/guatemala/>.
- ⁶⁸ See, BBC, Migrant caravan: Guatemala blocks thousand bound for US (Jan. 18, 2021), <https://www.bbc.com/news/world-latin-america-55699540>; DW, Guatemala expulsa a medio centenar de migrantes de Haití (2021), <https://www.dw.com/es/guatemala-expulsa-a-medio-centenar-de-migrantes-de-hait%C3%AD/a-59702088> (reporting the expulsion of over 50 Haitians); Refugees International, Refugees International Eyewitness: Pushback of Venezuelans on the Guatemalan Border (Oct. 31 2022) (reporting the expulsion of Venezuelans in October 2022), <https://www.refugeesinternational.org/reports/2022/10/31/refugees-international-eyewitness-pushbacks-of-venezuelans-on-the-guatemalan-border>.
- ⁶⁹ República de Guatemala, Decreto 1441 Código del Trabajo de Guatemala (1961), <https://www.wipo.int/edocs/lexdocs/laws/es/gt/gt015es.pdf>.
- ⁷⁰ Department of State, 2021 Country Reports on Human Rights Practices: Guatemala (2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/guatemala/>.
- ⁷¹ *Id.*
- ⁷² UNHCR, Global Focus Guatemala, <https://reporting.unhcr.org/guatemala>.
- ⁷³ Department of State, 2021 Country Reports on Human Rights Practices: Guatemala (2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/guatemala/>.
- ⁷⁴ UNHCR, Global Trends Report 2021 (2022), <https://www.unhcr.org/us/media/40152>
- ⁷⁵ Department of State, 2021 Country Reports on Human Rights Practices: Belize (Apr. 12, 2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/belize/>.
- ⁷⁶ Marcos Alemán, El Salvador aprueba prórroga a régimen de excepción, Associated Press (Mar. 16, 2023), <https://www.latimes.com/espanol/internacional/articulo/2023-03-16/el-salvador-aprueba-prorroga-a-regimen-de-excepcion>.
- ⁷⁷ Cristosal and Human Rights Watch, We Can Arrest Anyone We Want, Widespread Human Rights Violations Under El Salvador’s “State of Emergency” (Dec. 2022), https://www.hrw.org/sites/default/files/media_2022/12/elsalvador1222web.pdf; and Department of State, 2022 Country Reports on Human Rights Practices: El Salvador (Mar. 20, 2023), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/el-salvador/>.
- ⁷⁸ WOLA, Corruption under the State of Emergency in El Salvador: a democracy without oxygen (Sep. 27 2022), <https://www.wola.org/2022/09/corruption-state-of-emergency-el-salvador/>.
- ⁷⁹ Department of State, 2022 Country Reports on Human Rights Practices: El Salvador (Mar. 20, 2023), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/el-salvador/>.
- ⁸⁰ *Id.*
- ⁸¹ República de El Salvador, *Ley para la determinación de la condición de personas refugiadas* (Aug. 14, 2002), art. 19. Further, in the case of “extraordinary circumstances” asylum claims must be filed within 15 business days of entering El Salvador, *id.* art. 24, <https://www.acnur.org/fileadmin/Documentos/BDL/2002/1567.pdf>
- ⁸² República de El Salvador, *Ley para la determinación de la condición de personas refugiadas* (Aug. 14, 2002), <https://www.acnur.org/fileadmin/Documentos/BDL/2002/1567.pdf>; and República de El Salvador, *Regulación de la Ley para la determinación de personas refugiadas* (2005), art. 9, <https://www.refworld.org/es/type/DECREES,NATLEGBOD,SLV,57f76b8f22,0.html>.

