

**INTERNATIONAL MIGRANTS DAY
IMPLEMENTATION OF THE ASYLUM COOPERATIVE AGREEMENTS (ACA)
IN EL SALVADOR VIOLATES HUMAN RIGHTS
DECEMBER 18, 2020**

In commemoration of International Migrants Day, the here signed organizations based in the United States and Central America emphatically reject the implementation of the Asylum Cooperative Agreements (ACA) between El Salvador and The United States. The decision to implement ACA in El Salvador, which was negotiated with a lack of transparency and under questionable constitutionality, resulted in flagrant violations of the human rights of migrants and violates international agreements which both countries are a part of.

On the 15th of December, the Department of Homeland Security (DHS) of the US announced that during their visit to El Salvador, the Secretary of the Interior and head of the department Chad F. Wolf finalized the expected plan to implement ACA, an agreement that was initially signed in September 2019 between those in power in both countries. Under the agreement, some migrants who are not Salvadoran that arrive at the US border seeking humanitarian protection will be transferred to El Salvador to seek asylum in that country. Details about the implementation have not been made public.

On the 2nd of December, allied Civil Society Organizations presented an action on the grounds of unconstitutionality to the Supreme Court of Justice (CSJ) against the signed agreement between the US and El Salvador, arguing that the act “lacks legal merit due to violating the integrity of the national territory, the sovereignty and the human rights of all people seeking asylum, refuge and protection.” We are in agreement with the denouncement of policies that prevail in the region which are “focused primarily on national security over the security of human life ... placing the binational economic interests above the life and dignity of hundreds of thousands of [migrant] people”

In accordance with the recommendations of CIDH after their visit to El Salvador in 2019, we reject the application of this policy measure that recognizes the country as a “safe country” and legitimizes the policy driven by the administration of Donald Trump. According to the United Nations Refugee Agency, in 2018 the nationality with the highest number of pending asylum applications in the United States was El Salvador. Every year tens of thousands of people continue to flee El Salvador in search of asylum because of the unsafe conditions. It is a country which in the last few years has led in numbers of femicides in the region, with high incidences of violence against both cisgender and transgender women, and the LGBTQ community in general.

With the complaints at the national and international level about the growing human rights violations, secret negotiations with gangs, and attacks on institutions which demand government transparency, it is impossible to have confidence in the claims that El Salvador can serve as a place of protection for people in vulnerable conditions who are seeking asylum.

We acknowledge that this policy imposed by the Trump administration on the governments of El Salvador, Guatemala and Honduras is another attack against the rights of people in search of asylum. We reiterate that the implementation of ACA is contrary to the international obligations

of the states involved, as is demonstrated in the report by Refugees International about the implementation of the agreement with Guatemala in November of 2019. The report shows that ACA resulted in the transfer of 939 people from El Salvador and Honduras, mostly women and children, and only two percent submitted applications for asylum in Guatemala, evidencing that ACA “has been implemented in a way that effectively obligates people to abandon their claims”. In reality, there is no intention of transferring migrants to another safe country, and we emphatically reject the racism and nativism that truly drives these policies. We call the entire hemisphere to create a new vision of cooperation based in the dignity and well-being of every human being.

We call to the US officials to pronounce themselves against these agreements. We urge the president elect Joe Biden to put an end to the Third Safe Country agreements in the whole region of Central America, to act immediately to restore the asylum system, and to base his immigration policy in the full respect of the human rights of migrants.

Signing Organizations:

El Salvador:

SHARE Foundation

Red Jesuita con Migrantes

Red Regional de Organizaciones Civiles para las Migraciones capítulo El Salvador

Casa del Migrante Scalabrini El Salvador

Soletierre Strategie di Pace ONLUS

Sínodo Luterano Salvadoreño

Asociación Casa Abierta

Red RAMA

Comisión de Justicia, Paz e Integridad de la Creación-CONFRES

Asociación Comunicando y Capacitando Mujeres Trans en El Salvador -COMCAVIS TRANS

Instituto Salvadoreño de la Persona Migrante

Fundación de Estudios para la Aplicación del Derecho - FESPAD.

Guatemala:

Asociación Pop No’j

Casa del Migrante Scalabrini, Guatemala

Estados Unidos:

Comité en solidaridad con el pueblo de El Salvador (CISPES)

InterReligious Task Force on Central America and Colombia (IRTF Cleveland)

Justice in Motion

Latin America Working Group (LAWG)

Menonite Central Committee U.S. Washington Office

Unitarian Universalist Service Committee

Witness at the Border

CARECEN - Los Angeles

Oficina en Washington para Asuntos Latinoamericanos (WOLA)

Center for Gender & Refugee Studies

Network in Solidarity with the People of Guatemala

School of the Americas Watch

Denver Justice and Peace Committee (DJPC - Denver, Colorado)

La red de Ciudades Hermanas El Salvador - Estados Unidos

Women's Refugee Commission (WRC)

Canada:

Projet Accompagnement Québec-Guatemala

Regional:

Centro por la Justicia y el Derecho Internacional (CEJIL)

American Friends Service Committee (AFSC)

Fundación para la Justicia y el Estado Democrático de Derechos