

United States Senate
WASHINGTON, DC 20510

June 8, 2016

President Barack Obama
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear Mr. President:

We are deeply concerned by reports that your Administration is planning a surge of immigration raids targeting mothers, children, and unaccompanied youths from Central America's Northern Triangle for arrest and deportation. We urge the Administration not to focus its scarce resources on deporting vulnerable individuals who have no criminal record and were not represented by counsel during their removal proceedings.

We are in the midst of the worst refugee crisis in recent history, with more than 60 million people worldwide forcibly displaced from their homes. The children and families fleeing widespread and brutal violence in the Northern Triangle, one of the most dangerous regions in the world, are part of this global humanitarian crisis. El Salvador, Honduras, and Guatemala have among the highest overall homicide rates and highest female homicide rates in the world. El Salvador and Guatemala lead the world in another grim statistic: the highest child murder rates. In a 2015 report, the United Nations High Commissioner for Refugees (UNHCR) noted regarding the Northern Triangle, "Impunity for murder and violent crime is widespread, reflecting inadequate government capacity to provide safety, especially for women." The vast majority of homicides in these countries remain unresolved. From 2010 to 2013, 95 percent of murders in the Northern Triangle were unsolved or unprosecuted.

The grave danger facing so many people from the Northern Triangle has led them to cross borders and seek protection wherever they are able to do so, not just in the United States. UNHCR documented a 1,185 percent increase from 2008 to 2014 in the number of asylum applications from citizens of these three countries in Mexico, Panama, Nicaragua, Costa Rica, and Belize, combined. According to the Council on Foreign Relations, nearly 10 percent of the Northern Triangle's residents have left in recent years.

The solution to this regional humanitarian crisis is to address its root causes. Deploying immigration raids upon this vulnerable population for the purpose of deterrence is an ineffective and unacceptable strategy. Immigration raids create fear and insecurity among immigrant communities in the United States. They will deter students from attending school and parents from seeking medical care, but they will not deter terrified mothers and children from fleeing life-threatening violence in their homelands.

The Department of Homeland Security considers some children and mothers from the Northern Triangle to be enforcement priorities simply based on the timing of their arrival at our Southern

border. This is a flawed policy. A surge in violence in the Northern Triangle in recent months and years has led people to flee and seek protection. Punishing people based on the timing of the violence that led them to flee, over which they had no control, is wrong and makes little sense. The consequences of forcible returns can be deadly: one October 2015 report found that at least 83 people sent back to these countries from the U.S. since January 2014 were killed, often just days after their deportations.

We understand that the targets of the Administration's deportation raids all have a removal order issued by an immigration judge. We are concerned, however, that these individuals may not have had meaningful due process. They may not have had legal counsel and may have been ordered removed *in absentia*.

The scale of the violence and institutional dysfunction in the Northern Triangle mandates extra care in evaluating the merits of claims for protection from this population. Meaningful due process requires at the very least access to counsel from the beginning of removal proceedings and a full and fair hearing of each person's legal claims. Without adequate access to counsel, these mothers and children do not have a fair chance to secure protections available to them under our laws. Since counsel is not guaranteed for this population and most people are unrepresented, they are unable to fairly present their claims before removal orders are issued. The critical role of legal counsel is demonstrated by one analysis which found that between Fiscal Year 2012 and Fiscal Year 2014, unaccompanied children represented by lawyers had a 73 percent success rate in immigration court, allowing them to stay in the U.S, while only 15 percent of unrepresented children succeeded in their cases.

Therefore, we respectfully request that you halt deportations of vulnerable individuals from the Northern Triangle, including but not limited to mothers, children, and recently aged out unaccompanied minor children, if they do not have a criminal record and if they were not represented by counsel during each stage of their removal proceedings.

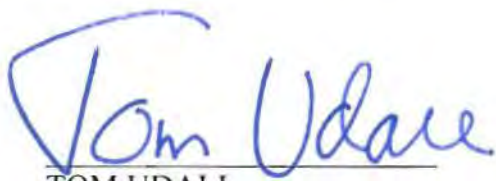
We also urge you to consider designating Guatemala and redesignating El Salvador and Honduras for temporary protected status (TPS). As you know, TPS can be granted to nationals of another country who are currently residing in the United States if extraordinary and temporary conditions prevent a safe return to their country. TPS does not grant any immigration status, but allows eligible nationals of designated countries to remain in the United States legally until the designation expires. In light of the conditions outlined above, the countries of the Northern Triangle clearly meet the statutory standard for TPS.

Thank you for your consideration.

Sincerely,


RICHARD J. DURBIN
United States Senator


PATRICK LEAHY
United States Senator



TOM UDALL
United States Senator



AL FRANKEN
United States Senator



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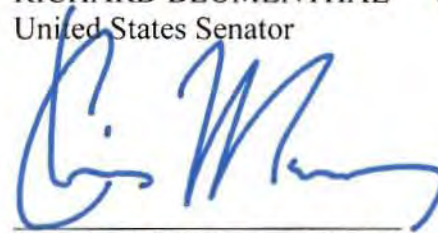

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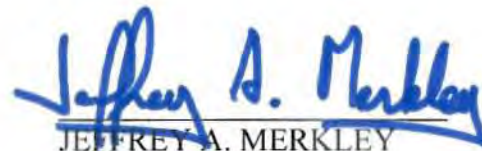

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cc: Secretary of State John Kerry
Attorney General Loretta Lynch
Secretary of Homeland Security Jeh Johnson