-
- ⁸³ República de El Salvador, *Ley para la determinación de la condición de personas refugiadas* (Aug. 14, 2002), art 28, <https://www.acnur.org/fileadmin/Documentos/BDL/2002/1567.pdf>.
- ⁸⁴ See CODER, *Solicitud de Acceso a la Información Pública SAI-221-2019* (2019), https://www.transparencia.gob.sv/system/documents/documents/000/337/900/original/Informaci%C3%B3n_sobre_SAI_221-2019_%281%29_Datos_estad%C3%ADsticos_CODER.pdf?1579021889; CODER, *Solicitud de Acceso a la Información Pública SAI-65-2020* (2020), See, CODER, *Solicitud de Acceso a la Información Pública SAI-221-2019* (2019), https://www.transparencia.gob.sv/system/documents/documents/000/337/900/original/Informaci%C3%B3n_sobre_SAI_221-2019_%281%29_Datos_estad%C3%ADsticos_CODER.pdf?1579021889; CODER, *Solicitud de Acceso a la Información Pública SAI-65-2020* (2020), https://www.transparencia.gob.sv/system/documents/documents/000/381/173/original/Informaci%C3%B3n_sobre_SAI_65-2020_%281%29_Solicitud_de_refugio_o_asilo_ante_la_%28CODER%29.pdf?1596591945.
- ⁸⁵ Department of State, 2021 Human Rights Practices Report El Salvador (Apr. 12, 2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/el-salvador/#:~:text=Significant%20human%20rights%20issues%20included,and%20life%2Dthreatening%20prison%20conditions%3B>.
- ⁸⁶ República de El Salvador, *Ley para la determinación de la condición de personas refugiadas* (Aug. 14, 2002), arts. 29 and 32, <https://www.acnur.org/fileadmin/Documentos/BDL/2002/1567.pdf>.
- ⁸⁷ U.S. Citizenship and Immigration Services, Processes for Cubans Haitians, Nicaraguans, and Venezuelans, <https://www.uscis.gov/CHNV>
- ⁸⁸ Department of State, 2022 Human Rights Practices: Nicaragua (Mar. 20, 2023), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/nicaragua>.
- ⁸⁹ Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 3rd Cycle, 33rd Session for Nicaragua (2019), <https://www.refworld.org/pdfid/5ccabf2b7.pdf>.
- ⁹⁰ Department of State, 2022 *Human Rights Practices: Nicaragua* (Mar. 20, 2023), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/nicaragua>.
- ⁹¹ *Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 3rd Cycle, 33rd Session for Nicaragua* (2019), <https://www.refworld.org/pdfid/5ccabf2b7.pdf>.
- ⁹² *Id.*
- ⁹³ As of mid-2022, UNHCR reported just under 1.44 million asylum seekers in the United States — a country of 332 million — and 204,730 applications in Costa Rica, a country of 5 million. See UNCHR, *Refugee Data Finder*, <https://www.unhcr.org/refugee-statistics/download/?url=2bxU2f>.
- ⁹⁴ UNHCR, *Refugee Data Finder Costa Rica*, <https://www.unhcr.org/refugee-statistics/download/?url=sV08Nf>
- ⁹⁵ Moisés Castillo and Christopher Sherman, *Fleeing Nicaraguans strain Costa Rica's asylum system*, Associated Press (Sep. 2, 2022), <https://apnews.com/article/covid-health-elections-presidential-caribbean-52044748d15dbbb6ca706c66cc7459a5>
- ⁹⁶ Carlos Alvarado Quesada, *What Biden's deeply troubling asylum limit means for the economy*, The Hill (Mar. 8, 2023), <https://thehill.com/opinion/immigration/3889578-what-bidens-deeply-troubling-asylum-limit-means-for-the-economy/>.
- ⁹⁷ *Preliminary Findings and Recommendations at the end of the visit of Obiora C. Okafor, U.N. Independent Expert on human right and international solidarity* (March 3, 2022), <https://www.ohchr.org/en/statements-and-speeches/2022/03/preliminary-findings-and-recommendations-end-his-visit-costa-rica>.
- ⁹⁸ *Id.*
- ⁹⁹ *Id.*
- ¹⁰⁰ Department of State, 2022 *Country Reports on Human Rights Practices: Costa Rica* (Mar. 20, 2023) <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/costa-rica/>.
- ¹⁰¹ UNHCR, *Strengthening of the Government of Costa Rica's Asylum System through Digitalization* (Oct. 28, 2022), <https://reliefweb.int/report/costa-rica/unhcr-factsheet-strengthening-government-costa-ricas-asylum-system-through-digitalization>.

-
- ¹⁰² DW, *Costa Rica cambia reglamentos para evitar “abuso” migratorio* (Jan. 12, 2022), <https://www.dw.com/es/costa-rica-cambia-reglamentos-para-evitar-abuso-migratorio/a-63948338>.
- ¹⁰³ Government of Costa Rica, *Decree 43810 MGP* (Dec. 2022), art. 1, <https://www.migracion.go.cr/Documentos%20compartidos/Circulares%20y%20Directrices/2022/DECRETO%2043810%20MGP%20REFORMA%20al%20Reglamento%20de%20Personas%20Refugiadas.pdf>.
- ¹⁰⁴ *Id.*, arts. 3 and 5.
- ¹⁰⁵ Government of Costa Rica, *Decree 43810 MGP* (Dec. 1, 2022), art. 6 (“Manifestly unfounded requests are defined as those that are impertinent because they have no relationship with the criteria for refugee status established by the Convention; inadmissible because they are not based on conventional or legal norms; or abusive, when they may have a fraudulent connotation.”), [https://www.migracion.go.cr/Documentos%20compartidos/Circulares%20y%20Directrices/2022/DECRETO 43810 MGP REFORMA al Reglamento de Personas Refugiadas.pdf](https://www.migracion.go.cr/Documentos%20compartidos/Circulares%20y%20Directrices/2022/DECRETO%2043810%20MGP%20REFORMA%20al%20Reglamento%20de%20Personas%20Refugiadas.pdf).
- ¹⁰⁶ El Empleo, *Reforma y derogatoria en artículos de reglamento de personas refugiadas* (Dec. 22, 2022), <https://www.empleo.com/cr/noticias/mundo-empresarial/reforma-y-derogatoria-en-articulos-del-reglamento-de-personas-refugiadas-6719>.
- ¹⁰⁷ Government of Costa Rica, *Decree JUR-0204-12-2022-ABM* (Feb.14, 2023), (establishes the Procedure for the Adjudication of Work Permits for Asylum Seekers), arts 1, 3, and 6., [https://www.migracion.go.cr/Documentos%20compartidos/Refugio/Resoluci%C3%B3n D.JUR-0204-12-2022-ABM Permisos laborales a las personas solicitantes de refugiado.pdf](https://www.migracion.go.cr/Documentos%20compartidos/Refugio/Resoluci%C3%B3n%20D.JUR-0204-12-2022-ABM%20Permisos%20laborales%20a%20las%20personas%20solicitantes%20de%20refugiado.pdf).
- ¹⁰⁸ Department of State, *2021 Country Reports on Human Rights Practices: Costa Rica* (Apr. 12, 2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/costa-rica/>.
- ¹⁰⁹ MIRPS 2022, *Annual Report of the Comprehensive Regional Protection and Solution Framework* (Dec. 2022), p. 45., https://mirps-platform.org/wp-content/uploads/2023/01/MIRPS_ENG_WEB.pdf.
- ¹¹⁰ Government of Costa Rica, *Decree 43809 MGP – Categoría Especial Temporal para personas nacionales de Cuba, Nicaragua, y Venezuela cuyas solicitudes de reconocimiento de la condición de refugiado se encuentren pendientes de resolución o hayan sido denegadas* (Dec. 2022), art 4.f., [https://migracion.go.cr/Documentos%20compartidos/Circulares y Directrices/2022/DECRETO 43809 MGP CATEGORIA ESPECIAL TEMPORAL.pdf](https://migracion.go.cr/Documentos%20compartidos/Circulares%20y%20Directrices/2022/DECRETO%2043809%20MGP%20CATEGORIA%20ESPECIAL%20TEMPORAL.pdf).
- ¹¹¹ *Id.*, art. 1.
- ¹¹² *Id.*, arts. 2, 9, and 16.
- ¹¹³ UNHCR, *Preliminary Findings and Recommendations at the end of the visit of Obiora C. Okafor, U.N. Independent Expert on human right and international solidarity* (Mar. 3, 2022), <https://www.ohchr.org/en/statements-and-speeches/2022/03/preliminary-findings-and-recommendations-end-his-visit-costa-rica>.
- ¹¹⁴ Department of State, *2021 Country Reports on Human Rights Practices: Costa Rica* (Apr. 12, 2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/costa-rica/>.
- ¹¹⁵ María Jesús Mora, *Costa Rica Has Welcoming Policies for Migrants But Nicaraguans Face Subtle Barriers*, Migration Policy Institute (Nov. 5, 2021), <https://www.migrationpolicy.org/article/costa-rica-nicaragua-migrants-subtle-barriers>.
- ¹¹⁶ Department of State, *2021 Country Reports on Human Rights Practices: Costa Rica* (Apr. 12, 2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/costa-rica/>.
- ¹¹⁷ María Jesús Mora, *Costa Rica Has Welcoming Policies for Migrants But Nicaraguans Face Subtle Barriers*, Migration Policy Institute (Nov. 5, 2021), <https://www.migrationpolicy.org/article/costa-rica-nicaragua-migrants-subtle-barriers>.
- ¹¹⁸ Department of State, *2021 Country Reports on Human Rights Practices: Costa Rica* (Apr. 12, 2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/costa-rica/>.
- ¹¹⁹ Department of State, *2022 Human Rights Practices: Nicaragua* (Mar. 20, 2023), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/nicaragua>.
- ¹²⁰ Migración Panamá, *Panamá registro cifra récord de migrantes irregulares en 2022* (Jan. 1, 2023), <https://twitter.com/migracionpanama/status/1609686798288003074>.
- ¹²¹ UNHCR, *Asylum System in Panama Factsheet* (Sept. 28, 2022), <https://reliefweb.int/report/panama/unhcr-panama-factsheet-asylum-system-panama-august-2022>; and UNHCR, *Asylum System in Panama Factsheet – February 2023* (Mar. 20, 2023), <https://data.unhcr.org/en/documents/details/99653>.

-
- ¹²² Kylie Madry and Milagro Vallecillos, *As Darien arrivals grow, Panama moves migrants north*, Reuters (Mar. 9, 2023), <https://www.reuters.com/world/americas/darien-arrivals-grow-panama-moves-migrants-north-2023-03-10/>.
- ¹²³ Center for Democracy in the Americas, *Panama's Role in Regional Migration Management* (Mar. 2022), <https://static1.squarespace.com/static/5e3d7cf054f8264efecdf2ef/t/623349a8ecdbce19b749dcc9/1647528366521/Panama+Issue+Brief+%282%29.pdf>.
- ¹²⁴ UNHCR, *Asylum System in Panama Factsheet* (Sept. 28, 2022), <https://reliefweb.int/report/panama/unhcr-panama-factsheet-asylum-system-panama-august-2022>.
- ¹²⁵ Republic of Panama, *Decreto Ejecutivo No. 5 de 2018* (Refugee Statute) (2018), art. 30, <https://www.acnur.org/fileadmin/Documentos/BDL/2018/11494.pdf?file=fileadmin/Documentos/BDL/2018/11494>; and UNHCR, *Asylum System in Panama Factsheet* (Sept. 28, 2022) ("Asylum applications are filed with the National Office for the Attention of Refugees (ONPAR in its Spanish acronym) in Panama City alone."), <https://reliefweb.int/report/panama/unhcr-panama-factsheet-asylum-system-panama-august-2022>.
- ¹²⁶ UNHCR, *Asylum System in Panama Factsheet – February 2023* (Mar. 20, 2023), <https://data.unhcr.org/en/documents/details/99653>.
- ¹²⁷ *Id.*
- ¹²⁸ Center for Democracy in the Americas, *Panama's Role in Regional Migration Management* (Mar. 2022), <https://static1.squarespace.com/static/5e3d7cf054f8264efecdf2ef/t/623349a8ecdbce19b749dcc9/1647528366521/Panama+Issue+Brief+%282%29.pdf>; see Republic of Panama, *Decreto Ejecutivo No. 5 de 2018* (Refugee Statute) (2018), arts. 22, 24, 26, 47, 48, and 49, <https://www.acnur.org/fileadmin/Documentos/BDL/2018/11494.pdf?file=fileadmin/Documentos/BDL/2018/11494>.
- ¹²⁹ UNHCR, *Asylum System in Panama Factsheet – February 2023* (Mar. 20, 2023), <https://data.unhcr.org/en/documents/details/99653>.
- ¹³⁰ See Department of State, 2021 Country Reports on Human Rights Practices: Panama (Apr. 12, 2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/panama/>; Center for Democracy in the Americas, *Panama's Role in Regional Migration Management* (Mar. 2022), <https://static1.squarespace.com/static/5e3d7cf054f8264efecdf2ef/t/623349a8ecdbce19b749dcc9/1647528366521/Panama+Issue+Brief+%282%29.pdf>.
- ¹³¹ Department of State, 2021 Country Reports on Human Rights Practices: Panama (Apr. 12, 2022) ("ONPAR reduced its backlog of asylum cases from nearly 20,000 to 11,000, but most cases were dismissed or asylum seekers had left the country."), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/panama/>.
- ¹³² UNHCR, *Asylum System in Panama Factsheet* (Sept. 28, 2022), <https://reliefweb.int/report/panama/unhcr-panama-factsheet-asylum-system-panama-august-2022>.
- ¹³³ MIRPS 2022, *Annual Report of the Comprehensive Regional Protection and Solution Framework* (Dec. 2022), https://mirps-platform.org/wp-content/uploads/2023/01/MIRPS_ENG_WEB.pdf.
- ¹³⁴ Department of State, 2021 Country Reports on Human Rights Practices: Panama (Apr. 12, 2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/panama/>.
- ¹³⁵ UNHCR, *Asylum System in Panama Factsheet* (Sept. 28, 2022), <https://reliefweb.int/report/panama/unhcr-panama-factsheet-asylum-system-panama-august-2022>.
- ¹³⁶ *Id.*
- ¹³⁷ MIRPS 2022, *Annual Report of the Comprehensive Regional Protection and Solution Framework* (Dec. 2022), https://mirps-platform.org/wp-content/uploads/2023/01/MIRPS_ENG_WEB.pdf.
- ¹³⁸ Department of State, 2021 Country Reports on Human Rights Practices: Panama (Apr. 12, 2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/panama/>.
- ¹³⁹ Center for Democracy in the Americas, *Panama's Role in Regional Migration Management* (Mar. 2022), <https://static1.squarespace.com/static/5e3d7cf054f8264efecdf2ef/t/623349a8ecdbce19b749dcc9/1647528366521/Panama+Issue+Brief+%282%29.pdf>.
- ¹⁴⁰ Political Constitution of the Republic of Panama (2016), art. 20 ("Panamanians and foreigners are equal before the Law, but the Law may, for reasons of work, health, morality, public safety, and national economy,

subject to special conditions or deny the exercise of certain activities to foreigners in general. . .”), <https://ministeriopublico.gob.pa/wp-content/uploads/2016/09/constitucion-politica-con-indice-analitico.pdf>.

¹⁴¹ Center for Democracy in the Americas, *Panama’s Role in Regional Migration Management* (Mar. 2022), <https://static1.squarespace.com/static/5e3d7cf054f8264efecdf2ef/t/623349a8ecdbce19b749dcc9/1647528366521/Panama+Issue+Brief+%28%29.pdf>. For a list of Panamanian laws that limits foreign nationals from working on certain professions, see Legal Solutions Panama, *Profesiones Reservadas sólo para panameños* (2021), <https://legalsolutionspanama.com/profesiones-reservadas-para-panamenos/>.

¹⁴² UNHCR, *Asylum System in Panama Factsheet* (Sept. 28, 2022), <https://reliefweb.int/report/panama/unhcr-panama-factsheet-asylum-system-panama-august-2022>.

¹⁴³ ACNUR, *Misión virtual - Panamá como país de tránsito y asilo* (2021), <https://www.acnur.org/61a7e28e4.pdf> (last accessed Mar. 24, 2023).

¹⁴⁴ Department of State, *2021 Country Reports on Human Rights Practices: Panama* (Apr. 12, 2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/panama/>.

¹⁴⁵ See Haitian Bridge Alliance, *Submission for the 81st Session of the United Nations Committee on the Elimination of All Forms of Discrimination against Women: Violence against Black Migrant Women in the Darién Gap* (2022), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fCSS%2fPAN%2f47481&Lang=en. For stories of survivors that transited through the Darién Gap, see CGRS, Haitian Bridge Alliance, and RFK Human Rights, *Protection Delayed is Protection Denied: Factsheet on Title 42 Expulsions, Haitian Asylum Seekers in Tijuana, and the U.S. Government’s Ongoing Evasion of Duty* (Apr. 7, 2022), https://cgrs.uchastings.edu/sites/default/files/Tijuana%20Factsheet_2022.04.07%20FINAL%20v2_0.pdf.

¹⁴⁶ UNHCR, *Global Trends Report 2021* (2022), <https://www.unhcr.org/en-us/publications/brochures/62a9d1494/global-trends-report-2021.html>

¹⁴⁷ Integral Human Development, *Colombia Country Profile* (2022), <https://migrants-refugees.va/it/wp-content/uploads/sites/3/2022/02/2021-CP-Colombia.pdf>

¹⁴⁸ Consultoría para los Derechos Humanos y el Desplazamiento (CODHES), *Boletín Especial No. 97: Afectaciones a la vida e integridad de la población refugiada y migrante proveniente de Venezuela en Colombia* (Oct. 2021), pp. 5-10. <https://issuu.com/codhes/docs/boletin-97>. For more information on violence against Venezuelans in Colombia, see American Bar Association, *Understanding the Serious Human Rights Violations Faced by the Venezuelan Refugee and Migrant Population* (Mar. 17, 2022), https://www.americanbar.org/advocacy/rule_of_law/blog/roli-colombia-human-rights-violations-ccd-program/.

¹⁴⁹ Department of State, *2021 Country Reports on Human Rights Practices: Colombia* (Apr. 12, 2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/colombia>.

¹⁵⁰ Department of State, *2022 Country Reports on Human Rights Practices: Colombia* (Mar. 20, 2023), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/colombia/>.

¹⁵¹ *Id.*

¹⁵² Ministerio de Relaciones Exteriores de Colombia, Decreto 1067 de 2015, por medio del cual se expide el Decreto Único Reglamentario del Sector Administrativo de Relaciones Exteriores (May 26, 2015), art. 2.2.3.1.6.8, https://www.cancilleria.gov.co/sites/default/files/Normograma/docs/decreto_1067_2015.htm.

¹⁵³ *Id.*, art 2.2.3.1.6.9.

¹⁵⁴ Jose Manuel Luengo, *Política pública debe ajustarse a los refugiados, Estoy en la Frontera* (2021) <https://estoyenlafrontera.com/mis-derechos/politica-publica-debe-ajustarse-los-refugiados>.

¹⁵⁵ Consejo Nacional de Política Económica y Social, *Documento CONPES 4100 Estrategia para la Integración Migrante Venezolana como Factor de Desarrollo del País* (July 11, 2022), <https://colaboracion.dnp.gov.co/CDT/Conpes/Economicos/4100.pdf>.

¹⁵⁶ UNHCR, *Colombia: Monitoreo de Protección. Enero-Junio 2019* (Mar. 19, 2020), <https://www.refworld.org/es/docid/5e7553d54.html>.

¹⁵⁷ Ministerio de Relaciones Exteriores de Colombia, *Decreto 1067 de 2015, por medio del cual se expide el Decreto Único Reglamentario del Sector Administrativo de Relaciones Exteriores* (May 26, 2015), art. 2.2.3.6.1, https://www.cancilleria.gov.co/sites/default/files/Normograma/docs/decreto_1067_2015.htm; Centro de Estudios en Migración and Clínica Jurídica para Migrantes, *Estatuto Temporal de Protección para Migrantes Venezolanos*:

reflexiones de una política de regularización migratoria (Mar. 2021), p. 30, <https://migracionderecho.uniandes.edu.co/wp-content/uploads/Informe-CEM-3-Estatuto-Temporal-de-Proteccion-para-Migrantes-Venezolanos-reflexiones-de-una-politica-de-regularizacion-migratoria-2.pdf>.

¹⁵⁸ *Id.*

¹⁵⁹ Ministerio de Relaciones Exteriores de Colombia, *Decreto 1067 de 2015, por medio del cual se expide el Decreto Único Reglamentario del Sector Administrativo de Relaciones Exteriores* (May 26, 2015), art. 2.2.3.1.4.1, https://www.cancilleria.gov.co/sites/default/files/Normograma/docs/decreto_1067_2015.htm; and Centro de Estudios en Migración and Clínica Jurídica para Migrantes, *Estatuto Temporal de Protección para Migrantes Venezolanos: reflexiones de una política de regularización migratoria* (Mar. 2021), p. 30, <https://migracionderecho.uniandes.edu.co/wp-content/uploads/Informe-CEM-3-Estatuto-Temporal-de-Proteccion-para-Migrantes-Venezolanos-reflexiones-de-una-politica-de-regularizacion-migratoria-2.pdf>.

¹⁶⁰ Txomin Las Heras, *Población migrante: los nuevos nadies*, *El Espectador* (Feb. 17, 2023), <https://www.elespectador.com/mundo/america/migrantes-los-nuevos-y-las-nuevas-nadies-ausentes-del-plan-nacional-de-desarrollo-noticias-hoy/>.

¹⁶¹ María Gabriela Trompetero, *Gobierno Petro pretende lo imposible: “desvenezolanizar” la migración*, *La Silla Vacía* (Feb. 26, 2023), <https://www.lasillavacia.com/historias/historias-silla-llena/gobierno-petro-pretende-lo-imposible-desvenezolanizar-la-migracion/>.

¹⁶² Ministerio de Relaciones Exteriores de Colombia, *Decreto No. 216 de 2021, por medio del cual se adopta el Estatuto Temporal de Protección para migrantes venezolanos* (Mar. 1, 2021), art. 4, <https://dapre.presidencia.gov.co/normativa/normativa/DECRETO%20216%20DEL%201%20DE%20MARZO%20DE%202021.pdf>.

¹⁶³ *Cfr.* Centro de Estudios en Migración and Clínica Jurídica para Migrantes, *Estatuto Temporal de Protección para Migrantes Venezolanos: reflexiones de una política de regularización migratoria* (Mar. 2021), p. 20, <https://migracionderecho.uniandes.edu.co/wp-content/uploads/Informe-CEM-3-Estatuto-Temporal-de-Proteccion-para-Migrantes-Venezolanos-reflexiones-de-una-politica-de-regularizacion-migratoria-2.pdf>.

¹⁶⁴ *See, e.g.* Migración Colombia, *Concepto sobre prueba sumaria requisito establecido por el Estatuto Temporal de Protección Temporal para migrantes venezolanos* (June 22, 2021) (Explains the types of evidence admitted to prove irregular entry into Colombia before January 31, 2022. This evidence is limited to documents issued by Colombian agencies, or individualized certifications issued by businesses, non-governmental organizations, and Colombian nationals or immigrants with permanent status.), <https://www.migracioncolombia.gov.co/infografias-visibles/concepto-prueba-sumaria>. For more information on challenges to the implementation of the ETVP, including the difficulties for meeting its requirements, *see* Centro de Estudios en Migración and Clínica Jurídica para Migrantes, *Estatuto Temporal de Protección para Migrantes Venezolanos: reflexiones de una política de regularización migratoria* (Mar. 2021), pp. 17-21, 35-41, <https://migracionderecho.uniandes.edu.co/wp-content/uploads/Informe-CEM-3-Estatuto-Temporal-de-Proteccion-para-Migrantes-Venezolanos-reflexiones-de-una-politica-de-regularizacion-migratoria-2.pdf>.

¹⁶⁵ Gracy Pelacani, *Estatuto de protección para migrantes venezolanos: grises de una medida aclamada*, *Universidad de los Andes* (Apr. 9, 2021), <https://uniandes.edu.co/es/noticias/derecho/estatuto-de-proteccion-para-migrantes-venezolanos-grises-de-una-medida-aclamada>.

¹⁶⁶ Ministerio de Relaciones Exteriores de Colombia, *Decreto 1067 de 2015, por medio del cual se expide el Decreto Único Reglamentario del Sector Administrativo de Relaciones Exteriores* (May 26, 2015), art. 2.2.3.1.4.1, transient paragraph. (Venezuelan asylum seekers may, without affecting their status as asylum seekers, apply for the Temporary Protection Permit (PPT). Once the PPT is authorized and in accordance with article 16 of the Temporary Protection Statute for Venezuelan Migrants under the Temporary Protection Regime, the applicant of Venezuelan nationality will have the option to choose if they wish to continue with the processing of their refugee application, or if they opt for the PPT.”), https://www.cancilleria.gov.co/sites/default/files/Normograma/docs/decreto_1067_2015.htm.

¹⁶⁷ Ministerio de Relaciones Exteriores de Colombia, *Decreto No. 216 de 2021, por medio del cual se adopta el Estatuto Temporal de Protección para migrantes venezolanos* (Mar. 1, 2021), art. 12, para. 2 (“Compliance with all the requirements established for the Permit for Temporary Protection is not a guarantee of its granting, which obeys the discretionary and optional power of the Colombian state through the Special Administrative Unit of

Colombia Migration as the migration control and enforcement authority.”), <https://dapre.presidencia.gov.co/normativa/normativa/DECRETO%2016%20DEL%201%20DE%20MARZO%20E%202021.pdf>.

¹⁶⁸ Ministerio de Relaciones Exteriores de Colombia, *Decreto No. 216 de 2021, por medio del cual se adopta el Estatuto Temporal de Protección para migrantes venezolanos* (Mar. 1, 2021), art. 15, <https://dapre.presidencia.gov.co/normativa/normativa/DECRETO%2016%20DEL%201%20DE%20MARZO%20E%202021.pdf>.

¹⁶⁹ *Id.*

¹⁷⁰ See, e.g., Carolina Moreno, “Salidas Voluntarias”, Proyecto Migración Venezuela (Nov. 3, 2020), <https://migravenezuela.com/web/articulo/salidas-voluntarias-de-migracion-colombia-no-respetan-el-debido-proceso/2259> (last accessed Mar. 24, 2023); and Centro de Estudios en Migración and Clínica Jurídica para Migrantes, *Estatuto Temporal de Protección para Migrantes Venezolanos: reflexiones de una política de regularización migratoria* (Mar. 2021), pp. 22-26, <https://migracionderecho.uniandes.edu.co/wp-content/uploads/Informe-CEM-3-Estatuto-Temporal-de-Proteccion-para-Migrantes-Venezolanos-reflexiones-de-una-politica-de-regularizacion-migratoria-2.pdf>; Dejusticia, *Los riesgos para el debido proceso y la presunción de inocencia en el Estatuto* (May 15, 2021) (“Experience has already shown us that [extreme discretion] has been used to advance massive and immediate expulsions, as happened in the 2019 national strike and is currently happening, without an individual analysis of the cases and without guaranteeing the right to defense.”), <https://www.dejusticia.org/column/los-riesgos-para-el-debido-proceso-y-la-presuncion-de-inocencia-en-el-estatuto/>.

¹⁷¹ Juan Manuel Santos, *Time for the Americas to step up (again) on migration*, *El País* (Mar. 6, 2023), <https://english.elpais.com/opinion/2023-03-06/time-for-the-americas-to-step-up-again-on-migration.html>.

¹⁷² Michael Weissenstein and Gonzalo Solano, *More Ecuadorians move to US, spared many other hurdles*, *AP News* (Apr. 2, 2023), <https://apnews.com/article/ecuador-migrants-migration-us-immigration-policy-86a8009efa8d357e7cb4dc0cff40fb52>

¹⁷³ U.S. Customs and Border Protection, *Nationwide Encounters*, <https://www.cbp.gov/newsroom/stats/nationwide-encounters>

¹⁷⁴ Department of State, *2022 Country Reports on Human Rights Practices: Ecuador* (Mar. 20, 2023), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/ecuador/>.

¹⁷⁵ Amnesty International, *Ecuador: Unprotected in Ecuador: Venezuelan Women survivors of gender-based violence* (Nov. 17, 2022), <https://www.amnesty.org/en/documents/amr28/6137/2022/en/>.

¹⁷⁶ Department of State, *2022 Country Reports on Human Rights Practices: Ecuador* (Mar. 20, 2023), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/ecuador/>.

¹⁷⁷ Integral Human Development, *Ecuador Country Profile* (2022), <https://migrants-refugees.va/wp-content/uploads/2022/10/2022-CP-Ecuador.pdf>.

¹⁷⁸ See República de Ecuador, *Ley Orgánica de Movilidad Humana* (Jan. 31, 2017), art. 100, https://gobiernoabierto.quito.gob.ec/Archivos/Transparencia/2017/02febrero/A2/ANEXOS/PROCU_L;EY_ORG%3%81NICA_DE_MOVILIDAD_HUMANA.pdf; Amnesty International, *Ecuador: Unprotected in Ecuador: Venezuelan Women survivors of gender-based violence* (Nov. 17, 2022), <https://www.amnesty.org/en/documents/amr28/6137/2022/en/>.

¹⁷⁹ *Id.* (“Amnesty International has received reports that Venezuelans were discouraged from applying for refugee status by officials of the International Protection Directorate. Civil society organizations explained that [they] have had cases of officials telling people to forget about this, that [Venezuelans] are never going to be recognized as refugees.”).

¹⁸⁰ In that time, only 1,100 Venezuelans, among them 555 women, were recognized as refugees. See *Id.*

¹⁸¹ *Id.*

¹⁸² UNHCR, *2022 Review Ecuador Operation Update* (Feb. 10, 2023), <https://reliefweb.int/report/ecuador/unhcr-ecuador-operational-update-2022-review>.

¹⁸³ *Id.*

¹⁸⁴ Department of State, *2022 Country Reports on Human Rights Practices: Ecuador* (Mar. 20, 2023), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/ecuador/>.

¹⁸⁵ *Id.*; See, also, UNHCR and Instituto de la Ciudad, *Urban Profiles of the Colombian Population in Quito*, (2014) (“There are significant differences in the attendance rates at education institutions for the schoolage population according to migration category. For children and adolescents of primary school age (5 to 14 years) in refugee/asylum seeker households and rejected/non-asylum seeker households, the rates are 75 and 74%, compared with 94% for those in households with another situation.”), <https://www.alnap.org/system/files/content/resource/files/main/original-urbanprofilesquito-summary.pdf>.

The logo consists of the letters 'C', 'G', 'R', and 'S' in a stylized, rounded font. The 'C' is light blue with a dark green bottom and an orange top. The 'G' is light blue with a dark green bottom and an orange top. The 'R' is light blue with a dark green bottom and a red top. The 'S' is light blue with a dark green bottom and an orange top.

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